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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300, 301, 318, 319, 330, 340, and 355

[Docket No. APHIS–2018–0070]

Subpart Nomenclature Change

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule contains formatting changes to subpart references to bring the headings into conformance with the Office of **Federal Register** requirements. In addition, we are updating authority citations and making minor editorial changes to the regulations.

DATES: Effective February 7, 2019.

FOR FURTHER INFORMATION CONTACT: For information about this final rule, please contact Ms. Charisse Cleare, Regulatory Analysis and Development, PPD, APHIS, 4700 River Road, Unit 118, Riverdale, MD 20737; (301) 851–2037.

SUPPLEMENTARY INFORMATION: This document makes nomenclature changes to subpart headings in 7 CFR parts 300, 301, 318, 319, 330, 340, and 355 to bring the headings into conformance with the Office of the Federal Register (OFR) requirements. These changes will ensure that all subheadings in the listed parts of title 7 are consistent with OFR nomenclature and formatting conventions. We are also making related changes within the regulations where subparts are referenced.

Miscellaneous

In addition to the changes set forth above, we are updating the authority citations for parts 319 and 330 to reflect a U.S. Code citation that has been redesignated. In the authority citations for parts 319 and 330, 7 U.S.C. 450 will be changed to 7 U.S.C. 1633.

Lastly, we are redesignating footnote 4 as footnote 3 in § 319.75–7. In an interim rule published in the **Federal Register** on December 29, 2014, (79 FR 77839–77841), we removed footnote 3 from § 319.75–2. When we removed footnote 3, we should have redesignated footnote 4 as footnote 3. In this document, we are making that change.

Effective Date

This rule relates to internal agency management and makes various nonsubstantive changes to the regulations in title 7, Code of Federal Regulations to reflect minor edits, updates to authority citations, and formatting changes to bring language into conformance with the Office of **Federal Register** requirements. Because the changes contained in this rule are nonsubstantive in nature, notice and other public procedure on this rule are unnecessary and contrary to the public interest. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders 12866, 12988, and 13771. Finally, this action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 501) and, thus, is exempt from the provisions of that Act.

Paperwork Reduction Act

This final rule contains no new reporting, recordkeeping, or third party disclosure requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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7 CFR Part 300

Plant diseases and pests, Quarantine.

7 CFR Part 301

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7 CFR Part 318

Cotton, Cottonseeds, Fruits, Guam, Plant diseases and pests, Puerto Rico, Quarantine, Transportation, Vegetables, Virgin Islands.

7 CFR Part 319

Coffee, Cotton, Fruits, Honey, Imports, Plants for Planting, Plant diseases and pests, Plants, Quarantine, Reporting and recordkeeping requirements, Rice, Sugar, Vegetables.

7 CFR Part 330

Customs duties and inspection, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

7 CFR Part 340

Administrative practice and procedure, Packaging and containers, Plant diseases and pests, Reporting and recordkeeping requirements, Transportation.

7 CFR Part 355

Endangered and threatened species, Exports, Law enforcement, Plants, Reporting and recordkeeping requirements.

Accordingly, we are amending 7 CFR parts 300, 301, 318, 319, 330, 340, and 355 as follows:

PART 300—INCORPORATION BY REFERENCE

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

§ 300.2 [Amended]

■ 2. In § 300.2, paragraph (b) is amended by removing the words ''Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles'' and adding the words ''Subpart I—Logs, Lumber, and Other Wood Articles'' in their place.

PART 301—DOMESTIC QUARANTINE NOTICES

■ 3. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

[Subpart Redesignated as Subpart A]

■ 4. Redesignate ''Subpart—Preemption and Special Need Requests'' as ''Subpart A—Preemption and Special Need Requests''.

[Subpart Redesignated as Subpart B]

■ 5. Redesignate ''Subpart—Imported Plants and Plant Parts'' as ''Subpart B—Imported Plants and Plant Parts''.

[Subpart Redesignated as Subpart C]

■ 6. Redesignate ''Subpart—Fruit Flies'' as ''Subpart C—Fruit Flies''.

[Subpart Redesignated as Subpart D]

■ 7. Redesignate ''Subpart—Black Stem Rust'' as ''Subpart D—Black Stem Rust''.

[Subpart Redesignated as Subpart E]

■ 8. Redesignate ''Subpart—Gypsy Moth'' as ''Subpart E—Gypsy Moth''.

[Subpart Redesignated as Subpart F]

■ 9. Redesignate ''Subpart—Japanese Beetle'' as ''Subpart F—Japanese Beetle''.

[Subpart Redesignated as Subpart G]

■ 10. Redesignate ''Subpart—Pine Shoot Beetle'' as Subpart G—Pine Shoot Beetle''.

[Subpart Redesignated as Subpart H]

■ 11. Redesignate ''Subpart—Asian Longhorned Beetle'' as ''Subpart H—Asian Longhorned Beetle''.

[Subpart Redesignated as Subpart I]

■ 12. Redesignate ''Subpart—Pink Bollworm'' as ''Subpart I—Pink Bollworm''.

[Subpart Redesignated as Subpart J]

■ 13. Redesignate ''Subpart—Emerald Ash Borer'' as ''Subpart J—Emerald Ash Borer''.

[Subpart Redesignated as Subpart K]

■ 14. Redesignate ''Subpart—South American Cactus Moth'' as ''Subpart K—South American Cactus Moth''.

[Subpart Redesignated as Subpart L]

■ 15. Redesignate ''Subpart—Plum Pox'' as ''Subpart L—Plum Pox''.

[Subpart Redesignated as Subpart M]

■ 16. Redesignate ''Subpart—Citrus Canker'' as ''Subpart M—Citrus Canker''.

[Subpart Redesignated as Subpart N]

■ 17. Redesignate ''Subpart—Citrus Greening and Asian Citrus Psyllid'' as ''Subpart N—Citrus Greening and Asian Citrus Psyllid''.

[Subpart Redesignated as Subpart O]

■ 18. Redesignate ''Subpart—Witchweed'' as ''Subpart O—Witchweed''.

[Subpart Redesignated as Subpart P]

■ 19. Redesignate ''Subpart—Imported Fire Ant'' as ''Subpart P—Imported Fire Ant''.

[Subpart Redesignated as Subpart Q]

■ 20. Redesignate ''Subpart—Unshu Oranges [Reserved]'' as ''Subpart Q—Unshu Oranges [Reserved]''.

[Subpart Redesignated as Subpart R]

■ 21. Redesignate ''Subpart—Golden Nematode'' as ''Subpart R—Golden Nematode''.

[Subpart Redesignated as Subpart S]

■ 22. Redesignate ''Subpart—Pale Cyst Nematode'' as ''Subpart S—Pale Cyst Nematode''.

[Subpart Redesignated as Subpart T]

■ 23. Redesignate ''Subpart—Sugarcane Diseases'' as ''Subpart T—Sugarcane Diseases''.

[Subpart Redesignated as Subpart U]

■ 24. Redesignate ''Subpart—Karnal Bunt'' as ''Subpart U—Karnal Bunt''.

[Subpart Redesignated as Subpart V]

■ 25. Redesignate ''Subpart—Corn Cyst Nematode [Reserved]'' as ''Subpart V—Corn Cyst Nematode [Reserved]''.

[Subpart Redesignated as Subpart W]

■ 26. Redesignate ''Subpart—European Larch Canker'' as ''Subpart W—European Larch Canker''.

[Subpart Redesignated as Subpart X]

■ 27. Redesignate ''Subpart—Phytophthora Ramorum'' as ''Subpart X—Phytophthora Ramorum''.

PART 318—STATE OF HAWAII AND TERRITORIES QUARANTINE NOTICES

■ 28. The authority citation for part 318 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

[Subpart Redesignated as Subpart A]

■ 29. Redesignate ''Subpart—Regulated Articles From Hawaii and the Territories'' as ''Subpart A—Regulated Articles From Hawaii and the Territories''.

■ 30. In § 318.13–1, paragraph (b) is revised to read as follows:

§ 318.13–1 Notice of quarantine.

* * * * *

(b) The Secretary has determined that it is necessary to prohibit the interstate movement of cut flowers and fruits and vegetables and plants and portions of plants from Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands except as provided in this subpart or as provided in ''Subpart B—Territorial Cotton, Cottonseed, and Cottonseed Products'' and ''Subpart C—Sand, Soil, or Earth, with Plants from Territories and Districts'' in this part.

§ 318.13–6 [Amended]

■ 31. In § 318.13–6, paragraph (m) is amended by removing the words ''Subpart—Fruits and Vegetables'' and adding the words ''Subpart L—Fruits and Vegetables'' in their place.

[Subpart Redesignated as Subpart B]

■ 32. Redesignate ''Subpart—Territorial Cotton, Cottonseed, and Cottonseed Products'' as ''Subpart B—Territorial Cotton, Cottonseed, and Cottonseed Products''.

[Subpart Redesignated as Subpart C]

■ 33. Redesignate ''Subpart—Sand, Soil, or Earth, with Plants from Territories and Districts'' as ''Subpart C—Sand, Soil, or Earth, with Plants from Territories and Districts''.

PART 319—FOREIGN QUARANTINE NOTICES

■ 34. The authority citation for part 319 is revised to read as follows:

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

[Subpart Redesignated as Subpart A]

■ 35. Redesignate ''Subpart—Preemption'' as ''Subpart A—Preemption''.

[Subpart Redesignated as Subpart B]

■ 36. Redesignate ''Subpart—Requests to Amend the Regulations'' as ''Subpart B—Requests to Amend the Regulations''.

[Subpart Redesignated as Subpart C]

■ 37. Redesignate ''Subpart—Controlled Import Permits'' as ''Subpart C—Controlled Import Permits''.

[Subpart Redesignated as Subpart D]

■ 38. Redesignate ''Subpart—Permits: Application, Issuance, Denial, and Revocation'' as ''Subpart D—Permits: Allocation, Issuance, Denial, and Revocation''.

[Subpart Redesignated as Subpart E]

■ 39. Redesignate ''Subpart—Foreign Cotton and Covers'' as ''Subpart E—Foreign Cotton and Covers''.

§ 319.8 [Amended]

■ 40. In § 319.8, paragraph (b) is amended by removing the words ''Subpart—Plants for Planting'' and adding the words ''Subpart H—Plants for Planting'' in their place.

[Subpart Redesignated as Subpart F]

■ 41. Redesignate ''Subpart—Sugarcane'' as ''Subpart F—Sugarcane''.

§ 319.15 [Amended]

■ 42. In § 319.15, paragraph (b) is amended by removing the words ''Subpart—Plants for Planting'' and adding the words ''Subpart H—Plants for Planting'' in their place.

[Subpart Redesignated as Subpart G]

■ 43. Redesignate ''Subpart—Corn Diseases'' as ''Subpart G—Corn Diseases''.

§ 319.24 [Amended]

■ 44. In § 319.24, paragraph (b) is amended by removing the words ''Subpart—Plants for Planting'' and adding the words ''Subpart H—Plants for Planting'' in their place.

[Subpart Redesignated as Subpart H]

■ 45. Redesignate ''Subpart—Plants for Planting'' as ''Subpart H—Plants for Planting''.

[Subpart Redesignated as Subpart I]

■ 46. Redesignate ''Subpart—Logs, Lumber, and Other Wood Articles'' as ''Subpart I—Logs, Lumber, and Other Wood Articles''.

§ 319.40–2 [Amended]

■ 47. In § 319.40–2, paragraph (c) is amended by removing the words ''Subpart—Plants for Planting'' and adding the words ''Subpart H—Plants for Planting'' in their place, and removing the words ''Subpart—Fruits and Vegetables'' and adding the words ''Subpart L—Fruits and Vegetables'' in their place.

§ 319.40–9 [Amended]

■ 48. In § 319.40–9, footnote 2 is amended by removing the words ''Subpart—Fruits and Vegetables'' and adding the words ''Subpart L—Fruits and Vegetables'' in their place.

[Subpart Redesignated as Subpart J]

■ 49. Redesignate ''Subpart—Indian Corn or Maize, Broomcorn, and Related Plants'' as ''Subpart J—Indian Corn or Maize, Broomcorn, and Related Plants''.

§ 319.41 [Amended]

■ 50. In § 319.41, paragraph (d) is amended by removing the words ''Subpart—Plants for Planting'' and adding the words ''Subpart H—Plants for Planting'' in their place.

[Subpart Redesignated as Subpart K]

■ 51. Redesignate ''Subpart—Rice'' as ''Subpart K—Rice''.

§ 319.55 [Amended]

■ 52. In § 319.55, paragraph (d) is amended by removing the words ''Subpart—Plants for Planting'' and adding the words ''Subpart H—Plants for Planting'' in their place.

[Subpart Redesignated as Subpart L]

■ 53. Redesignate ''Subpart—Fruits and Vegetables'' as ''Subpart L—Fruits and Vegetables''.

[Subpart Redesignated as Subpart M]

■ 54. Redesignate ''Subpart—Wheat Diseases'' as ''Subpart M—Wheat Diseases''.

§ 319.59–2 [Amended]

■ 55. In § 319.59–2, paragraph (c) is amended by removing the words ''Subpart—Plants for Planting'' and adding the words ''Subpart H—Plants for Planting'' in their place.

[Subpart Redesignated as Subpart N]

■ 56. Redesignate ''Subpart—Packing Materials'' as ''Subpart N—Packing Materials''.

[Subpart Redesignated as Subpart O]

■ 57. Redesignate ''Subpart—Coffee'' as ''Subpart O—Coffee''.

§ 319.73–2 [Amended]

■ 58. In § 319.73–2, paragraph (b) is amended by removing the words ''Subpart—Plants for Planting'' and adding the words ''Subpart H—Plants for Planting'' in their place.

[Subpart Redesignated as Subpart P]

■ 59. Redesignate ''Subpart—Cut Flowers'' as ''Subpart P—Cut Flowers''.

[Subpart Redesignated as Subpart Q]

■ 60. Redesignate ''Subpart—Khapra Beetle'' as ''Subpart Q—Khapra Beetle''.

§ 319.75–2 [Amended]

■ 61. In § 319.75–2, footnote 1 is amended by removing the words ''Subpart—Fruits and Vegetables'' and adding the words ''Subpart L—Fruits and Vegetables'' in their place and by removing the words ''Subpart—Plants for Planting'' and adding the words ''Subpart H—Plants for Planting'' in their place.

§ 319.75–7 [Amended]

■ 62. Section 319.75–7 is amended by redesignating footnote 4 as footnote 3.

[Subpart Redesignated as Subpart R]

■ 63. Redesignate ''Subpart—Gypsy Moth Host Material from Canada'' as ''Subpart R—Gypsy Moth Host Material from Canada''.

§ 319.77–4 [Amended]

■ 64. In § 319.77–4, footnotes 1 and 2 are amended by removing the words ''Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles'' and adding the words ''Subpart I—Logs, Lumber, and Other Wood Articles'' in their place.

PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

■ 65. The authority citation for part 330 is revised to read as follows:

Authority: 7 U.S.C. 1633, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

[Subpart Redesignated as Subpart A]

■ 66. Redesignate ''Subpart—General Provisions'' as ''Subpart A—General Provisions''.

[Subpart Redesignated as Subpart B]

■ 67. Redesignate ''Subpart—Movement of Plant Pests'' as ''Subpart B—Movement of Plant Pests''.

[Subpart Redesignated as Subpart C]

■ 68. Redesignate ''Subpart—Movement of Soil, Stone, and Quarry Products'' as ''Subpart C—Movement of Soil, Stone, and Quarry Products''.

[Subpart Redesignated as Subpart D]

■ 69. Redesignate ''Subpart—Garbage'' as ''Subpart D—Garbage''.

PART 340—INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING WHICH ARE PLANT PESTS OR WHICH THERE IS REASON TO BELIEVE ARE PLANT PESTS

■ 70. The authority citation for part 340 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

§ 340.0 [Amended]

■ 71. In § 340.0, footnote 1 is amended by removing the words ''Subpart—Plants for Planting'' and adding the

words ''Subpart H—Plants for Planting'' in their place.

PART 355—ENDANGERED SPECIES REGULATIONS CONCERNING TERRESTRIAL PLANTS

■ 72. The authority citation for part 355 continues to read as follows:

Authority: 16 U.S.C. 1532, 1538, and 1540; 7 CFR 2.22, 2.80, and 371.3.

[Subpart Redesignated as Subpart A]

■ 73. Redesignate ''Subpart—Purpose and Definitions'' as ''Subpart A—Purpose and Definitions''.

[Subpart Redesignated as Subpart B]

■ 74. Redesignate ''Subpart—Permission to Engage in Business'' as ''Subpart B—Permission to Engage in Business''.

[Subpart Redesignated as Subpart C]

■ 75. Redesignate ''Subpart—Inspections and Related Provisions'' as ''Subpart C—Inspections and Related Provisions''.

Done in Washington, DC, this 30th day of January 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–01142 Filed 2–6–19; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 310

[Docket No. FSIS–2018–0005]

RIN 0583–AD68

Eliminating Unnecessary Requirements for Hog Carcass Cleaning

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations by removing the provision requiring the cleaning of hog carcasses before any incision is made preceding evisceration. Other regulations require carcass cleaning, the maintenance of sanitary conditions, and the prevention of hazards reasonably likely to occur in the slaughter process. Removal of this unnecessary provision will enable official establishments to adopt more efficient, effective procedures under other regulations to ensure that carcasses and parts are free of contamination.

DATES: *Effective date:* April 8, 2019.

FOR FURTHER INFORMATION CONTACT: Roberta Wagner, Assistant Administrator, Office of Policy and Program Development, FSIS; Telephone: (202)–205–0495.

SUPPLEMENTARY INFORMATION:

Background

On May 16, 2018, FSIS proposed (83 FR 22604) to amend the Federal meat inspection regulations by removing from the post-mortem inspection regulations requirements for the cleaning of hog carcasses before incision for inspection or evisceration (9 CFR 310.11). FSIS noted that regulations on sanitation and standard operating procedures (9 CFR parts 304, 416), hazard analysis and critical control point (HACCP) systems (9 CFR part 417), and another post-mortem inspection regulation (9 CFR 310.18) require sanitary conditions for the handling of carcasses. The regulation at 9 CFR 310.18, in particular, addresses the prevention and removal of contamination from carcasses (before or after incision), organs, and other parts. The regulation requires the removal of any contamination remaining or occurring post-incision or post-evisceration.

After reviewing comments on the proposed rule, FSIS is finalizing it without changes.

Responses to Comments

FSIS received nine comment letters on the proposed rule from industry and consumer-advocacy groups, as well as from individuals. The issues raised in the comments and the Agency responses are summarized below.

Pre-Incision Cleaning, APA Compliance, and Public Health Benefits

Comment: A group advocating humane treatment of livestock stated that other current regulations do not obviate the need for 9 CFR 310.11. According to the comment, this is the only regulation that addresses pre-incision cleaning, which is integral to preventing contamination of pig carcasses. Similarly, the comment stated that studies show that pre-incision cleaning is necessary to ensure food safety, and FSIS provides no evidence to the contrary. Pig carcasses are relatively smooth compared to beef and potentially more susceptible to external contamination. For this reason, pre-evisceration cleaning is even more necessary and more effective in removing bacteria from pig carcasses. Eliminating this requirement, therefore, does not have a scientific basis, would endanger food safety, and is arbitrary and capricious.

Response: The regulations at 9 CFR 310.10, which remain, require the washing and cleaning of hide-on or skin-on livestock carcasses before incision for removal of any parts or for evisceration. Additionally, establishments commonly scald, dehair, and singe hog carcasses after bleed-out, before inspection. And, as explained elsewhere in this document, the removal of other trim defects on hog carcasses, such as hair, scurf, nails, and hooves, which 9 CFR 310.11 addressed, is still required under 310.18 and can be completed in a different manner and at different points in the slaughter process. This can be done without creating insanitary conditions and before the product enters commerce. Under this final rule, an establishment will have to handle its carcasses and parts in a sanitary manner to prevent their contamination with hair, dirt, or foreign matter. The establishment will have to carry out all carcass dressing and further processing activities in a manner consistent with its Sanitation SOPs, other prerequisite programs, and its HACCP plan.

Comment: Comments from consumer advocacy groups, an animal welfare organization, and individuals argued that the proposal would yield no public health benefits, just efficiency, and that industry efficiency is not a goal of the Federal Meat Inspection Act (FMIA; 21 U.S.C. 601 *et seq.*). The animal welfare group went farther and argued that the proposed rule is arbitrary and capricious under the Administrative Procedure Act (APA, 5 U.S.C. Subchapter II) because, in constructing and making the proposal, the Agency relied on factors Congress did not intend it to consider, failed to consider an important aspect of the problem, and offered an implausible explanation running counter to evidence and not based on differences in expertise or viewpoints. According to the animal welfare group, the Agency proposed the rule to ensure the efficiency of establishment operations, but ensuring this efficiency is not a responsibility of FSIS. Therefore, according to the comment, the Agency relied on factors Congress did not intend it to consider, making the proposed regulation arbitrary and capricious. One consumer advocacy argued that the cost-benefit analysis was flawed because it did not address potential public health implications of removing 9 CFR 310.11.

Response: Congress, through the FMIA, requires the Agency and its inspection program to address and

prevent the distribution in commerce of meat and meat food products that are adulterated (21 U.S.C. 602). Congress empowered the Agency to promulgate regulations for the efficient execution of the Federal Meat Inspection Act (21 U.S.C. 621). The elimination of unnecessary regulations creates efficiencies for both FSIS inspection and industry.

Specifically, since FSIS made final its HACCP regulations in 1996, appropriately shifting the full responsibility for producing safe meat and poultry products to the regulated industry, the Agency has revised many of its prescriptive food safety regulations to give industry more flexibility to customize processes under HACCP. This flexibility often results in greater efficiencies for regulated establishments, but also allows them to fully employ HACCP to better ensure the production of safe meat and poultry products. The proposal to remove the requirements for hog carcass cleaning before incision for evisceration is part of these continuing efforts and was promulgated in accordance with the APA procedures.

Removing a regulation that other requirements for sanitation and the prevention of adulteration have made redundant, will make the enforcement of the Act more efficient. This change will not negatively affect public health because, as explained above, establishments are still required to remove contamination from carcasses and to produce products that are safe, wholesome, and not adulterated.

New Swine Inspection System

Comment: A consumer advocacy organization, an animal welfare organization, and an individual stated that the proposal assumes the implementation of the new swine inspection system.

Response: The scurf proposal cites the future implementation of the new swine inspection system as more support for eliminating § 310.11, ''if finalized'' (83 FR 22605).

Industry Non-Compliance, Need for the Regulation

Comment: One consumer advocacy group stated that FSIS inspection program personnel (IPP) are still issuing noncompliance records (NRs) for 9 CFR 310.11 violations; hence, the regulation is not redundant.

Response: In the proposal, the Agency explained that the requirement in 9 CFR 310.11 is not needed because compliance with other regulations and accompanying procedures achieve its objective, *i.e.,* clean hog carcasses and parts. Further, that this prescriptive regulation is cited in NRs does not show that it is in fact needed to ensure to ensure the production of safe food.

Regulatory Waivers

Comment: Comments from consumer advocacy groups stated that the Agency seems to be basing the proposal on the five regulatory waivers granted to a major processor. The commenters were concerned that FSIS was relying on a small sample to justify removing 9 CFR 310.11.

Response: Information from establishments that operated under waivers from this specific regulation shows that they operated without jeopardizing food safety and supports the removal of the specific requirement.

Relation of HACCP to the Proposal

Comment: Comments from consumer advocacy groups stated that HACCP plans are doubtful substitutes for the requirements of 9 CFR 310.11.

Response: Based on FSIS and establishment testing data, HACCP has proven to be an effective system for reducing or eliminating food safety hazards, and establishments may elect to clean hog carcasses before incision as a part of a HACCP system. Establishments also may elect to clean hog carcasses through a Sanitation SOP or other prerequisite program. And, notably, establishments must continue to comply with the regulations at 9 CFR 310.18, which require that livestock carcasses be cleaned of contamination to the satisfaction of FSIS.

Administration Support for the Proposal

Comment: One consumer advocacy organization stated that the proposed rule is without adequate support in the Trump Administration. According to the commenter, at a June 27, 2018, House Oversight and Government Reform Committee hearing on the proposed Government reorganization, a Member asked an OMB official about the Agency's proposed repeal of the hog carcass cleaning regulation and how this deregulation would protect consumers or whether it was proposed at the behest of slaughterhouse operators. The OMB official said she was unfamiliar with the proposed rule.

Response: This rulemaking has been listed in the Unified Agenda of Regulatory and Deregulatory Actions, reviewed and published by OMB, since Fall 2017.

Need for Microbiological Performance Standards

Comment: One consumer advocacy organization remarked that, according to the 1995 HACCP notice of proposed rulemaking, ''Science-based process control . . . and appropriate performance standards are inextricably intertwined in the Agency's regulatory strategy for improving food safety'' (60 FR 6774, 6786; Feb. 3, 1995). The commenter also stated that the 1996 HACCP final rule established *Salmonella* performance standards for pork carcasses, but in 2011 FSIS stopped testing to ensure compliance with the standard, reasoning that violation rates were too low to justify the effort. The commenter questioned the wisdom of the Agency's decision, noting that the performance standards of the 1990's were intended to be a first step toward broader reliance on pathogen-specific performance standards. The commenter recommended that FSIS update the performance standards for whole carcasses, develop alternative standards for pork parts, or implement other performance standards to reduce *Salmonella* in pork products.

Response: The Government Accountability Office (GAO), in a recent review of FSIS efforts to control pathogens in meat and poultry products,[1] recommended that the Agency set timeframes for determining what pathogen standards or additional policies might be needed to address pathogens in beef carcasses, ground beef, port cuts, and ground pork. As indicated in the GAO's review report, FSIS concurred with the recommendation and is continuing its sampling and testing raw pork cuts and pork comminuted products for *Salmonella* under its exploratory study.

As FSIS stated in its response to GAO, in 2019, the Agency will use the data from the exploratory study to determine whether standards or additional policies (*e.g.,* training, guidance to industry, or instructions to field personnel) are needed to address Salmonella in pork products. If the Agency decides to institute new standards, it will collect and evaluate data to determine whether establishments meet the standards.

Executive Orders 12866 and 13563, and the Regulatory Flexibility Act

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic,

[1] U.S. Govt. Accountability Office, GAO–18–272, Food Safety: USDA Should Take Further Action to Reduce Pathogens in Meat and Poultry Products (March 2018). *https://www.gao.gov/assets/700/690709.pdf* (Accessed Oct. 22, 2018).

environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has been designated as a ''non-significant'' regulatory action under section 3(f) of E.O. 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget under E.O. 12866.

Economic Analysis

FSIS is adopting the preliminary regulatory impact analysis (PRIA) published in the proposed rule as the final regulatory impact analysis (FRIA) in this final rule, without change.

Expected Cost Savings and Benefits Associated With the Final Rule

This final rule is expected to reduce swine slaughter labor costs by approximately $11.81 million annually. These savings are due to industry's practice of dedicating labor pre-incision, solely to comply with 9 CFR 310.11. Under the final rule, this labor will no longer be needed because the work can be accomplished by existing labor located post-incision. FSIS's labor cost savings estimate assumes that the labor affected by the final rule is equivalent to that in the Bureau of Labor Statistics' (BLS's) slaughtering and meat-packing occupational category, for which the industry annual wage is $27,140.[2] The Agency sought, but did not receive, comment on this assumption. Applying a benefits-and-overhead factor of 2 brings this occupation's total annual labor costs per position to $54,280 ($27,140 × 2).

The number of positions affected at each establishment depends on the establishment's size, slaughter volume, number of lines and shifts it operates, and days of operation. Large[3] swine establishments are thought to dedicate from one to three full-time positions per line and per shift to comply with 9 CFR 310.11; while small[4] high-volume[5] establishments dedicate between one and two positions for the same purpose. Small low-volume and very small[6] establishments are thought to dedicate between one quarter-time and one full-time position to comply with this regulation. The Agency sought, but did not receive, comment on these labor-demand estimates.

According to data from the Agency's electronic Public Health Information System (PHIS), 479 very small establishments, 54 small low-volume establishments, 51 small high-volume establishments, and 23[7] large swine establishments will be affected by this rule. This analysis takes into consideration the fact that some large and small high-volume establishments operate multiple lines and multiple shifts. This analysis assumes that all other establishments operate one line and one shift per day. Data from PHIS also show that, on average, large establishments annually operate 266 days, small high-volume establishments 239 days, small low-volume establishments 95 days, and very small establishments 67 days. The final rule is expected to lead to a reduction in industry positions at these establishments; see table 1. Table 2 provides the estimated labor cost savings from the final rule, given the expected labor costs, number of positions, and days of operation. The annual cost savings range from $5.27 million to $19.03 million, with a mid-point of $11.81 million.

TABLE 1—ESTIMATED INDUSTRY LABOR REDUCTIONS FROM REMOVING 9 CFR 310.11

Size of Est.	Number of establishments *	Number of positions **		
		Low	Medium	High
Large	23	37	74	111
Small High Volume	51	26	77	102
Small Low Volume	54	14	27	54
Very Small	479	120	240	479
Combined	607	196	417	746

* Public Health Information System (PHIS).
** Note, the totals may not equal the sum due to rounding.

TABLE 2—LABOR WAGE COST (SAVINGS) FROM REMOVING 9 CFR 310.11, 2016

Size of Est.	Number of establishments *	Total annual labor costs (Savings) ** (M$) ***		
		Low	Medium	High
Large	23	($2.06)	($4.11)	($6.17)
Small High Volume	51	(1.27)	(3.82)	(5.09)
Small Low Volume	54	(.27)	(.54)	(1.07)
Very Small	479	(1.68)	(3.35)	(6.7)
Combined	607	(5.27)	(11.81)	(19.03)
Annualized Costs (Savings), Over 10 Years (M$):				
Assuming a 3% Discount Rate		(5.27)	(11.81)	(19.03)

[2] BLS Occupational Employment Statistics (OES) May 2016 National Industry-Specific Occupational Employment and Wage Estimates for North American Industrial Classification (NAICS) code 311600 (Animal Slaughtering and Processing) *https://www.bls.gov/oes/current/naics4_311600.htm*> Last Modified 3/31/2017 Accessed on 1/19/2018.

[3] A large establishment has 500 or more employees.

[4] A small establishment has between 10 and 499 employees.

[5] 9 CFR 310.25(a)(2)(v) defines very low volume swine slaughter establishments as slaughtering 20,000 head annually or fewer. For the purposes of this analysis, FSIS has labeled swine establishments that annually slaughter more than 20,000 head per year as high-volume establishments.

[6] A very small establishment has less than 10 employees or less than $2.5 million in annual sales.

[7] While there are 28 large swine establishments, five are operating under waivers from 9 CFR 310.11 and are not expected to experience a decrease in their demand for labor resulting from implementation of this final rule.

TABLE 2—LABOR WAGE COST (SAVINGS) FROM REMOVING 9 CFR 310.11, 2016—Continued

Size of Est.	Number of establishments *	Total annual labor costs (Savings) ** (M$) ***		
		Low	Medium	High
Assuming a 7% Discount Rate		(5.27)	(11.81)	(19.03)

* Public Health Information System (PHIS).
** Note, the totals may not equal the sum due to rounding.
*** Wage estimates were sourced from BLS OES May 2016 National Industry-Specific Occupational Employment and Wage Estimates for NAICS code 311600 *https://www.bls.gov/oes/current/naics4_311600.htm#51-0000.* Last Modified 3/31/2017. Accessed on 11/26/2018.

Expected Costs Associated With This Action

The final rule has no expected costs associated with it.

Regulatory Flexibility Act Assessment

The FSIS Administrator certifies that, for the purposes of the Regulatory Flexibility Act (5 U.S.C. 601–602), this final rule will not have a significant impact on a substantial number of small entities in the United States. The expected labor cost reductions associated with the final rule are not likely to be large enough to significantly impact an entity. Further, the final rule does not have any cost increases.

Executive Order 13771

Consistent with E.O. 13771 (82 FR 9339, February 3, 2017), FSIS has estimated that this final rule will yield cost savings. Therefore, this final rule is an E.O. 13771 deregulatory action.

Paperwork Reduction Act

No new paperwork requirements are associated with this final rule.

Executive Order 12988

This final rule has been reviewed under E.O. 12988, Civil Justice Reform. Upon the effective date of this final rule: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) No retroactive effect will be given to this rule; and (3) Administrative proceedings will not be required before parties may file suit in court challenging this rule.

E-Government Act

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410, *Fax:* (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

List of Subjects in 9 CFR Part 310

Animal diseases, Meat inspection.

For the reasons set out in the preamble, FSIS is amending 9 CFR part 310 as follows:

PART 310—POST-MORTEM INSPECTION

■ 1. The authority citation for part 310 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

§ 310.11 [Removed and reserved]

■ 2. Section 310.11 is removed and reserved.

Done at Washington, DC.

Carmen M. Rottenberg,

Administrator.

[FR Doc. 2019–01345 Filed 2–6–19; 8:45 am]

BILLING CODE 3410–DM–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 13

[NRC–2017–0088; 3150–AK02]

Adjustment of Civil Penalties for Inflation for Fiscal Year 2019

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to adjust the maximum civil

monetary penalties it can assess under statutes enforced by the agency. These changes are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Improvements Act). The NRC is amending its regulations to adjust the maximum penalty amount for a violation of the Atomic Energy Act of 1954, as amended (AEA), or any regulation or order issued under the AEA from $290,875 to $298,211 per violation, per day. Additionally, the NRC is amending provisions concerning program fraud civil penalties by adjusting the maximum penalty amount under the Program Fraud Civil Remedies Act from $11,181 to $11,463 for each false claim or statement.

DATES: This final rule is effective on February 7, 2019.

ADDRESSES: Please refer to Docket ID NRC–2017–0088 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0088. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Eric Michel, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0932, email: *Eric.Michel2@nrc.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background

Congress passed the FCPIAA in 1990 to allow for regular adjustment for inflation of civil monetary penalties, maintain the deterrent effect of such penalties and promote compliance with the law, and improve the collection of civil monetary penalties by the Federal government (Pub. L. 101–410, 104 Stat. 890; 28 U.S.C. 2461 note). Pursuant to this authority, and as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–34, 110 Stat. 1321–373), the NRC increased, via rulemaking, the penalty amounts for violations of the AEA (codified at § 2.205 of title 10 of the *Code of Federal Regulations* (10 CFR)) and Program Fraud Civil Remedies Act (codified at § 13.3) on four occasions between 1996 and 2008.[1]

On November 2, 2015, Congress amended the FCPIAA through the 2015 Improvements Act (Sec. 701, Pub. L. 114–74, 129 Stat. 599). The 2015 Improvements Act required that the head of each agency perform an initial ''catch-up'' adjustment via rulemaking, adjusting the civil monetary penalties enforced by that agency according to the percentage change in the Consumer Price Index (CPI) between the month of October 2015 and the month of October of the calendar year when the penalty amount was last established by Congress. The NRC performed this catch-up rulemaking on July 1, 2016 (81 FR 43019).

The 2015 Improvements Act also requires that the head of each agency continue to adjust penalty amounts, rounded to the nearest dollar, on an annual basis. Specifically, each civil monetary penalty is to be adjusted based on the percentage change between the CPI for the previous month of October, and the CPI for the month of October in the year preceding that. The NRC most recently adjusted its civil penalties for inflation according to this statutory formula on January 12, 2018 (83 FR 1515). This year's adjustment is based on the percentage change between the CPI for October 2018 and October 2017.

II. Discussion

Section 234 of the AEA limits civil penalties for violations of the AEA to $100,000 per day, per violation (42 U.S.C. 2282). However, as discussed in Section I, ''Background,'' of this document, the NRC has increased this amount several times since 1996 per the FCPIAA, as amended. Using the formula in the 2015 Improvements Act, the $290,875 amount last established in January 2018 will increase by 2.522 percent, resulting in a new penalty amount of $298,211. This is based on the percentage change between the October 2018 CPI (252.885) and the October 2017 CPI (246.663). Therefore, the NRC is amending § 2.205 to reflect a new maximum civil monetary penalty under the AEA in the amount of $298,211 per day, per violation. This represents an increase of $7,336.

Monetary penalties under the Program Fraud Civil Remedies Act were established in 1986 at $5,000 per claim (Pub. L. 99–509, 100 Stat. 1938; 31 U.S.C. 3802). The NRC has also adjusted this amount (currently set at $11,181) multiple times pursuant to the FCPIAA, as amended, since 1996. Using the formula in the 2015 Improvements Act, the $11,181 amount last established in January 2018 will also increase by 2.522 percent, resulting in a new civil monetary penalty amount of $11,463. Therefore, the NRC is amending § 13.3 to reflect a new maximum penalty amount of $11,463 per claim or statement. This represents an increase of $282.

As permitted by the 2015 Improvements Act, the NRC may apply these increased penalty amounts to any penalties assessed by the agency after the effective date of this rulemaking (February 7, 2019), regardless of whether the associated violation occurred before or after this date (Pub. L. 114–74, 129 Stat. 600; 28 U.S.C. 2461 note). The NRC assesses civil penalty amounts for violations of the AEA based on the class of licensee and severity of the violation, in accordance with the NRC Enforcement Policy (ADAMS Accession No. ML18138A138).

[1] Adjustment of Civil Penalties for Inflation, 73 FR 54,671; Sept. 23, 2008; Adjustment of Civil Penalties for Inflation, 69 FR 62,393; Oct. 26, 2004; Adjustment of Civil Penalties for Inflation; Miscellaneous Administrative Changes, 65 FR 59,270; Oct. 4, 2000; Adjustment of Civil Monetary Penalties for Inflation, 61 FR 53,554; Oct. 11, 1996. An adjustment was not performed in 2012 because the FCPIAA at the time required agencies to round their penalty amounts to the nearest multiple of $1,000 or $10,000, depending on the size of the penalty amount, and the 2012 adjustments based on the statutory formula were small enough that no adjustment resulted.

III. Rulemaking Procedure

The 2015 Improvements Act expressly exempts this final rule from the notice and comment requirements of the Administrative Procedure Act, by directing agencies to adjust civil monetary penalties for inflation ''notwithstanding section 553 of title 5, United States Code'' (Pub. L. 114–74, 129 Stat. 599; 28 U.S.C. 2461 note). As such, this final rule is being issued without prior public notice or opportunity for public comment, with an effective date of February 7, 2019.

IV. Section-by-Section Analysis

Section 2.205 Civil Penalties

This final rule revises paragraph (j) by replacing ''$290,875'' with ''$298,211''.

Section 13.3 Basis for Civil Penalties and Assessments

This final rule revises paragraphs (a)(1)(iv) and (b)(1)(ii) by replacing ''$11,181'' with ''$11,463''.

V. Regulatory Analysis

This final rule adjusts for inflation the maximum civil monetary penalty amounts the NRC may assess under the AEA and under the Program Fraud Civil Remedies Act of 1986. The formula for determining the amount of the adjustment is mandated by Congress in the FCPIAA, as amended by the 2015 Improvements Act (codified at 28 U.S.C. 2461 note). Congress passed this legislation on the basis of its findings that the power to impose monetary civil penalties is important to deterring violations of Federal law and furthering the policy goals of Federal laws and regulations. Congress has also found that inflation diminishes the impact of these penalties and their effect. The principal purposes of this legislation are to provide for adjustment of civil monetary penalties for inflation, maintain the deterrent effect of civil monetary penalties, and promote compliance with the law. Therefore, these are the anticipated impacts of this rulemaking. Direct monetary impacts fall only upon licensees or other persons subjected to NRC enforcement for violations of the AEA and regulations and orders issued under the AEA (§ 2.205), or those licensees or persons subjected to liability pursuant to the provisions of the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801–3812) and the NRC's implementing regulations (10 CFR part 13).

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to regulations for which a Federal agency is not required by law, including the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553(b), to publish a general notice of proposed rulemaking (5 U.S.C. 604). As discussed in this document under Section III., ''Rulemaking Procedure,'' the NRC has determined that this final rule is exempt from the requirements of 5 U.S.C. 553(b) and notice and comment need not be provided. Accordingly, the NRC also determines that the requirements of the Regulatory Flexibility Act do not apply to this final rule.

VII. Backfit and Issue Finality

The NRC has not prepared a backfit analysis for this final rule. This final rule does not involve any provision that would impose a backfit, nor is it inconsistent with any issue finality provision, as those terms are defined in 10 CFR chapter I. As mandated by Congress, this final rule increases penalty amounts for violations of already-existing NRC regulations and requirements. This final rule does not modify any licensee systems, structures, components, designs, approvals, or procedures required for the construction or operation of any facility.

VIII. Plain Writing

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

IX. National Environmental Policy Act

The NRC has determined that this final rule is the type of action described as a categorical exclusion in § 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

X. Paperwork Reduction Act

This final rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

XI. Congressional Review Act

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

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information; Freedom of information, Environmental protection, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 13

Administrative practice and procedure, Claims, Fraud, Organization and function (Government agencies), Penalties.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; 28 U.S.C. 2461 note; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 2 and 13:

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 2 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note.

Section 2.205(j) also issued under 28 U.S.C. 2461 note.

§ 2.205 [Amended]

■ 2. In § 2.205, in paragraph (j), remove the amount ''$290,875'' and add in its place the amount ''$298,211''.

PART 13—PROGRAM FRAUD CIVIL REMEDIES

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

Authority: 31 U.S.C. 3801 through 3812; 44 U.S.C. 3504 note.

Section 13.3 also issued under 28 U.S.C. 2461 note. Section 13.13 also issued under 31 U.S.C. 3730.

§ 13.3 [Amended]

■ 4. In § 13.3, in paragraphs (a)(1)(iv) and (b)(1)(ii), remove the amount

''$11,181'' and add in its place the amount ''$11,463''.

Dated in Rockville, Maryland, this 31st date of January, 2019.

For the Nuclear Regulatory Commission.

Margaret M. Doane,

Executive Director for Operations.

[FR Doc. 2019–01191 Filed 2–6–19; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2010–BT–STD–0011]

RIN 1904–AC22

Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnace Fans; Correction

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

ACTION: Final rule; correction; correcting amendment.

SUMMARY: On July 3, 2014, the U.S. Department of Energy (''DOE'') published a final rule adopting new energy conservation standards for residential furnace fans (hereafter the ''July 2014 final rule''). This correction addresses typographical errors that appear in both the preamble of the July 2014 final rule and regulatory text in the Code of Federal Regulations (''CFR''). In certain locations (primarily table headings), the units for fan energy rating (''FER'') were inadvertently listed as ''Watts/cfm.'' This document corrects the units designation to ''Watts/1000 cfm.'' Neither the error nor the corrections in this document affect the substance of the energy conservation standards rulemaking or any conclusions reached in support of the final rule.

DATES: Effective February 7, 2019.

FOR FURTHER INFORMATION CONTACT:

Mr. Antonio Bouza, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–4563. Email: *Antonio.Bouza@ee.doe.gov*.

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–5827. Email: *Eric.Stas@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The test procedure established for furnace fans specifies that the applicable rating metric of FER must be expressed in terms of watts per 1000 cubic feet per minute (''Watts/1000 cfm''). 79 FR 500, 523 (Jan. 3, 2014); 10 CFR 430.23(cc). In the July 2014 final rule, DOE established energy conservation standards for furnace fans using the FER metric. 79 FR 38130 (July 3, 2014). Consistent with the test procedure, the certification requirements established in the July 2014 final rule require reporting of FER in terms of Watts/1000 cfm. 79 FR 38130, 38208 (July 3, 2014); 10 CFR 429.58(b)(2). Additionally, the preamble to the July 2014 final rule generally presents the units for the FER metric as Watts/1000 cfm. 79 FR 38130, 38138, 38201, 38202 (July 3, 2014). However, in a number of places in the July 2014 final rule preamble and regulatory text, the units for FER are improperly written as ''Watts/cfm'' instead of ''Watts/1000 cfm.'' This document identifies and corrects these typographical errors. DOE notes that the energy conservation standards and related equations adopted in the July 3, 2014 final rule are correct as published and do not require substantive revision.

II. Need for Correction

As published, the adopted energy conservation standards text may result in confusion due to incorrect unit reference. Because this final rule would simply correct errors in the text without making substantive changes in the energy conservation standards, the changes addressed in this document are technical in nature. Accordingly, DOE finds that there is good cause under 5 U.S.C. 553(b)(B) to not issue prior notice to solicit public comment on the changes contained in this document. Issuing a separate document to solicit public comment would be unnecessary and contrary to the public interest.

III. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the July 3, 2014 final rule remain unchanged for this final rule technical correction. These determinations are set forth in the July 3, 2014 final rule. 79 FR 38130, 38203–38208.

Corrections

In the **Federal Register** of July 3, 2014, in FR Doc. 2014–15387, the following corrections are made:

1. On page 38131, in Table I.1—Energy Conservation Standards for Covered Residential Furnace Fans, correct the second column header to read: FER* (Watts/1000 cfm).

2. On page 38152, in the second column, in the first paragraph, replace all instances of ''watts/cfm'' with ''Watts/1000 cfm.''

3. On page 38157, in the third column, in the first paragraph, replace ''watts/cfm'' with ''Watts/1000 cfm.''

4. On page 38209, in Table 1—Energy Conservation Standards for Covered Residential Furnace Fans, correct the second column header to read: FER** (Watts/1000 cfm).

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Signed in Washington, DC, on January 28, 2019.

Steven Chalk,

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

Correcting Amendment

For the reasons stated in the preamble, DOE amends part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

§ 430.32 [Amended]

■ 2. Section 430.32(y) is amended in Table 1 by removing the column heading ''FER** (Watts/cfm)'' adding in its place the column heading ''FER** (Watts/1000 cfm)''.

[FR Doc. 2019–01242 Filed 2–6–19; 8:45 am]

BILLING CODE 6450–01–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

12 CFR Part 1411

RIN 3055–AA15

Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation

AGENCY: Farm Credit System Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule implements inflation adjustments to civil money penalties (CMPs) that the Farm Credit System Insurance Corporation (FCSIC) may impose under the Farm Credit Act of 1971, as amended. These adjustments are required by 2015 amendments to the Federal Civil Penalties Inflation Adjustment Act of 1990.

DATES *Effective Date:* This rule will become effective February 7, 2019.

FOR FURTHER INFORMATION CONTACT: Howard Rubin, General Counsel, Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102, (703) 883–4380, TTY (703) 883–4390.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act) [1] to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The Inflation Adjustment Act provides for the regular evaluation of CMPs and requires FCSIC, and every other Federal agency with authority to impose CMPs, to ensure that CMPs continue to maintain their deterrent values.[2]

FCSIC must enact regulations that annually adjust its CMPs pursuant to the inflation adjustment formula of the amended Inflation Adjustment Act and rounded using a method prescribed by the Inflation Adjustment Act. The new amounts will apply to penalties assessed on or after the effective date of this rule. Agencies do not have discretion in choosing whether to adjust a CMP, by how much to adjust a CMP, or the methods used to determine the adjustment.

B. CMPs Imposed Pursuant to Section 5.65 of the Farm Credit Act

First, section 5.65(c) of the Farm Credit Act, as amended (Act), provides that any insured Farm Credit System bank that willfully fails or refuses to file any certified statement or pay any required premium shall be subject to a penalty of not more than $100 for each day that such violations continue, which penalty FCSIC may recover for its use.[3] Second, section 5.65(d) of the Act provides that, except with the prior written consent of the Farm Credit Administration, it shall be unlawful for any person convicted of any criminal offense involving dishonesty or a breach of trust to serve as a director, officer, or employee of any System institution.[4] For each willful violation of section 5.65(d), the institution involved shall be subject to a penalty of not more than $100 for each day during which the violation continues, which FCSIC may recover for its use.

FCSIC's current § 1411.1 provides that FCSIC can impose a maximum penalty of $205 per day for a violation under section 5.65(c) and (d) of the Act.

C. Required Adjustments

The 2015 Act requires agencies to make annual adjustments for inflation. Annual inflation adjustments are based on the percent change between the October Consumer Price Index for all Urban Consumers (CPI–U) preceding the date of the adjustment, and the prior year's October CPI–U. Based on the CPI–U for October 2018, not seasonally adjusted, the cost-of-living adjustment multiplier for 2019 is 1.02522.[5] Multiplying 1.02522 times the current penalty amount of $205, after rounding to the nearest dollar as required by the 2015 Act, results is a new penalty amount of $210.

D. Notice and Comment Not Required by Administrative Procedure Act

In accordance with the 2015 Act, Federal agencies shall adjust civil monetary penalties ''notwithstanding'' Section 553 of the Administrative Procedures Act. This means that public procedure generally required for agency rulemaking—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.

List of Subjects in 12 CFR Part 1411

Banks, banking, Civil money penalties, Penalties.

For the reasons stated in the preamble, part 1411 of chapter XIV, title 12 of the Code of Federal Regulations is amended as follows:

PART 1411—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 1411 continues to read as follows:

Authority: 12 U.S.C. 2277a–7(10), 2277a–14(c) and (d); 28 U.S.C. 2461 *note*.

■ 2. Revise § 1411.1 to read as follows:

§ 1411.1 Inflation adjustment of civil money penalties for failure to file a certified statement, pay any premium required or obtain approval before employment of persons convicted of criminal offenses.

In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, a civil money penalty imposed pursuant to section 5.65(c) or (d) of the Farm Credit Act of 1971, as amended, shall not exceed $210 per day for each day the violation continues.

Dated: January 30, 2019.

Dale Aultman,

Secretary, Farm Credit System Insurance Corporation.

[FR Doc. 2019–00948 Filed 2–6–19; 8:45 am]

BILLING CODE 6705–01–P

[1] Pub. L. 101–410, Oct. 5, 1990, 104 Stat. 890, as amended by Pub. L. 104–134, title III, sec. 31001(s)(1), Apr. 26, 1996, 110 Stat. 1321–373; Pub. L. 105–362, title XIII, sec. 1301(a), Nov. 10, 1998, 112 Stat. 3293; Pub. L. 114–74, title VII, sec. 701(b), Nov. 2, 2015, 129 Stat. 599.

[2] Under the amended Inflation Adjustment Act, a CMP is defined as any penalty, fine, or other sanction that: (1) Either is for a specific monetary amount as provided by Federal law or has a maximum amount provided for by Federal law; (2) is assessed or enforced by an agency pursuant to Federal law; and (3) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. All three requirements must be met for a fine to be considered a CMP.

[3] 12 U.S.C. 2277a–14(c).

[4] 12 U.S.C. 2277a–14(d).

[5] *See* Office of Management and Budget Memorandum M–19–04 (December 14, 2018).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0015; Product Identifier 2018–NM–179–AD; Amendment 39–19550; AD 2019–02–03]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This AD requires revising the existing maintenance or inspection program, as applicable, to

incorporate new or more restrictive airworthiness limitations. This AD was prompted by reports of warpage of internal engine fire handle components, which can cause binding and prevent proper operation. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 22, 2019.

We must receive comments on this AD by March 25, 2019.

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

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

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0015; 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 (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Rebel Nichols, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3556; email: *Rebel.Nichols@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We have received reports from Boeing of warpage of internal engine fire handle components, which can cause binding and prevent proper operation. A latently failed engine fire handle could prevent the fire extinguishing agent from being able to be released. In the event of certain engine fires, the potential exists for an engine fire to be uncontrollable. This unsafe condition, if not addressed, could result in the inability to extinguish an engine fire that, if uncontrollable, could lead to wing failure.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

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 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 (j) of this AD.

Interim Action

We consider this AD interim action. The manufacturer is currently developing a terminating action that will address the unsafe condition identified in this AD. Once this terminating action is developed, approved, and available, we might consider additional rulemaking.

FAA's Justification and Determination of the Effective Date

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 waiving notice and comment prior to adoption of this rule because warpage of internal engine fire handle components can cause binding and prevent proper operation. A latently failed engine fire handle could prevent the fire extinguishing agent from being able to be released. In the event of certain engine fires, the potential exists for an engine fire to be uncontrollable, which could lead to wing failure. Additionally, the compliance time for the required action is shorter than the time necessary for the public to comment and for publication of the final rule. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2019–0015 and Product Identifier 2018–NM–179–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Costs of Compliance

We estimate that this AD affects 120 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

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

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–02–03 The Boeing Company: Amendment 39–19550; Docket No. FAA–2019–0015; Product Identifier 2018–NM–179–AD.

(a) Effective Date

This AD is effective February 22, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Unsafe Condition

This AD was prompted by reports of warpage of internal fire handle components, which can cause binding and prevent proper operation. We are issuing this AD to address a latent failure of the engine fire handle, which could result in the inability to extinguish an engine fire that, if uncontrollable, could lead to wing failure.

(f) Compliance

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

(g) Revision of Maintenance or Inspection Program

Within 14 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to add airworthiness limitation 28–AWL–FIRE, by incorporating the information specified in figure 1 to paragraph (g) of this AD into the Airworthiness Limitations Section of the Instructions for Continued Airworthiness. The initial compliance time for accomplishing the actions specified in figure 1 to paragraph (g) of this AD is within 45 days after the effective date of this AD.

Figure 1 to paragraph (g) of this AD: *Engine fire handle operational check*

AWL No.	Task	Interval	Applicability	Description
28-AWL-FIRE	ALI	30 days	787-8, -9, and -10 airplanes	Engine Fire Handle Operational Check. Concern: The fire handle design can result in airplanes operating with an engine fire handle that cannot be operated. A latently failed engine fire handle could prevent the fire

				extinguishing agent from being able to be released. In the event of certain engine fires, the potential exists for an engine fire to be uncontrollable. Perform the following engine fire handle checks (unless checked by the flightcrew in a manner approved by the principal operations inspector): 1. Press the left engine fire handle solenoid override button, and verify that the handle can be pulled up using normal force. CAUTION: Do not rotate the engine fire handle; inadvertent discharge of the fire extinguishing agent would result. Although not required, pulling the FIRE EXT BOTTLE – ENG L1 and L2 circuit breakers will prevent fire bottle discharge. 2. Stow the handle. 3. Press the right engine fire handle solenoid override button, and verify that the handle can be pulled up using normal force. CAUTION: Do not rotate the engine fire handle; inadvertent discharge of the fire extinguishing agent would result. Although not required, pulling the FIRE EXT BOTTLE – ENG R1 and R2 circuit breakers will prevent fire bottle discharge. 4. Stow the handle. Replace any engine fire handle that fails any operational check before further flight.

(h) No Alternative Actions or Intervals

After accomplishment of the existing maintenance or inspection program revision 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 (j) of this AD.

(i) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(k) Related Information

For more information about this AD, contact Rebel Nichols, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3556; email: *Rebel.Nichols@faa.gov.*

(l) Material Incorporated by Reference

None.

Issued in Des Moines, Washington, on January 30, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–01244 Filed 2–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31229; Amdt. No. 3831]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective February 7, 2019. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of February 7, 2019.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.
2. The FAA Air Traffic Organization Service Area in which the affected airport is located;
3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29 Room 104, Oklahoma City, OK 73125. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find

that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on December 14, 2018.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 31 January 2019

Brooksville, FL, Brooksville-Tampa Bay Rgnl, RNAV (GPS) RWY 9, Amdt 1D
Brooksville, FL, Brooksville-Tampa Bay Rgnl, RNAV (GPS) RWY 27, Amdt 1D
Fort Madison, IA, Fort Madison Muni, RNAV (GPS) RWY 17, Amdt 1B
Williamsburg, KY, Williamsburg-Whitley County, LOC RWY 20, Orig-C
Williamsburg, KY, Williamsburg-Whitley County, RNAV (GPS) RWY 20, Amdt 1B
Williamsburg, KY, Williamsburg-Whitley County, VOR RWY 20, Orig-D
Romeo, MI, Romeo State, RNAV (GPS) RWY 18, Amdt 1C
Romeo, MI, Romeo State, RNAV (GPS) RWY 36, Amdt 1D
Fulton, MO, Elton Hensley Memorial, RNAV (GPS) RWY 36, Orig-A
Glens Falls, NY, Floyd Bennett Memorial, ILS OR LOC RWY 1, Amdt 5A
Harrisburg, PA, Harrisburg Intl, ILS OR LOC RWY 13, ILS RWY 13 CAT II, ILS RWY 13 CAT III, Amdt 2A
Perkasie, PA, Pennridge, RNAV (GPS) RWY 8, Amdt 1D
Perkasie, PA, Pennridge, RNAV (GPS) RWY 26, Orig-D
Trenton, TN, Gibson County, Takeoff Minimums and Obstacle DP, Amdt 2
San Antonio, TX, Stinson Muni, RNAV (GPS) RWY 32, Orig-B
San Antonio, TX, Stinson Muni, VOR RWY 32, Amdt 14B
Ladysmith, WI, Rusk County, RNAV (GPS) RWY 14, Orig-B

Effective 28 February 2019

Birmingham, AL, Birmingham-Shuttlesworth Intl, ILS OR LOC RWY 6, ILS RWY 6 CAT II, Amdt 43
Birmingham, AL, Birmingham-Shuttlesworth Intl, ILS OR LOC RWY 24, ILS RWY 24 SA CAT II, Amdt 5
Huntsville, AL, Huntsville Executive Tom Sharp Jr Field, ILS OR LOC RWY 18, Amdt 1C
Huntsville, AL, Huntsville Executive Tom Sharp Jr Field, VOR–B, Amdt 7B
Vernon, AL, Lamar County, RNAV (GPS) RWY 17, Orig-A
Bentonville, AR, Bentonville Muni/Louise M Thaden Field, RNAV (GPS) RWY 36, Amdt 2A
Camden, AR, Harrell Field, VOR/DME RWY 1, Amdt 10B, CANCELED
Firebaugh, CA, Firebaugh, RNAV (GPS)-B, Orig-A
Firebaugh, CA, Firebaugh, VOR–A, Amdt 4
Half Moon Bay, CA, Half Moon Bay, RNAV (GPS) RWY 12, Amdt 1
Half Moon Bay, CA, Half Moon Bay, RNAV (GPS) RWY 30, Amdt 1
Half Moon Bay, CA, Half Moon Bay, RNAV (GPS) Y RWY 30, Orig, CANCELED
Half Moon Bay, CA, Half Moon Bay, RNAV (GPS) Z RWY 12, Orig-B, CANCELED
Laurel, DE, Laurel, RNAV (GPS)-A, ORIG–A
Apalachicola, FL, Apalachicola Regional, RNAV (GPS) RWY 18, Orig-B, CANCELED
Apalachicola, FL, Apalachicola Regional, RNAV (GPS) RWY 36, Orig-B, CANCELED
Immokalee, FL, Immokalee Rgnl, VOR RWY 18, Amdt 6B, CANCELED
Jacksonville, FL, Cecil, TACAN RWY 9R, Orig-A, CANCELED
Lakeland, FL, Lakeland Linder Intl, ILS OR LOC RWY 9, Orig-C
Lakeland, FL, Lakeland Linder Intl, RNAV (GPS) RWY 5, Orig-F
Lakeland, FL, Lakeland Linder Intl, RNAV (GPS) RWY 9, Amdt 2D
Lakeland, FL, Lakeland Linder Intl, RNAV (GPS) RWY 23, Orig-D
Lakeland, FL, Lakeland Linder Intl, RNAV (GPS) RWY 27, Amdt 2C
Lakeland, FL, Lakeland Linder Intl, Takeoff Minimums and Obstacle DP, Amdt 1B
Lakeland, FL, Lakeland Linder Intl, VOR RWY 9, Amdt 4E
Lakeland, FL, Lakeland Linder Intl, VOR RWY 27, Amdt 7H
Pensacola, FL, Pensacola Intl, NDB RWY 35, Orig-A
St Petersburg-Clearwater, FL, St Pete-Clearwater Intl, VOR–B, Orig
Titusville, FL, Space Coast Rgnl, ILS OR LOC RWY 36, Amdt 13
Winter Haven, FL, Winter Haven Rgnl, RNAV (GPS) RWY 5, Amdt 1C
Winter Haven, FL, Winter Haven Rgnl, RNAV (GPS) RWY 11, Orig-A
Winter Haven, FL, Winter Haven Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1A
Winter Haven, FL, Winter Haven Rgnl, VOR–A, Amdt 7A
Butler, GA, Butler Muni, RNAV (GPS) RWY 1, Amdt 2
Butler, GA, Butler Muni, RNAV (GPS) RWY 19, Amdt 2
Butler, GA, Butler Muni, Takeoff Minimums and Obstacle DP, Amdt 1A
Washington, GA, Washington-Wilkes County, Takeoff Minimums and Obstacle DP, Orig-A
Forest City, IA, Forest City Muni, RNAV (GPS) RWY 15, Orig-B
Marshalltown, IA, Marshalltown Muni, RNAV (GPS) RWY 13, Amdt 1B
Marshalltown, IA, Marshalltown Muni, RNAV (GPS) RWY 31, Amdt 1B
Mason City, IA, Mason City Muni, ILS OR LOC RWY 36, Amdt 6H
Mason City, IA, Mason City Muni, LOC BC RWY 18, Amdt 7C
Pocahontas, IA, Pocahontas Muni, RNAV (GPS) RWY 30, Orig-E
Sac City, IA, Sac City Muni, NDB RWY 36, Amdt 4B, CANCELED
Sheldon, IA, Sheldon Rgnl, RNAV (GPS) RWY 33, Amdt 1C
Spencer, IA, Spencer Muni, VOR RWY 30, Amdt 3C
Casey, IL, Casey Muni, RNAV (GPS) RWY 4, Orig-A
Chicago/West Chicago, IL, DuPage, RNAV (GPS) RWY 20R, Amdt 1G
Bloomington, IN, Monroe County, RNAV (GPS) RWY 6, Orig-C
Fort Wayne, IN, Fort Wayne Intl, VOR OR TACAN RWY 5, Amdt 20A
Fort Wayne, IN, Fort Wayne Intl, VOR OR TACAN RWY 14, Amdt 17A
Marysville, KS, Marysville Muni, RNAV (GPS) RWY 16, Orig-B
Meade, KS, Meade Muni, RNAV (GPS) RWY 17, Orig-B
Meade, KS, Meade Muni, RNAV (GPS) RWY 35, Orig-B
Newton, KS, Newton-City-County, NDB RWY 35, Amdt 3, CANCELED
St Francis, KS, Cheyenne County Muni, Takeoff Minimums and Obstacle DP, Orig-A
Hazard, KY, Wendell H Ford, LOC RWY 14, Orig-C
Hazard, KY, Wendell H Ford, RNAV (GPS) RWY 14, Amdt 1C
Hazard, KY, Wendell H Ford, RNAV (GPS) RWY 32, Orig-C
Hazard, KY, Wendell H Ford, VOR RWY 14, Amdt 1D
Charlevoix, MI, Charlevoix Muni, RNAV (GPS) RWY 9, Amdt 1A

Detroit, MI, Detroit Metropolitan Wayne County, ILS OR LOC RWY 21L, ILS RWY 21L SA CAT I, ILS RWY 21L SA CAT II, Amdt 13A
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) PRM Z RWY 4R (CLOSE PARALLEL), Amdt 1A
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) PRM Z RWY 22L (CLOSE PARALLEL), Amdt 1A
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) Z RWY 4R, Amdt 4A
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (GPS) Z RWY 21L, Amdt 4A
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (RNP) W RWY 4L, Orig
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (RNP) W RWY 21L, Orig-A
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (RNP) X RWY 3R, Orig-B
Detroit, MI, Detroit Metropolitan Wayne County, RNAV (RNP) X RWY 21L, Orig-B
Grand Haven, MI, Grand Haven Memorial Airpark, VOR–A, Amdt 16A, CANCELED
Cook, MN, Cook Muni, RNAV (GPS) RWY 13, Orig-C
Cook, MN, Cook Muni, RNAV (GPS) RWY 31, Amdt 1C
Preston, MN, Fillmore County, RNAV (GPS) RWY 11, Orig-C
Silver Bay, MN, Silver Bay Muni, NDB RWY 25, Orig-A, CANCELED
Silver Bay, MN, Silver Bay Muni, RNAV (GPS) RWY 25, Orig-A, CANCELED
Silver Bay, MN, Silver Bay Muni, Takeoff Minimums and Obstacle DP, Amdt 1, CANCELED
St James, MN, St James Muni, NDB RWY 33, Amdt 1B, CANCELED
Charleston, MO, Mississippi County, NDB RWY 36, Amdt 4B, CANCELED
Festus, MO, Festus Memorial, RNAV (GPS)-A, Orig-A
Kansas City, MO, Charles B Wheeler Downtown, Takeoff Minimums and Obstacle DP, Amdt 5
St Louis, MO, Spirit of St Louis, RNAV (GPS) RWY 26L, Amdt 1
St Louis, MO, Spirit of St Louis, RNAV (GPS) RWY 26R, Amdt 1
Tupelo, MS, Tupelo Rgnl, ILS Z OR LOC Z RWY 36, Amdt 10A
Chapel Hill, NC, Horace Williams, RNAV (GPS) RWY 9, Orig-B, CANCELED
Chapel Hill, NC, Horace Williams, RNAV (GPS) RWY 27, Orig-B, CANCELED
Chapel Hill, NC, Horace Williams, Takeoff Minimums and Obstacle DP, Amdt 3, CANCELED
Chapel Hill, NC, Horace Williams, VOR RWY 27, Amdt 1D, CANCELED
Mount Airy, NC, Mount Airy/Surry County, RNAV (GPS) RWY 36, Amdt 1A
Pinehurst/Southern Pines, NC, Moore County, ILS Y OR LOC Y RWY 5, Orig-C
Pinehurst/Southern Pines, NC, Moore County, ILS Z OR LOC Z RWY 5, Amdt 2C
Siler City, NC, Siler City Muni, RNAV (GPS) RWY 4, Orig-B
Washington, NC, Washington-Warren, RNAV (GPS) RWY 17, Amdt 1A, CANCELED
Washington, NC, Washington-Warren, VOR/DME RWY 5, Amdt 3B, CANCELED
Grand Forks, ND, Grand Forks Intl, RNAV (GPS) RWY 35L, Orig-B
Cozad, NE, Cozad Muni, RNAV (GPS) RWY 31, Amdt 1B
Manchester, NH, Manchester, ILS OR LOC RWY 17, Amdt 3A
Old Bridge, NJ, Old Bridge, RNAV (GPS) RWY 6, Orig-B
Old Bridge, NJ, Old Bridge, RNAV (GPS) RWY 24, Orig-B
East Hampton, NY, East Hampton, RNAV (GPS) Y RWY 28, Amdt 2
East Hampton, NY, East Hampton, RNAV (GPS) Z RWY 28, Amdt 1
New York, NY, John F Kennedy Intl, RNAV (GPS) RWY 13R, Orig
Sidney, NY, Sidney Muni, RNAV (GPS) RWY 7, Orig-E
Marion, OH, Marion Muni, LOC/DME RWY 25, Orig-B, CANCELED
Okmulgee, OK, Okmulgee Rgnl, ILS OR LOC RWY 18, Amdt 1B
Tulsa, OK, Tulsa Intl, ILS OR LOC RWY 36R, ILS RWY 36R SA CAT I, ILS RWY 36R CAT II, Amdt 29G
Lakeview, OR, Lake County, RNAV (GPS) RWY 17, Amdt 1
Lakeview, OR, Lake County, RNAV (GPS) RWY 35, Amdt 1
Philipsburg, PA, Mid-State, VOR RWY 24, Amdt 16C
Pottstown, PA, Pottstown Muni, RNAV (GPS) RWY 26, Orig-A
Pottstown, PA, Pottstown Muni, VOR–B, Amdt 5A
Georgetown, SC, Georgetown County, NDB RWY 5, Amdt 6A, CANCELED
Aberdeen, SD, Aberdeen Rgnl, ILS OR LOC RWY 31, Amdt 13A
Aberdeen, SD, Aberdeen Rgnl, RNAV (GPS) RWY 31, Orig-B
Aberdeen, SD, Aberdeen Rgnl, VOR RWY 13, Amdt 13B
Aberdeen, SD, Aberdeen Rgnl, VOR RWY 31, Amdt 21A
Spearfish, SD, Black Hills-Clyde Ice Field, RNAV (GPS) RWY 13, Orig-D
Spearfish, SD, Black Hills-Clyde Ice Field, RNAV (GPS) RWY 31, Amdt 1
Dickson, TN, Dickson Muni, NDB RWY 17, Amdt 3A
Madisonville, TN, Monroe County, RNAV (GPS) RWY 5, Amdt 2C
Springfield, TN, Springfield Robertson County, LOC RWY 4, Amdt 4
College Station, TX, Easterwood Field, ILS OR LOC RWY 35, Amdt 14A
College Station, TX, Easterwood Field, LOC BC RWY 17, Amdt 8A
College Station, TX, Easterwood Field, RNAV (GPS) RWY 11, Amdt 1D
College Station, TX, Easterwood Field, RNAV (GPS) RWY 17, Amdt 1C
College Station, TX, Easterwood Field, RNAV (GPS) RWY 29, Amdt 1B
College Station, TX, Easterwood Field, RNAV (GPS) RWY 35, Amdt 1C
College Station, TX, Easterwood Field, Takeoff Minimums and Obstacle DP, Amdt 4A
College Station, TX, Easterwood Field, VOR RWY 29, Amdt 14A
Corsicana, TX, C David Campbell Field-Corsicana Muni, RNAV (GPS) RWY 14, Orig-C
Dalhart, TX, Dalhart Muni, Takeoff Minimums and Obstacle DP, Orig-A
Dallas, TX, Dallas Executive, RNAV (GPS) RWY 31, Amdt 1A
Gainesville, TX, Gainesville Muni, RNAV (GPS) RWY 36, Amdt 1
Sinton, TX, Alfred C 'Bubba' Thomas, VOR RWY 32, Amdt 9A, CANCELED
Ellensburg, WA, Bowers Field, RNAV (GPS) RWY 25, Amdt 1A, CANCELED
Ellensburg, WA, Bowers Field, Takeoff Minimums and Obstacle DP, Amdt 2C
Tacoma, WA, Tacoma Narrows, NDB RWY 35, Amdt 8B, CANCELED
Green Bay, WI, Green Bay-Austin Straubel Intl, ILS OR LOC RWY 6, Amdt 21D
Madison, WI, Dane County Rgnl-Truax Field, RADAR–1, Amdt 18, CANCELED
Sheboygan, WI, Sheboygan County Memorial, RNAV (GPS) RWY 13, Orig-B
Sheboygan, WI, Sheboygan County Memorial, VOR RWY 22, Amdt 9A, CANCELED
Wausau, WI, Wausau Downtown, Takeoff Minimums and Obstacle DP, Amdt 6A
Ravenswood, WV, Jackson County, RNAV (GPS) RWY 4, Orig-A

[FR Doc. 2019–01138 Filed 2–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31230; Amdt. No. 3832]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective February 7, 2019. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 7, 2019.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;
2. The FAA Air Traffic Organization Service Area in which the affected airport is located;
3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29 Room 104, Oklahoma City, OK 73125. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on December 14, 2018.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

Effective Upon Publication

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
31–Jan–19	MN	Elbow Lake	Elbow Lake Muni—Pride of the Prairie.	8/0439	12/12/18	RNAV (GPS) RWY 32, Orig-A.
31–Jan–19	MN	Elbow Lake	Elbow Lake Muni—Pride of the Prairie.	8/0440	12/12/18	RNAV (GPS) RWY 14, Orig-A.
31–Jan–19	MN	Princeton	Princeton Muni	8/0630	12/4/18	NDB RWY 15, Amdt 1.
31–Jan–19	AR	El Dorado	South Arkansas Rgnl at Goodwin Field.	8/1048	12/12/18	RNAV (GPS) RWY 22, Orig-B.
31–Jan–19	AR	El Dorado	South Arkansas Rgnl at Goodwin Field.	8/1051	12/12/18	RNAV (GPS) RWY 4, Orig-B.
31–Jan–19	AR	El Dorado	South Arkansas Rgnl at Goodwin Field.	8/1053	12/12/18	VOR/DME RWY 4, Amdt 10B.
31–Jan–19	TX	Follett	Follett/Lipscomb County	8/1298	12/4/18	RNAV (GPS) RWY 35, Orig.
31–Jan–19	TX	Follett	Follett/Lipscomb County	8/1299	12/4/18	VOR/DME–A, Amdt 3.
31–Jan–19	IL	Bloomington/Normal.	Central Il Rgnl Arpt at Bloomington-Normal.	8/1335	12/12/18	ILS or LOC/DME RWY 2, Orig-B.
31–Jan–19	CO	Kremmling	Mc Elroy Airfield	8/1819	12/4/18	RNAV (GPS)–B, Orig-A.
31–Jan–19	CO	Kremmling	Mc Elroy Airfield	8/1820	12/4/18	VOR/DME–A, Amdt 3A.
31–Jan–19	WI	Oshkosh	Wittman Rgnl	8/2114	12/4/18	RNAV (GPS) RWY 9, Amdt 1A.
31–Jan–19	WI	Tomahawk	Tomahawk Rgnl	8/2121	12/4/18	RNAV (GPS) RWY 9, Amdt 2B.
31–Jan–19	WI	Merrill	Merrill Muni	8/3780	12/12/18	RNAV (GPS) RWY 7, Amdt 1.
31–Jan–19	CA	Santa Monica.	Santa Monica Muni	8/4090	12/4/18	VOR–A, Amdt 11.
31–Jan–19	NM	Clayton	Clayton Muni Arpk	8/5036	12/12/18	Takeoff Minimums and Obstacle DP, Amdt 1.
31–Jan–19	MO	Trenton	Trenton Muni	8/5605	12/12/18	Takeoff Minimums and Obstacle DP, Orig.
31–Jan–19	MN	Two Harbors.	Richard B Helgeson	8/6308	12/4/18	RNAV (GPS) RWY 24, Orig-B.
31–Jan–19	MN	Two Harbors.	Richard B Helgeson	8/6317	12/4/18	RNAV (GPS) RWY 6, Orig-A.
31–Jan–19	AZ	Phoenix	Phoenix Deer Valley	8/7177	12/4/18	RNAV (GPS) RWY 25L, Orig-B.
31–Jan–19	CO	Cortez	Cortez Muni	8/7321	12/4/18	VOR RWY 21, Amdt 5A.
31–Jan–19	WI	Ladysmith	Rusk County	8/7389	12/12/18	NDB RWY 32, Amdt 3A.
31–Jan–19	WI	Ladysmith	Rusk County	8/7391	12/12/18	RNAV (GPS) RWY 32, Orig-B.
31–Jan–19	TX	Dallas	Dallas Love Field	8/7574	12/4/18	ILS or LOC RWY 31R, ILS RWY 31R (SA CAT I AND II), Amdt 7.
31–Jan–19	TX	Dallas	Dallas Love Field	8/7575	12/4/18	RNAV (GPS) Y RWY 31R, Amdt 3.
31–Jan–19	TX	Dallas	Dallas Love Field	8/7578	12/4/18	RNAV (RNP) Z RWY 31R, Orig-B.
31–Jan–19	MT	Kalispell	Glacier Park Intl	8/7761	12/12/18	RNAV (GPS) RWY 30, Amdt 1.
31–Jan–19	NV	Elko	Elko Rgnl	8/7899	12/4/18	VOR/DME–B, Amdt 5.
31–Jan–19	NV	Elko	Elko Rgnl	8/7904	12/4/18	RNAV (GPS) RWY 6, Orig.
31–Jan–19	NV	Elko	Elko Rgnl	8/7906	12/4/18	RNAV (GPS) RWY 24, Amdt 1.
31–Jan–19	NV	Elko	Elko Rgnl	8/7908	12/4/18	LDA/DME RWY 24, Amdt 6.
31–Jan–19	KS	Newton	Newton-City-County	8/9055	12/12/18	ILS OR LOC RWY 17, Amdt 4A.
31–Jan–19	KS	Newton	Newton-City-County	8/9057	12/12/18	RNAV (GPS) RWY 35, Orig-A.
31–Jan–19	KS	Newton	Newton-City-County	8/9059	12/12/18	RNAV (GPS) RWY 17, Orig-A.

[FR Doc. 2019–01135 Filed 2–6–19; 8:45 am]

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DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 6

[Docket No. 181218999–8999–01]

RIN 0605–AA50

Civil Monetary Penalty Adjustments for Inflation

AGENCY: Office of the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This final rule is being issued to adjust for inflation each civil monetary penalty (CMP) provided by law within the jurisdiction of the United States Department of Commerce (Department of Commerce). The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, required the head of each agency to adjust for inflation its CMP levels in effect as of November 2, 2015, under a revised methodology that was effective for 2016 which provided for initial catch up adjustments for inflation in 2016, and requires adjustments for inflation to CMPs under a revised methodology for each year thereafter. The 2018 adjustments for inflation to CMPs to the Department of Commerce's CMPs were published in the **Federal Register** on January 8, 2018, and became effective January 15, 2018. The annual methodology provides for the improvement of the effectiveness of CMPs and to maintain their deterrent effect. Agencies' annual adjustments for inflation to CMPs shall take effect not later than January 15. The Department of Commerce's 2019 adjustments for inflation to CMPs apply only to CMPs with a dollar amount, and will not apply to CMPs written as functions of violations. The Department of Commerce's 2019 adjustments for inflation to CMPs apply only to those CMPs, including those whose associated violation predated such adjustment, which are assessed by the Department of

Commerce after the effective date of the new CMP level.

DATES: This rule is effective March 1, 2019.

FOR FURTHER INFORMATION CONTACT: Stephen M. Kunze, Deputy Chief Financial Officer and Director for Financial Management, Office of Financial Management, at (202) 482–1207, Department of Commerce, 1401 Constitution Avenue NW, Room D200, Washington, DC 20230. The Department of Commerce's Civil Monetary Penalty Adjustments for Inflation are available for downloading from the Department of Commerce, Office of Financial Management's website at the following address: *http://www.osec.doc.gov/ofm/OFM_Publications.html.*

SUPPLEMENTARY INFORMATION:

Background

The Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410; 28 U.S.C. 2461), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134), provided for agencies' adjustments for inflation to CMPs to ensure that CMPs continue to maintain their deterrent value and that CMPs due to the Federal Government were properly accounted for and collected.

A CMP is defined as any penalty, fine, or other sanction that:

1. Is for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; and,
2. Is assessed or enforced by an agency pursuant to Federal law; and,
3. Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701 of Pub. L. 114–74) further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 to improve the effectiveness of CMPs and to maintain their deterrent effect. This amendment (1) required agencies to adjust the CMP levels in effect as of November 2, 2015, with initial catch up adjustments for inflation through a final rulemaking to take effect no later than August 1, 2016; and (2) requires agencies to make subsequent annual adjustments for inflation to CMPs that shall take effect not later than January 15. The Department of Commerce's 2018 adjustments for inflation to CMPs were published in the **Federal Register** on January 8, 2018, and the new CMP levels became effective January 15, 2018.

The Department of Commerce's 2019 adjustments for inflation to CMPs apply only to CMPs with a dollar amount, and will not apply to CMPs written as functions of violations. These 2019 adjustments for inflation to CMPs apply only to those CMPs, including those whose associated violation predated such adjustment, which are assessed by the Department of Commerce after the effective date of the new CMP level.

This regulation adjusts for inflation CMPs that are provided by law within the jurisdiction of the Department of Commerce. The actual CMP assessed for a particular violation is dependent upon a variety of factors. For example, the National Oceanic and Atmospheric Administration's (NOAA) Policy for the Assessment of Civil Administrative Penalties and Permit Sanctions (Penalty Policy), a compilation of NOAA internal guidelines that are used when assessing CMPs for violations for most of the statutes NOAA enforces, will be interpreted in a manner consistent with this regulation to maintain the deterrent effect of the CMPs. The CMP ranges in the Penalty Policy are intended to aid enforcement attorneys in determining the appropriate CMP to assess for a particular violation. The Penalty Policy is maintained and made available to the public on NOAA's Office of the General Counsel, Enforcement Section website at: *http://www.gc.noaa.gov/enforce-office.html.*

The Department of Commerce's 2019 adjustments for inflation to CMPs set forth in this regulation were determined pursuant to the methodology prescribed by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which requires the maximum CMP, or the minimum and maximum CMP, as applicable, to be increased by the cost-of-living adjustment. The term ''cost-of-living adjustment'' is defined by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. For the 2019 adjustments for inflation to CMPs, the cost-of-living adjustment is the percentage for each CMP by which the Consumer Price Index for the month of October 2018 exceeds the Consumer Price Index for the month of October 2017.

Classification

Pursuant to 5 U.S.C. 553(b)B, there is good cause to issue this rule without prior public notice or opportunity for public comment because it would be impracticable and unnecessary. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701(b)) requires agencies to make annual adjustments for inflation to CMPs notwithstanding section 553 of title 5, United States Code. Additionally, the methodology used for adjusting CMPs for inflation is given by statute, with no discretion provided to agencies regarding the substance of the adjustments for inflation to CMPs. The Department of Commerce is charged only with performing ministerial computations to determine the dollar amounts of adjustments for inflation to CMPs. Accordingly, prior public notice and an opportunity for public comment are not required for this rule.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because there are no new or revised recordkeeping or reporting requirements.

Regulatory Analysis

E.O. 12866, Regulatory Review

This rule is not a significant regulatory action as that term is defined in Executive Order 12866.

Regulatory Flexibility Act

Because notice of proposed rulemaking and opportunity for comment are not required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility act (5 U.S.C. 601, *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

List of Subjects in 15 CFR Part 6

Civil monetary penalties, Law enforcement.

Dated: December 21, 2018.

Stephen M. Kunze,

Deputy Chief Financial Officer and Director for Financial Management, Department of Commerce.

Authority and Issuance

■ For the reasons stated in the preamble, the Department of Commerce revises 15 CFR part 6 to read as follows:

PART 6—CIVIL MONETARY PENALTY ADJUSTMENTS FOR INFLATION

Sec.
6.1 Definitions.
6.2 Purpose and scope.
6.3 Adjustments for inflation to civil monetary penalties.
6.4 Effective date of adjustments for inflation to civil monetary penalties.
6.5 Subsequent annual adjustments for inflation to civil monetary penalties.

Authority: Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–134, 110 Stat. 1321 (31 U.S.C. 3701 note); Sec. 701 of

Pub. L. 114–74, 129 Stat. 599 (28 U.S.C. 1 note; 28 U.S.C. 2461 note).

§ 6.1 Definitions.

(a) The *Department of Commerce* means the United States Department of Commerce.

(b) *Civil Monetary Penalty* means any penalty, fine, or other sanction that:

(1) Is for a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; and

(2) Is assessed or enforced by an agency pursuant to Federal law; and

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

§ 6.2 Purpose and scope.

The purpose of this part is to make adjustments for inflation to civil monetary penalties, as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410; 28 U.S.C. 2461), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701 of Pub. L. 114–74), of each civil monetary penalty provided by law within the jurisdiction of the United States Department of Commerce (Department of Commerce).

§ 6.3 Adjustments for inflation to civil monetary penalties.

The civil monetary penalties provided by law within the jurisdiction of the Department of Commerce, as set forth in paragraphs (a) through (f) of this section, are hereby adjusted for inflation in 2019 in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, from the amounts of such civil monetary penalties that were in effect as of January 15, 2018, to the amounts of such civil monetary penalties, as thus adjusted. The year stated in parenthesis represents the year that the civil monetary penalty was last set by law or adjusted by law (excluding adjustments for inflation).

(a) *United States Department of Commerce.* (1) 31 U.S.C. 3802(a)(1), Program Fraud Civil Remedies Act of 1986 (1986), violation, maximum from $11,181 to $11,463.

(2) 31 U.S.C. 3802(a)(2), Program Fraud Civil Remedies Act of 1986 (1986), violation, maximum from $11,181 to $11,463.

(3) 31 U.S.C. 3729(a)(1)(G), False Claims Act (1986); violation, minimum from $11,181 to $11,463; maximum from $22,363 to $22,927.

(b) *Bureau of Industry and Security.* (1) 15 U.S.C. 5408(b)(1), Fastener Quality Act (1990), violation, maximum from $46,192 to $47,357.

(2) 22 U.S.C. 6761(a)(1)(A), Chemical Weapons Convention Implementation Act (1998), violation, maximum from $37,601 to $38,549.

(3) 22 U.S.C. 6761(a)(l)(B), Chemical Weapons Convention Implementation Act (1998), violation, maximum from $7,520 to $7,710.

(4) 50 U.S.C. 1705(b), International Emergency Economic Powers Act (2007), violation, maximum from $295,141 to $302,584.

(5) 22 U.S.C. 8142(a), United States Additional Protocol Implementation Act (2006), violation, maximum from $30,557 to $31,328.

(6) 50 U.S.C. 4819, Export Controls Act of 2018 (2018), (new penalty), violation, maximum $300,000.

(c) *Census Bureau.* (1) 13 U.S.C. 304, Collection of Foreign Trade Statistics (2002), each day's delinquency of a violation; total of not to exceed maximum violation, from $1,360 to $1,394; maximum per violation, from $13,605 to $13,948.

(2) 13 U.S.C. 305(b), Collection of Foreign Trade Statistics (2002), violation, maximum from $13,605 to $13,948.

(d) *Economics and Statistics Administration.* (1) 22 U.S.C. 3105(a), International Investment and Trade in Services Act (1990); failure to furnish information, minimum from $4,619 to $4,735; maximum from $46,192 to $47,357.

(e) *International Trade Administration.* (1) 19 U.S.C. 81s, Foreign Trade Zone (1934), violation, maximum from $2,852 to $2,924.

(2) 19 U.S.C. 1677f(f)(4), U.S.-Canada FTA Protective Order (1988), violation, maximum from $205,211 to $210,386.

(f) *National Oceanic and Atmospheric Administration.* (1) 51 U.S.C. 60123(a), Land Remote Sensing Policy Act of 2010 (2010), violation, maximum from $11,278 to $11,562.

(2) 51 U.S.C. 60148(c), Land Remote Sensing Policy Act of 2010 (2010), violation, maximum from $11,278 to $11,562.

(3) 16 U.S.C. 773f(a), Northern Pacific Halibut Act of 1982 (2007), violation, maximum from $236,114 to $242,069.

(4) 16 U.S.C. 783, Sponge Act (1914), violation, maximum from $1,686 to $1,729.

(5) 16 U.S.C. 957(d), (e), and (f), Tuna Conventions Act of 1950 (1962):

(i) Violation of 16 U.S.C. 957(a), maximum from $84,264 to $86,389.

(ii) Subsequent violation of 16 U.S.C. 957(a), maximum from $181,493 to $186,070.

(iii) Violation of 16 U.S.C. 957(b), maximum from $2,852 to $2,924.

(iv) Subsequent violation of 16 U.S.C. 957(b), maximum from $16,853 to $17,278.

(v) Violation of 16 U.S.C. 957(c), maximum from $362,986 to $372,141.

(6) 16 U.S.C. 957(i), Tuna Conventions Act of 1950,[1] violation, maximum from $184,767 to $189,427.

(7) 16 U.S.C. 959, Tuna Conventions Act of 1950,[2] violation, maximum from $184,767 to $189,427.

(8) 16 U.S.C. 971f(a), Atlantic Tunas Convention Act of 1975,[3] violation, maximum from $184,767 to $189,427.

(9) 16 U.S.C. 973f(a), South Pacific Tuna Act of 1988 (1988), violation, maximum from $513,026 to $525,965.

(10) 16 U.S.C. 1174(b), Fur Seal Act Amendments of 1983 (1983), violation, maximum from $24,421 to 25,037.

(11) 16 U.S.C. 1375(a)(1), Marine Mammal Protection Act of 1972 (1972), violation, maximum from $28,520 to $29,239.

(12) 16 U.S.C. 1385(e), Dolphin Protection Consumer Information Act,[4] violation, maximum from $184,767 to $189,427.

(13) 16 U.S.C. 1437(d)(1), National Marine Sanctuaries Act (1992), violation, maximum from $173,951 to $178,338.

(14) 16 U.S.C. 1540(a)(1), Endangered Species Act of 1973:

(i) Violation as specified (1988), maximum from $51,302 to $52,596.

(ii) Violation as specified (1988), maximum from $24,625 to $25,246.

(iii) Otherwise violation (1978), maximum from $1,686 to $1,729.

(15) 16 U.S.C. 1858(a), Magnuson-Stevens Fishery Conservation and Management Act (1990), violation, maximum from $184,767 to $189,427.

(16) 16 U.S.C. 2437(a), Antarctic Marine Living Resources Convention Act of 1984,[5] violation, maximum from $184,767 to $189,427.

(17) 16 U.S.C. 2465(a), Antarctic Protection Act of 1990,[6] violation, maximum from $184,767 to $189,427.

(18) 16 U.S.C. 3373(a), Lacey Act Amendments of 1981 (1981):

(i) 16 U.S.C. 3373(a)(1), violation, maximum from $26,409 to $27,075.

(ii) 16 U.S.C. 3373(a)(2), violation, maximum from $660 to $677.

[1] This National Oceanic and Atmospheric Administration maximum civil monetary penalty, as prescribed by law, is the maximum civil penalty per 16 U.S.C. 1858(a), Magnuson-Stevens Fishery Conservation and Management Act civil monetary penalty (item (15)).

[2] See footnote 1.

[3] See footnote 1.

[4] See footnote 1.

[5] See footnote 1.

[6] See footnote 1.

(19) 16 U.S.C. 3606(b)(1), Atlantic Salmon Convention Act of 1982,[7] violation, maximum from $184,767 to $189,427.

(20) 16 U.S.C. 3637(b), Pacific Salmon Treaty Act of 1985,[8] violation, maximum from $184,767 to $189,427.

(21) 16 U.S.C. 4016(b)(1)(B), Fish and Seafood Promotion Act of 1986 (1986); violation, minimum from $1,118 to $1,146; maximum from $11,181 to $11,463.

(22) 16 U.S.C. 5010, North Pacific Anadromous Stocks Act of 1992,[9] violation, maximum from $184,767 to $189,427.

(23) 16 U.S.C. 5103(b)(2), Atlantic Coastal Fisheries Cooperative Management Act,[10] violation, maximum from $184,767 to $189,427.

(24) 16 U.S.C. 5154(c)(1), Atlantic Striped Bass Conservation Act,[11] violation, maximum from $184,767 to $189,427.

(25) 16 U.S.C. 5507(a), High Seas Fishing Compliance Act of 1995 (1995), violation, maximum from $160,484 to $164,531.

(26) 16 U.S.C. 5606(b), Northwest Atlantic Fisheries Convention Act of 1995,[12] violation, maximum from $184,767 to $189,427

(27) 16 U.S.C. 6905(c), Western and Central Pacific Fisheries Convention Implementation Act,[13] violation, maximum from $184,767 to $189,427.

(28) 16 U.S.C. 7009(c) and (d), Pacific Whiting Act of 2006,[14] violation, maximum from $184,767 to $189,427.

(29) 22 U.S.C. 1978(e), Fishermen's Protective Act of 1967 (1971):

(i) Violation, maximum from $28,520 to $29,239.

(ii) Subsequent violation, maximum from $84,264 to $86,389.

(30) 30 U.S.C. 1462(a), Deep Seabed Hard Mineral Resources Act (1980), violation, maximum, from $72,718 to $74,552.

(31) 42 U.S.C. 9152(c), Ocean Thermal Energy Conversion Act of 1980 (1980), violation, maximum from $72,718 to $74,552.

(32) 16 U.S.C. 1827a, Billfish Conservation Act of 2012,[15] violation, maximum from $184,767 to $189,427.

(33) 16 U.S.C. 7407(b), Port State Measures Agreement Act of 2015,[16] violation, maximum from $184,767 to $189,427.

(34) 16 U.S.C. 1826g(f), High Seas Driftnet Fishing Moratorium Protection Act,[17] violation, maximum from $184,767 to $189,427.

(35) 16 U.S.C. 7705, Ensuring Access to Pacific Fisheries Act,[18] violation, maximum from $184,767 to $189,427.

(36) 16 U.S.C. 7805, Ensuring Access to Pacific Fisheries Act,[19] violation, maximum from $184,767 to $189,427.

§ 6.4 Effective date of adjustments for inflation to civil monetary penalties.

The Department of Commerce's 2019 adjustments for inflation made by § 6.3, of the civil monetary penalties there specified, are effective on March 1, 2019, and said civil monetary penalties, as thus adjusted by the adjustments for inflation made by § 6.3, apply only to those civil monetary penalties, including those whose associated violation predated such adjustment, which are assessed by the Department of Commerce after the effective date of the new civil monetary penalty level, and before the effective date of any future adjustments for inflation to civil monetary penalties thereto made subsequent to March 1, 2019 as provided in § 6.5.

§ 6.5 Subsequent annual adjustments for inflation to civil monetary penalties.

The Secretary of Commerce or his or her designee by regulation shall make subsequent adjustments for inflation to the Department of Commerce's civil monetary penalties annually, which shall take effect not later than January 15, notwithstanding section 553 of title 5, United States Code.

[FR Doc. 2019–00603 Filed 2–6–19; 8:45 am]

BILLING CODE 3510–DP–P

[7] See footnote 1.
[8] See footnote 1.
[9] See footnote 1.
[10] See footnote 1.
[11] See footnote 1.
[12] See footnote 1.
[13] See footnote 1.
[14] See footnote 1.
[15] See footnote 1.
[16] See footnote 1.
[17] See footnote 1.
[18] See footnote 1.
[19] See footnote 1.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–305]

Control of Immediate Precursor Used in the Illicit Manufacture of Fentanyl as Schedule II Controlled Substances; Correction

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: On June 29, 2010, the Drug Enforcement Administration (DEA) placed the fentanyl immediate precursor chemical ''4-anilino-N-phenethyl-4-piperidine,'' (CASRN 21409–26–7) into Schedule II of the Controlled Substances Act. It has come to DEA's attention that the drug name listed in the final rule contained a minor error and the drug name should have been ''4-anilino-N-phenethylpiperidine (ANPP).'' This document corrects that listing in the Code of Federal Regulations. Because this change is ministerial, the DEA has determined for good cause that public notice and comment is unnecessary under the Administrative Procedure Act (APA) and is implementing this change by means of a final rule without notice and comment.

DATES: Effective February 7, 2019.

FOR FURTHER INFORMATION CONTACT: Kathy L. Federico, Regulatory Drafting Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION: On June 29, 2010, the DEA designated ANPP as an immediate precursor for the Schedule II controlled substance fentanyl under the definition set forth in 21 U.S.C. 802(23). 75 FR 37295 (Jun. 29, 2010). ANPP is the immediate chemical intermediary in the synthesis process used by clandestine laboratory operators for the illicit manufacture of the Schedule II controlled substance fentanyl.

In the rulemaking, the DEA inadvertently introduced an error into the drug name. This rulemaking is intended to correct that ministerial error.

Both the notice of proposed rulemaking and the final rule referenced the chemical name as ''4-anilino-N-phenethyl-4-piperidine (ANPP)'' and ''CASRN 21409–26–7'' (Chemical Abstract Service Registry Number).[1] 73 FR 19175, 19176 (Apr. 9, 2008); 75 FR 37295, 37296 (Jun. 29, 2010). While the abbreviation ANPP and the Chemical Abstract Service Registry Number 21409–26–7 correctly identified the compound, the name ''4-anilino-N-phenethyl-4-piperidine'' is incorrect and is without meaning. The correct

[1] Chemical Abstract Service Registry Numbers are used to identify specific compounds. Chemicals are often identified by a wide variety of names, which are generated according to international/regional naming conventions relating to chemical formula and chemical structure. Chemical Abstract Service Registry Numbers link a specific chemical compound across various nomenclatures (naming schemes) and are useful in definitively identifying a particular compound. Synonymous names are under one CASRN number.

name is ''4-anilino-N-phenethylpiperidine''.

There is no existing chemical compound named ''4-anilino-N-phenethyl-4-piperidine.'' While chemists understood which compound was being controlled by the DEA due to the abbreviation ANPP and specific CASRN number, DEA is now correcting the listing in the Code of Federal Regulations (CFR) by revising 21 CFR 1308.12 to provide the correct name.

Administrative Procedure Act

The Administrative Procedure Act (APA) generally requires that agencies, prior to issuing a new rule, publish a notice of proposed rulemaking in the **Federal Register**. The APA also provides, however, that agencies may be exempt from this requirement when ''the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [2]

The name ''4-anilino-N-phenethyl-4-piperidine'' is without meaning and no substance exists by that chemical name. The inclusion of the ''-4'' in the middle of the name is nonsensical. Because the correct Chemical Abstract Service Registry Number and abbreviation ''ANPP'' were given in the original rulemaking, chemists have understood which compound has been (and remains) controlled by DEA. There is no change as to what substance is controlled. Public notice and comment is thus unnecessary.

For the same reasons that the DEA has determined that public notice and comment is unnecessary, the DEA also finds good cause to adopt an effective date that would be less than 30 days after the publication in the **Federal Register** pursuant to the APA. 5 U.S.C. 553(d). Accordingly, this amendment will be effective as of the date of publication in the **Federal Register**.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. Section 1308.12 is amended by revising paragraph (g)(3) to read as follows:

§ 1308.12 Schedule II.

* * * * *

(g) * * *

(3) Immediate precursor to fentanyl:

(i) 4-anilino-N-phenethylpiperidine (ANPP) 8333

(ii) [Reserved]

Dated: December 14, 2018.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2019–01470 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

[2] 5 U.S.C. 553(b)(B).

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 3, 8, 14, 19, 20, and 21

VA Claims and Appeals Modernization

AGENCY: Department of Veterans Affairs.

ACTION: Notification of effective date.

SUMMARY: The Department of Veterans Affairs (VA) is providing notice that the effective date of the new VA appeals system, outlined in the Veterans Appeals Improvement and Modernization Act of 2017 (AMA), is February 19, 2019.

DATES: The effective date of the new VA appeals system is February 19, 2019.

FOR FURTHER INFORMATION CONTACT: Veterans Benefits Administration information, Jennifer Williams, Senior Management and Program Analyst, Appeals Management Office, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 530–9124 (this is not a toll-free number). Board of Veterans' Appeals information: Rachel Sauter, Counsel for Legislation, Regulations, and Policy, Board of Veterans' Appeals. Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–5555 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 2(x)(6) of the Veterans Appeals Improvement and Modernization Act of 2017 (AMA), the Department of Veterans Affairs (VA) is providing notice that the effective date of the new VA appeals system is February 19, 2019. The Secretary of Veterans Affairs transmitted to Congress the certification required under AMA section 2(x)(1) on January 18, 2019. On that same date, the final rule setting forth the implementing regulations was published in the **Federal Register**. 84 FR 138 (Jan. 18, 2019). Because the thirtieth day from January 18, 2019, falls on a non-business day, the effective date was set on the next business day of February 19, 2019.

Dated: February 4, 2019.

Jeffrey M. Martin,

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

[FR Doc. 2019–01432 Filed 2–6–19; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2018–0530; FRL–9987–96–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Motor Vehicle Inspection and Maintenance Program and Associated Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving two State Implementation Plan (SIP) revisions submitted by the State of Colorado. The revisions involve amendments to Colorado's Regulation Number 11, ''Motor Vehicle Emissions Inspection Program.'' The revisions enhance the use of Regulation Number 11's Clean Screen Program, allow self-inspecting vehicle fleets to use the On-Board Diagnostics (OBD) testing procedure, provide corrections to the Low Emitter Index (LEI) component of the Clean Screen Program, clarify existing provisions, correct administrative errors, delete obsolete language, establish inspection procedures for when emission control equipment tampering is detected, and make several other minor associated revisions. These actions are being taken under section 110 of the Clean Air Act (CAA).

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

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2018–0530. 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) 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 *www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6479, *russ.tim@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a rulemaking published on August 17, 2018 (83 FR 41035), the EPA proposed approval of various revisions to Colorado's Regulation Number 11 that the State submitted to the EPA on February 20, 2015, and on May 14, 2018. Most of the revisions involve minor updates to several sections of Regulation Number 11 and the deletion of obsolete language. The August 17, 2018 notice gives a detailed description of each revision.

In this rulemaking the EPA is taking final action to approve the proposed revisions, which are listed in section III below. The reasons for our approval are provided in the proposed rule.

II. Response to Public Comments

The EPA received one anonymous comment on the proposed SIP amendments to Colorado's Regulation Number 11. After reviewing the comment, the EPA has determined that the comment is outside the scope of our proposed action. We note the EPA is not removing or relaxing any emissions standards in this action. The comment that we received on this action is available for review in the docket for this rulemaking. This rule will be finalized as proposed without revisions.

III. Final Action

For the reasons expressed in the proposed rule, the EPA is approving the two SIP submittals to Regulation Number 11 as submitted by the State of Colorado on February 20, 2015, and on May 14, 2018. These revisions were discussed in our August 17, 2018 proposed rule and are as follows:

a. Addition of a definition of ''Tampering'' to Part A.II.

b. Revisions to Part B.IV.B to require span gases to be labelled in accordance with Attachment VI of Appendix A.

c. Revisions to Part A.II.16 and Part C.XII. (A.3 and C.2) to increase clean screening efficiency by removing the requirement that two qualifying clean screen observations must be made on different days or at different locations.

d. Revisions to Part C.II.B.4 to remove incomplete and obsolescent qualifying criteria for certain vehicles that are unable to be tested on the IM240 chassis dynamometer.

e. Revisions to Part C.II.C to allow self-inspecting gasoline vehicle fleets to utilize the more effective and more convenient OBDII testing procedure on all 1996 model year and newer vehicles.

f. Revisions to Part C.II.C.3 regarding acceptable readiness criteria for OBD sensors and monitors.

g. Revisions to Part C.II.C.9 and C.10 regarding I/M240 tests and tampering associated with OBD tests.

h. Revisions to Part C.VIII and IX to clarify and modernize provisions for issuance of emissions repair, diagnostic and economic hardship waivers.

i. Revisions to Part D.I.B. 5, 6, and 7 to remove obsolete language regarding dwell meters, timing lights, and idle adjustment.

j. Revisions to Part F.VI.B, the roadside remote sensing clean screen LEI, to allow for greater utilization of this component of the I/M program.

k. Revisions to Part F.VII regarding OBD testing criteria.

l. Revisions to Appendix A, Technical Specifications; Introduction, Section 2.11; Attachment IV, Section 2.0; Attachment V; Attachment VI, and the deletion of Appendix B in its entirety to remove obsolete specifications and procedures for vehicle inspection analyzer calibration gasses.

m. Corrections of typographical, grammatical, and formatting errors throughout Regulation Number 11.

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 Colorado's Regulation Number 11 described in the amendments set forth to 40 CFR part 52, below. 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.[1]

V. Statutory and Executive Orders Review

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 final action merely approves some state law as meeting federal requirements; this final action does not impose additional requirements beyond those imposed by state law. For that reason, this final action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, Oct. 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, Feb. 2, 2017) regulatory action because actions such as approving SIPs 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, Aug. 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

[1] 62 FR 27968 (May 22, 1997).

methods, under Executive Order 12898 (59 FR 7629, Feb. 16, 1994).

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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 8, 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 CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: December 20, 2018.

Douglas Benevento,

Regional Administrator, Region 8.

40 CFR part 52 is amended to read 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. In § 52.320, the table in paragraph (c) is amended by:

■ a. Revising the entry for ''II. *Definitions.*'' under the centered heading ''5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part A, General Provisions, Area of Applicability, Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screening/Remote Sensing'';

■ b. Revising the entry for ''IV. *Span Gases For Use With Colo '94 Test Analyzer Systems.*'' under the centered heading ''5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part B, Standards and Procedures for the Approval, Operation, Gas Span Adjustment, Calibration and Certification of the Division Approved Test Analyzer Systems for Use in the Basic and Enhanced Areas and Test Analyzer Systems for Licensed Dealers in the Enhanced Area'';

■ c. Revising the entries for ''II. Exhaust Emissions Inspection Procedures'' and ''VIII. Certification of Emissions Control'', by removing and reserving the entry for ''IX. Adjustment Procedures'' and by revising the entries for ''X. Emissions Related Repairs'' and ''XII. Clean Screen Inspection Program Procedures'' under the centered heading ''5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part C, Inspection Procedures and Requirements for Exhaust Emissions, Fuel Evaporation Control, Visible Smoke Emissions, Emissions Control Systems, On-Board Diagnostics (OBD); and Practices to Ensure Proper Emissions Related Adjustments and Repairs'';

■ d. Revising the entry for ''I. Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Enhanced Inspection Centers, Fleet Inspection Stations and Motor Vehicle Dealer Test Facilities'' under the centered heading ''5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part D, Qualification and Licensing of Emissions Mechanics, Emissions Inspectors and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities and Enhanced Inspection Centers; Qualification of Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians'';

■ e. Revising the entries for ''VI. Clean Screen Program Maximum Allowable Emissions Limits'' and ''VII. On-Board Diagnostic Inspection Passing Criteria'' under the centered heading ''5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part F, Maximum Allowable Emissions Limits for Motor Vehicle Exhaust, Evaporative and Visible Emissions for Light-Duty and Heavy-Duty Vehicles'';

■ f. Revising the entry for ''Appendix A, Technical Specifications'' under the centered heading ''5 CCR 1001–13, Regulation Number 11, Appendices''; and

■ g. Removing the entry for ''Appendix B, Standards and Specifications for the Suppliers of Span and Calibration Gases'' under the centered heading ''5 CCR 1001–13, Regulation Number 11, Appendices.''

The revisions read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

Title			State effective date	EPA effective date	Final Rule citation/date	Comments
*	*	*	*	*	*	*
5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part A, General Provisions, Area of Applicability, Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screening/Remote Sensing						

Title	State effective date	EPA effective date	Final Rule citation/date	Comments
* * *	*	*	*	*
II. Definitions	11/30/2014	3/11/2019	[Insert **Federal Register** citation]. 2/7/2019.	
* * *	*	*	*	*
5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part B, Standards and Procedures for the Approval, Operation, Gas Span Adjustment, Calibration and Certification of the Division Approved Test Analyzer Systems for Use in the Basic and Enhanced Areas and Test Analyzer Systems for Licensed Dealers in the Enhanced Area				
* * *	*	*	*	*
IV. Span Gases For Use With Colorado 94 and Colorado 97 Test Analyzer Systems.	11/30/2014	3/11/2019	[Insert **Federal Register** citation]. 2/7/2019.	
* * *	*	*	*	*
5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part C, Inspection Procedures and Requirements for Exhaust Emissions, Fuel Evaporation Control, Visible Smoke Emissions, Emissions Control Systems, On-Board Diagnostics (OBD); and Practices To Ensure Proper Emissions Related Adjustments and Repairs				
* * *	*	*	*	*
II. Exhaust Emissions Inspection Procedures	11/30/2014, 9/30/2017	3/11/2019	[Insert **Federal Register** citation]. 2/7/2019.	.
* * *	*	*	*	*
VIII. Certification of Emissions Control	11/30/2014	3/11/2019	[Insert **Federal Register** citation]. 2/7/2019.	
* * *	*	*	*	*
X. Emissions Related Repairs	11/30/2014	3/11/2019	[Insert **Federal Register** citation]. 2/7/2019.	
* * *	*	*	*	*
XII. Clean Screen Inspection Program Procedures	11/30/2014	3/11/2019	[Insert **Federal Register** citation]. 2/7/2019.	
5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part D, Qualification and Licensing of Emissions Mechanics, Emissions Inspectors and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities and Enhanced Inspection Centers; Qualification of Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians				
I. Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Enhanced Inspection Centers, Fleet Inspection Stations and Motor Vehicle Dealer Test Facilities.	9/30/2017	3/11/2019	[Insert **Federal Register** citation]. 2/7/2019.	
* * *	*	*	*	*
5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part F, Maximum Allowable Emissions Limits for Motor Vehicle Exhaust, Evaporative and Visible Emissions for Light-Duty and Heavy-Duty Vehicles				
* * *	*	*	*	*
VI. Clean Screen Program Maximum Allowable Emissions Limits.	9/30/2017	3/11/2019	[Insert **Federal Register** citation]. 2/7/2019.	
VII. On-Board Diagnostic Inspection Passing Criteria	9/30/2017	3/11/2019	[Insert **Federal Register** citation]. 2/7/2019.	
* * *	*	*	*	*
5 CCR 1001–13, Regulation Number 11, Appendices				
Appendix A, Technical Specifications	11/30/2014, 9/30/2017	3/11/2019	[Insert **Federal Register** citation]. 2/7/2019.	
* * *	*	*	*	*

* * * * *

[FR Doc. 2019–00713 Filed 2–6–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2018–0114; FRL–9988–86–OAR]

RIN 2060–AU32

Regulation of Fuels and Fuel Additives: Removal of the Reformulated Gasoline Program From the Northern Kentucky Portion of the Cincinnati-Hamilton Ozone Maintenance Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this final action, EPA is amending its reformulated gasoline regulations to reflect that Boone, Campbell, and Kenton counties in Kentucky (the Northern Kentucky Area), which are part of the Cincinnati-Hamilton, Ohio-Kentucky-Indiana ozone area, are no longer federal reformulated gasoline (RFG) covered areas as of July 1, 2018. As described in a separate document published on May 16, 2018, pursuant to EPA's regulations, EPA approved an April 18, 2017 petition from the state of Kentucky to opt-out of the federal RFG program and removed the requirement to sell federal RFG in the Northern Kentucky Area as of July 1, 2018. This effective date applies to retailers, wholesale purchaser-consumers, refiners, importers, and distributors. This rulemaking merely conforms the list of RFG covered areas in the regulations to reflect the effective date of the opt-out for the Northern Kentucky Area.

DATES: This final rule is effective on February 7, 2019.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC 20460; telephone number: (202) 343–9256; email address: *dickinson.david@epa.gov* or Rudy Kapichak, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood, Ann Arbor, MI 48105; telephone number: 734–214–4574; email address: *kapichak.rudolph@epa.gov.*

SUPPLEMENTARY INFORMATION:

The contents of this preamble are listed in the following outline:

I. General Information
II. Background
III. Action
IV. Public Participation
V. Statutory and Executive Order Reviews
VI. Legal Authority and Statutory Provisions

I. General Information

A. Does this action apply to me?

Entities potentially affected by this final action are fuel producers and distributors who do business in the Northern Kentucky Area.

Examples of potentially regulated entities	NAICS [1] codes
Petroleum refineries	324110 424710
Gasoline Marketers and Distributors	424720
Gasoline Retail Stations	447110
Gasoline Transporters	484220 484230

[1] North American Industry Classification System.

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which EPA is aware that potentially could be affected by this final action. Other types of entities not listed on the table could also be affected. To determine whether your organization could be affected by this final action, you should carefully examine the regulations in 40 CFR part 80, subpart D—Reformulated Gasoline. If you have questions regarding the applicability of this action to a particular entity, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. How can I get copies of this document and other related information?

EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2018–0114. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be 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 electronically through *www.regulations.gov.*

II. Background

A. RFG Opt-Out Procedures

The reformulated gasoline (RFG) opt-out regulations (40 CFR 80.72—Procedures for opting out of the covered areas) provide the process and criteria for a reasonable transition out of the federal RFG program if a state decides to opt-out.[2] These opt-out regulations provide that the governor of the state must submit a petition to the Administrator requesting to opt-out of the federal RFG program. The petition must include specific information on how, if at all, the state has relied on RFG in a proposed or approved state implementation plan (SIP) or plan revision and, if RFG is relied upon, how the SIP will be revised to reflect the state's opt-out from RFG. The opt-out regulations also provide that EPA will notify the state in writing of the Agency's action on the petition and the date the opt-out becomes effective (*i.e.,* the date RFG is no longer required in the affected area) when the petition is approved. The opt-out regulations also provide that EPA will publish a **Federal Register** document announcing the approval of any opt-out petition and the effective date of such opt-out. If a SIP revision is required, the effective date of EPA's approval of the opt-out can be no less than 90 days from the effective date of EPA's approval of the revision to the SIP that removes RFG as a control measure. *See* 40 CFR 80.72(c)(7).

B. Kentucky Opt-In and Opt-Out of RFG for the Northern Kentucky Area

In 1995, Kentucky voluntarily opted Boone, Campbell, and Kenton Counties (the Northern Kentucky Area), into the federal RFG program. Kentucky also opted its portion of the Louisville ozone area (Jefferson County and parts of Bullitt and Oldham Counties) into the federal RFG program; however, this action does not affect the use of RFG in the Kentucky portion of the Louisville ozone area. A current listing of the RFG covered areas and a summary of RFG requirements can be found at 40 CFR 80.70 and on EPA's website at: *https://www.epa.gov/gasoline-standards/reformulated-gasoline.*

On April 18, 2017, Kentucky submitted a petition to the EPA Administrator requesting to opt-out from the federal RFG program for the Northern Kentucky Area.[3] In order to

[2] Pursuant to authority under CAA sections 211(c) and (k) and 301(a), EPA promulgated regulations at 40 CFR 80.72 to provide criteria and general procedures for states to opt-out of the RFG program where the state had previously voluntarily opted into the program. The regulations were initially adopted on July 8, 1996 (61 FR 35673) (the RFG ''Opt-out Rule''); and were revised on October 20, 1997 (62 FR 54552).

[3] The Secretary of Kentucky's Energy and Environment Cabinet submitted the opt-out petition on behalf of the Commonwealth of Kentucky. A copy of the opt-out petition is included in the docket.

fulfill the requirements of the RFG opt-out regulations and to support its initial request, on September 13, 2017, Kentucky submitted a revision to its maintenance plan for the Northern Kentucky Area to remove the emissions reductions associated with the use of RFG in this area and to demonstrate that the RFG opt-out would not interfere with the area's ability to attain or maintain the 2008 ozone National Ambient Air Quality Standard (NAAQS) and any other NAAQS as required by Clean Air Act (CAA) section 110(l). (*See* 40 CFR 80.72(b)). EPA published a proposed approval of the SIP revision on February 14, 2018 (83 FR 6496) and a final approval of the SIP revision on April 2, 2018 (83 FR 13872). The final approval of the maintenance plan revision was effective upon publication, on April 2, 2018.

By letter dated April 30, 2018, EPA informed Kentucky of the grant of its petition as required by the RFG Opt-Out Rule. EPA also indicated that the effective date of the RFG opt-out for the Northern Kentucky Area would be July 1, 2018, which is 90 days after the effective date of EPA's approval of the maintenance plan revision and CAA section 110(l) analysis, as required by 40 CFR 80.72(c)(7). On May 16, 2018, EPA published the **Federal Register** document required by the RFG Opt-Out Rule that informed the public of the July 1, 2018 effective date and indicated that EPA would publish a final rule later to remove the Northern Kentucky Area from the list of RFG covered areas in 40 CFR 80.70 after the effective date of the opt-out (83 FR 22595). The July 1, 2018 opt-out effective date is the date for the removal of the prohibition on the sale of conventional gasoline in the Northern Kentucky Area and applies to retailers, wholesale purchasers-consumers, refiners, importers, and distributors of gasoline.

III. Action

In this rule, EPA is amending 40 CFR 80.70(j) to reflect that the Northern Kentucky Area (Boone, Campbell, and Kenton counties) is no longer a federal RFG covered area. This final rule merely conforms the applicable regulations with EPA's prior approval of the Kentucky petition.

IV. Public Participation

EPA is issuing this final action without prior notice and comment. The rulemaking procedures provided in CAA section 307(d) do not apply when the Agency for good cause finds that notice-and-comment procedures are impracticable, unnecessary, or contrary to the public interest pursuant to section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B). This is a ministerial action that amends 40 CFR 80.70 to reflect the prior EPA approval of Kentucky's opt-out petition, which was based on criteria in EPA regulations for opting out of the federal RFG program. In the RFG opt-out regulations, EPA established a petition process that would address, on a case-by-case basis, future individual state requests to opt-out of the RFG program. The regulations established clear and objective criteria for EPA to apply that include criteria for when a state's petition is complete and the appropriate transition time for opt-out of the RFG program. Further, at the time of promulgation of those regulations, EPA had explained that the application of these regulatory criteria on a case-by-case basis to individual opt-out requests would not require notice-and-comment rulemaking, either under CAA section 307(d) or the Administrative Procedure Act.

Here, and as explained in the approval action, EPA is simply revising the list of RFG covered areas in 40 CFR 80.70 to conform with EPA's prior approval of Kentucky's request, which was effective on July 1, 2018 (83 FR 22595). That approval was a separate action, which was based on criteria in EPA's regulations for opting out of the federal RFG program and is not the subject of this rule. For these reasons, EPA finds that notice-and-comment procedures under CAA section 307(d)(1) are unnecessary.

This final rule is effective immediately upon publication. Section 553(d)(1) of the Administrative Procedure Act, 5 U.S.C. 553(d)(1), provides that final rules shall not become effective until 30 days after publication in the **Federal Register** ''except . . . a substantive rule which grants or recognizes an exemption or relieves a restriction.'' The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *Fed. Commc'n Comm'n,* 78 F.3d 620, 630 (D.C. Cir. 1996); *see also United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). However, when the agency finalizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the affect is not adverse. EPA has determined that the finalized rule does not change any regulatory obligations and merely revises the list of covered areas in 40 CFR 80.70 to reflect EPA's prior action on May 16, 2018 which relieved a restriction (the requirement of the federal RFG program) in the Northern Kentucky Area. For these reasons, this rule will be effective immediately upon publication.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order

13563: Improving Regulation and Regulatory Review

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

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. This final rule and EPA's earlier approval of Kentucky's request to opt the three counties in the Northern Kentucky Area out of the federal RFG program provide meaningful burden reduction because it removes the requirements of the federal RFG program for gasoline sold in the Northern Kentucky Area and, as a result, fuel suppliers will no longer be required to sell gasoline that meets the federal RFG standards. Removing the federal RFG requirements will also be beneficial because this action can improve the fungibility of gasoline sold in the State of Kentucky by allowing gasoline sold in the Northern Kentucky Area to be identical to fuel sold in most of Kentucky.

C. Paperwork Reduction Act (PRA)

This action does not impose any information collection burden under the PRA, because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers or blenders of gasoline that choose to produce or import gasoline that meets the federal RFG program requirements

for sale in the Northern Kentucky Area, and gasoline distributers and retail stations in the Northern Kentucky Area. EPA previously approved Kentucky's request to opt the three counties in the Northern Kentucky Area out of the federal RFG program remove the federal RFG requirements for gasoline sold in the Northern Kentucky Area as of July 1, 2018. This action merely amends the regulation at 40 CFR 80.70 to reflect the Northern Kentucky Area is no longer a covered area. This action does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(k) federal RFG program. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This final rule does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. EPA previously approved Kentucky's request to opt the three counties in the Northern Kentucky Area out of the federal RFG program removed a requirement for the sale of federal RFG in the area as provided for in CAA section 211(k) and EPA's regulations at 40 CFR 80.72. This action merely amends the regulation at 40 CFR 80.70 to reflect the Northern Kentucky Area is no longer a covered area.

F. Executive Order 13132: Federalism

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

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. EPA's earlier approval of Kentucky's request to opt the three counties in the Northern Kentucky Area out of the federal RFG program affected only those refiners, importers or blenders of gasoline that chose to produce or import gasoline that met federal RFG program requirements for sale in the Northern Kentucky Area and gasoline distributers and retail stations in the Area. This action merely amends the regulation at 40 CFR 80.70 to reflect the Northern Kentucky Area is no longer a covered area. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. EPA has no reason to believe that this action will disproportionately affect children since Kentucky has provided evidence that opt-out from the federal RFG gasoline program will not interfere with its attainment of the ozone NAAQS, or any other applicable CAA requirement. By separate action, EPA has approved Kentucky's non-interference demonstration regarding its maintenance plan for the 2008 ozone NAAQS, and that Kentucky's opt-out from the federal RFG gasoline program in the Northern Kentucky Area will not interfere with any other NAAQS or CAA requirement.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. EPA previously approved Kentucky's request to opt the three counties in the Northern Kentucky Area out of the federal RFG program removes the federal RFG gasoline program requirements for the Northern Kentucky Area. EPA has concluded that the federal RFG opt-out will not cause a measurable increase in ozone concentrations that would result in a violation of any ozone NAAQS including the 2008 ozone NAAQS and the more stringent 2015 ozone NAAQS. Therefore, disproportionately high and adverse human health or environmental effects on minority or low-income populations are not an anticipated result. The results of this evaluation are contained in EPA's proposed and final rules for Kentucky's non-interference demonstration. A copy of Kentucky's April 12, 2017 letter requesting that EPA relax the gasoline RVP standard, and Kentucky's September 13, 2017 letter that included additional technical analysis demonstrating that the opt-out from the federal RFG program would not interfere with continued maintenance of the 2008 ozone NAAQS in the Northern Kentucky Area, or with any other applicable CAA requirement, has been placed in the public docket for this action. This action merely amends the regulation at 40 CFR 80.70 to reflect the Northern Kentucky Area is no longer a covered area.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

VI. Legal Authority and Statutory Provisions

The statutory authority for this action is granted to EPA by sections 211(k) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: December 21, 2018.

Andrew R. Wheeler,

Acting Administrator.

For the reasons set forth in the preamble, EPA amends 40 CFR part 80 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. Section 80.70 is amended by revising paragraph (j)(3) to read as follows:

§ 80.70 Covered areas.

* * * * *

(j) * * *

(3) Jefferson County, Kentucky;

* * * * *

[FR Doc. 2019–01320 Filed 2–6–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0163; FRL–9987–42]

Glycine betaine; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of glycine betaine (CAS Reg. No. 107–43–7) when used as an inert ingredient (plant nutrient) in pesticide formulations applied to growing crops only. SciReg, Inc., on behalf of Fine Agrochemicals Ltd, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of glycine betaine.

DATES: This regulation is effective February 7, 2019. Objections and requests for hearings must be received on or before April 8, 2019, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0163, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

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).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0163 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 8, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2018–0163, 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 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.*

II. Petition for Exemption

In the **Federal Register** of May 18, 2018 (83 FR 23247) (FRL–9976–87), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–11101) by SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192 on behalf of Fine Agrochemicals Ltd. The petition requested that 40 CFR 180.920 be amended by establishing an exemption from the requirement of a tolerance for residues of glycine betaine (CAS Reg. No. 107–43–7) when used as an inert ingredient (plant nutrient) in pesticide formulations applied to growing crops. That document referenced a summary of the petition prepared by SciReg, Inc., on behalf of Fine Agrochemicals Ltd., the petitioner, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as

carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. The FFDCA requires EPA to consider the factors in subparagraphs (b)(2)(C) and (D) when making this safety determination. 21 U.S.C. 346a(c)(2)(B). Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .'' EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for glycine betaine including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with glycine betaine follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by glycine betaine as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

Glycine betaine is naturally present in numerous foods including beets, spinach, grains, seafood, and eggs. Its presence has also been reported in bacteria, animals, and plants. It is produced in the human body from choline and the amino acid glycine and acts as a methyl group donor and osmolyte.

Glycine betaine has low acute oral toxicity. Acute dermal, inhalation, and dermal irritation studies for glycine betaine were not submitted. Glycine betaine was shown to be non-irritating to the eyes. In skin sensitization studies in mice, glycine betaine was not skin sensitizer. Although a dermal irritation study is not available, studies have shown that glycine betaine is found in human skin cell and sweat excreted from the body indicating that the chance for dermal irritation is minimal. In addition, a percutaneous dermal absorption study showed that only 0.1% of the applied dose permeated through the epidermis. This would make dermal toxicity unlikely.

Repeat dose oral toxicity studies on glycine betaine in rats include: Two 28-day studies, a 90-day study, and a combined chronic toxicity/carcinogenicity study. No adverse effects of treatment were seen in any of the studies up to the limit dose of 1000 Milligrams/kilograms/day (mg/kg/day). Some effects (*e.g.,* increased liver weights, hepatocellular vacuolation, and increased Gamma Glutamyl Transferase (GGT) levels) were seen at varying dose levels, but only at extremely high doses (≥4000 mg/kg/day) were these effects seen in combination and therefore, considered a potential effect of treatment. One of the 28-day rat oral toxicity studies included a 28-day reversal period where animals were fed the control diet and evaluated on day 56. The study showed that after the reversal period the liver weights were comparable to control and the vacuoles were gone.

The full study reports for studies referenced above were not available and therefore, the Agency could not determine if these effects (*e.g.,* increased liver weights, hepatocellular vacuolation, and increased GGT levels) were a true result of toxicity from the subject chemical or if they were within normal range of historical controls of the test animal or an effect of the excessive dosing. According to the summaries provided through the European Chemicals Agency (ECHA) database as part of the Registration, Evaluation, Authorization, and Restrictions of Chemical (REACH) program and the Cosmetic Ingredient Review (CIR) on betaine, betaine is tolerated at very high levels and its effects are reversible. This was also the finding of an article in *Food and Chemical Toxicology* which reviewed the two 28-day studies and the 90-day study. Although the study reviews did not treat these effects as adverse, and determined the NOAEL to be the highest dose tested in each case (4000–7143 mg/kg/day), in the absence of confirmatory data, the Agency has taken the conservative approach and treated these as an effect of treatment. The target organ in these studies appeared to be the liver.

While no developmental or reproductive studies were conducted with glycine betaine, it was seen to be beneficial in preventing neural tube defects and has been used in children as young as 24 days old as a treatment for homocystinuria. There was no evidence of carcinogenicity in any of the studies presented including the combined chronic/carcinogenicity study and studies on mutagenicity and cytotoxicity. In addition, no neuropathological changes or effects were reported in any of the studies. The Agency does not believe glycine betaine will be carcinogenic or neurotoxic.

B. Toxicological Points of Departure/Levels of Concern

Available toxicity studies on glycine betaine indicate that it has a very low acute, subchronic, and chronic toxicity.

No adverse effects were seen in any of the studies presented at the limit dose of 1000 mg/kg/day, effects seen above the limit dose level are not used for endpoint selection; therefore, no endpoint of concern has been selected for acute, subchronic, or chronic toxicity.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to glycine betaine, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from glycine betaine in food as follows:

Dietary exposure to glycine betaine may occur from eating foods naturally containing glycine betaine and foods treated with pesticide formulations containing glycine betaine as an inert ingredient. Because, at the limit dose, no endpoint of concern was identified, a quantitative dietary exposure assessment for glycine betaine was not conducted.

2. *Dietary exposure from drinking water.* Since a hazard endpoint of concern was not identified for the acute and chronic dietary assessment, a quantitative dietary exposure risk assessment for drinking water was not conducted, although exposures may be expected from use of pesticide formulations containing glycine betaine on food crops.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables). Glycine betaine may be used as inert ingredient in pesticide products that are registered for specific uses that may result in indoor or outdoor residential. Additional non-dietary exposure may occur from use of glycine betaine in pharmaceutical products and cosmetics. However, since there are no toxicological effects of concern at the limit dose in available studies, a quantitative assessment of residential (non-occupational) exposures and risks is not necessary.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found glycine betaine to share a common mechanism of toxicity with any other substances, and glycine betaine does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that glycine betaine does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

Section 408(b)(2)(C) requires EPA to retain an additional tenfold margin of safety in the case of threshold effects to ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. As noted in Unit IV.B., there is no indication of threshold effects being caused by glycine betaine at the limit dose. Therefore, due to the lack of any toxicological endpoints of concern at the limit dose, EPA is conducting a qualitative assessment of glycine betaine which does not use safety factors for assessing risk, and no additional safety factor is needed for assessing risk to infants and children.

E. Aggregate Risks and Determination of Safety

Taking into consideration all available information on glycine betaine EPA has determined that there is a reasonable certainty that no harm to any population subgroup will result from aggregate exposure to glycine betaine under reasonable foreseeable circumstances. Therefore, the establishment of an exemption from tolerance under 40 CFR 180.920 for residues of glycine betaine when used as an inert ingredient in pesticide formulations applied to growing crops, is safe under FFDCA section 408.

V. Other Considerations

Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.920 for glycine betaine (CAS Reg. No. 107–43–7) when used as an inert ingredient (plant nutrient) in pesticide formulations applied to growing crops only.

VII. Statutory and Executive Order Reviews

This action establishes an exemption from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001); Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997); or Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175,

entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 17, 2018.

Michael Goodis,

Director, Registration Division, Office of Pesticides.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.920, add alphabetically the inert ingredient ''Glycine betaine (CAS Reg. No. 107–43–7)'' to the table to read as follows:

§ 180.920 Inert ingredients used pre-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * * * * *		
Glycine betaine (CAS Reg. No. 107–43–7)		Plant nutrient.
* * * * * * *		

[FR Doc. 2019–01307 Filed 2–6–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

46 CFR Part 506

[Docket No. 19–01]

RIN 3072–AC74

Inflation Adjustment of Civil Monetary Penalties

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Commission is publishing its adjustments to inflation annually, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act). The 2015 Act requires that agencies adjust and publish their civil penalties by January 15 each year.

DATES: This rule is effective on February 7, 2019, and is applicable beginning January 15, 2019.

FOR FURTHER INFORMATION CONTACT: Tyler Wood, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW, Room 1018, Washington, DC 20573; (202) 523–5740.

SUPPLEMENTARY INFORMATION: This rule adjusts the civil monetary penalties assessable by the Commission in accordance with the 2015 Act, which became effective on November 2, 2015, § 701 of Public Law 114–74. The 2015 Act further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law 101–410, 104 Stat. 890 (codified as amended at 28 U.S.C. 2461 note), in order to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect.

The 2015 Act requires agencies to adjust civil monetary penalties under their jurisdiction by January 15 each year, based on changes in the consumer price index (CPI–U) using data from October in the previous calendar year. On December 14, 2018, the Office of Management and Budget published guidance stating that the CPI–U multiplier for October 2018 is 1.02522.[1] In order to complete the adjustment for January 2019, the Commission must multiply the most recent civil penalty amounts in 46 CFR part 506.

Rulemaking Analyses and Notices

Notice and Effective Date

Adjustments under the FCPIAA, as amended by the 2015 Act, are not subject to the procedural rulemaking requirements of the Administrative Procedure Act (APA) (5 U.S.C. 553), including the requirements for prior notice, an opportunity for comment, and a delay between the issuance of a final rule and its effective date.[2] As noted above, the 2015 Act requires that the Commission adjust its civil monetary penalties no later than January 15 of each year.

Congressional Review Act

The rule is not a ''major rule'' as defined by the Congressional Review Act, codified at 5 U.S.C. 801 *et seq.* The rule will not result in: (1) An annual effect on the economy of $100,000,000 or more; (2) a major increase in costs or prices; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies. 5 U.S.C. 804(2).

Regulatory Flexibility Act

The Regulatory Flexibility Act (codified as amended at 5 U.S.C. 601–612) provides that whenever an agency promulgates a final rule after being required to publish a notice of proposed rulemaking under the APA (5 U.S.C. 553), the agency must prepare and make available a final regulatory flexibility analysis (FRFA) describing the impact of the rule on small entities. 5 U.S.C. 604. As indicated above, this final rule is not subject to the APA's notice and comment requirements, and the Commission is not required to prepare

[1] Office of Management and Budget, M–19–04, Implementation of Penalty Inflation Adjustments for 2019, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, at 1 (Dec. 14, 2018) (M–19–04).

[2] FCPIAA section 4(b)(2); M–19–04 at 4.

an FRFA in conjunction with this final rule.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) requires an agency to seek and receive approval from the Office of Management and Budget (OMB) before collecting information from the public. 44 U.S.C. 3507. The agency must submit collections of information in rules to OMB in conjunction with the publication of the notice of proposed rulemaking. 5 CFR 1320.11. This final rule does not contain any collections of information, as defined by 44 U.S.C. 3502(3) and 5 CFR 1320.3(c).

Regulation Identifier Number

The Commission assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda, available at: *http://www.reginfo.gov/public/do/eAgendaMain.*

List of Subjects in 46 CFR Part 506

Administrative practice and procedure, Penalties.

For the reasons stated in the preamble, part 506 of title 46 of the Code of Federal Regulations is amended as follows:

PART 506—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

■ 1. The authority citation for part 506 continues to read as follows:

Authority: 28 U.S.C. 2461.

■ 2. Amend § 506.4 by revising paragraph (d) to read as follows:

§ 506.4 Cost of living adjustments of civil monetary penalties.

* * * * *

(d) *Inflation adjustment.* Maximum Civil Monetary Penalties within the jurisdiction of the Federal Maritime Commission are adjusted for inflation as follows:

United States code citation	Civil monetary penalty description	Maximum penalty as of January 15, 2018	Maximum penalty as of January 15, 2019
46 U.S.C. 42304	Adverse impact on U.S. carriers by foreign shipping practices	2,052,107	2,103,861
46 U.S.C. 41107(a)	Knowing and Willful violation/Shipping Act of 1984, or Commission regulation or order.	58,562	60,039
46 U.S.C. 41107(b)	Violation of Shipping Act of 1984, Commission regulation or order, not knowing and willful.	11,712	12,007
46 U.S.C. 41108(b)	Operating in foreign commerce after tariff suspension	117,125	120,079
46 U.S.C. 42104	Failure to provide required reports, etc./Merchant Marine Act of 1920	9,239	9,472
46 U.S.C. 42106	Adverse shipping conditions/Merchant Marine Act of 1920	1,847,663	1,894,261
46 U.S.C. 42108	Operating after tariff or service contract suspension/Merchant Marine Act of 1920.	92,383	94,713
46 U.S.C. 44102	Failure to establish financial responsibility for non-performance of transportation.	23,335, 778	23,924, 798
46 U.S.C. 44103	Failure to establish financial responsibility for death or injury	23,335, 778	23,924, 798
31 U.S.C. 3802(a)(1)	Program Fraud Civil Remedies Act/makes false claim	11,181	11,463
31 U.S.C. 3802(a)(2)	Program Fraud Civil Remedies Act/giving false statement	11,181	11,463

By the Commission.

Rachel Dickon,

Secretary.

[FR Doc. 2019–01429 Filed 2–6–19; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WC Docket No. 17–84, WT Docket No. 17–79; FCC 18–111]

Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's revised pole attachment complaint rules. This document is consistent with *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order and Declaratory Ruling,* FCC 18–111, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the revised rules.

DATES: The amendment to 47 CFR 1.1413, published at 83 FR 46812, September 14, 2018, is effective March 11, 2019.

FOR FURTHER INFORMATION CONTACT: Michael Ray, Attorney Advisor, Wireline Competition Bureau, at (202) 418–0357, or by email at *Michael.Ray@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418–2991 or *nicole.ongele@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on January 28, 2019, OMB approved, for a period of three years, the information collection requirements relating to the pole attachment complaint rules contained in the Commission's *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order and Declaratory Ruling,* FCC 18–111, published at 83 FR 46812, September 14, 2018. The OMB Control Number is 3060–0392. The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–0392, in your correspondence. The Commission also

will accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on January 28, 2019 for the information collection requirements contained in the modifications to the Commission's pole attachment complaint rules in 47 CFR 1.1413.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–0392.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the affected respondents are as follows:

OMB Control Number: 3060–0392.

OMB Approval Date: January 28, 2019.

OMB Expiration Date: January 31, 2022.

Title: 47 CFR part 1, subpart J—Pole Attachment Complaint Procedures.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,775 respondents; 1,791 responses.

Estimated Time per Response: 10–14 hours.

Frequency of Response: On occasion reporting and third-party disclosure requirements.

Obligation to Respond: Required to obtain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 224.

Total Annual Burden: 3,149 hours.

Total Annual Cost: $486,000.

Nature and Extent of Confidentiality: No questions of a confidential nature are asked. However, respondents may request that materials or information submitted to the Commission in a complaint proceeding be withheld from public inspection under 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission received OMB approval for a revision to an existing information collection. OMB Collection No. 3060–0392, among other things, tracks the burdens associated with utilities defending against complaints brought by incumbent local exchange carriers (LECs) related to unreasonable rates, terms, and conditions for pole attachments. In *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order and Declaratory Ruling,* FCC 18–111, the Commission, among other things, revised 47 CFR 1.1413 to establish a presumption that an incumbent LEC is similarly situated to an attacher that is a telecommunications carrier or a cable television system providing telecommunications services for purposes of obtaining comparable pole attachment rates, terms, or conditions. The Commission also established a presumption that an incumbent LEC may be charged no higher than the Commission-defined pole attachment rate for telecommunications carriers, as determined in accordance with 47 CFR 1.1406(d)(2). To rebut these presumptions, the utility must demonstrate by clear and convincing evidence that the incumbent LEC receives benefits under its pole attachment agreement with a utility that materially advantages the incumbent LEC over other telecommunications carriers or cable television systems providing telecommunications services on the same poles. As a result, now there is an incremental paperwork burden on utilities should they elect to challenge the presumption that incumbent LECs are entitled to rates, terms, and conditions of similarly-situated telecommunications attachers. None of the other paperwork burdens as set forth in the 2018 renewal of OMB Collection No. 3060–0392 will change. The Commission will use the information collected under this revision to 47 CFR 1.1413 to hear and resolve pole attachment complaints brought by incumbent LECs and to determine the merits of the complaints.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–01312 Filed 2–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[DA 18–1272]

Annual Adjustment of Civil Monetary Penalties To Reflect Inflation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Inflation Adjustment Act) requires the Federal Communications Commission to amend its forfeiture penalty rules to reflect annual adjustments for inflation in order to improve their effectiveness and maintain their deterrent effect. The Inflation Adjustment Act provides that the new penalty levels shall apply to penalties assessed after the effective date of the increase, including when the penalties whose associated violation predate the increase.

DATES: The rule is effective February 7, 2019. The civil monetary penalties are applicable beginning January 15, 2019.

FOR FURTHER INFORMATION CONTACT: Lisa S. Gelb, Deputy Chief, Enforcement Bureau, 202–418–2019.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, DA 18–1272, adopted and released on December 19, 2018. The document is available for download at *https://www.fcc.gov/document/annual-adjustment-civil-monetary-penalties-reflect-inflation*. The complete text of this document is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554.

The Bipartisan Budget Act of 2015 included, as Section 701 thereto, the Inflation Adjustment Act, which amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410), to improve the effectiveness of civil monetary penalties and maintain their deterrent effect. Under the Inflation Adjustment Act, agencies are required to make annual inflationary adjustments by January 15 each year, beginning in 2017. The adjustments are calculated pursuant to Office of Management and Budget (OMB) guidance. OMB issued guidance on December 14, 2018, and this Order follows that guidance. The Commission therefore updates the civil monetary penalties for 2019, to reflect an annual inflation adjustment based on the

percent change between each published October's CPI–U; in this case, October 2018 CPI–U (252.885)/October 2017 CPI–U (246.663) = 1.02522. The Commission multiplies 1.02522 by the most recent penalty amount and then rounds the result to the nearest dollar.

Paperwork Reduction Act

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Congressional Review Act

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

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Penalties.

Federal Communications Commission.

Lisa S. Gelb,

Deputy Chief, Enforcement Bureau.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; Sec. 102(c), Div. P, Public Law 115–141, 132 Stat. 1084; 28 U.S.C. 2461, unless otherwise noted.

■ 2. Section 1.80 is amended by revising the table in Section III of the note to paragraph (b)(8) and paragraph (b)(9)(ii) to read as follows:

§ 1.80 Forfeiture proceedings.

(b) * * *

(8) * * *

Note to paragraph (b)(8) * * *

Section III * * *

Violation	Statutory amount after 2019 annual inflation adjustment
Sec. 202(c) Common Carrier Discrimination	$12,081, $604/day.
Sec. 203(e) Common Carrier Tariffs	$12,081, 604/day.
Sec. 205(b) Common Carrier Prescriptions	$24,160.
Sec. 214(d) Common Carrier Line Extensions	$2,415/day.
Sec. 219(b) Common Carrier Reports	$2,415/day.
Sec. 220(d) Common Carrier Records & Accounts	$12,081/day.
Sec. 223(b) Dial-a-Porn	$125,190/day.
Sec. 227(e) Caller Identification	$11,562/violation, $34,686/day for each day of continuing violation, up to $1,156,242 for any single act or failure to act.
Sec. 364(a) Forfeitures (Ships)	$10,067/day (owner).
Sec. 364(b) Forfeitures (Ships)	$2,014 (vessel master).
Sec. 386(a) Forfeitures (Ships)	$10,067/day (owner).
Sec. 386(b) Forfeitures (Ships)	$2,014 (vessel master).
Sec. 634 Cable EEO	$892/day.

(9) * * *

(ii) The application of the annual inflation adjustment required by the foregoing Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 results in the following adjusted statutory maximum forfeitures authorized by the Communications Act:

U.S. code citation	Maximum penalty after 2019 annual inflation adjustment
47 U.S.C. 202(c)	$12,081 604
47 U.S.C. 203(e)	12,081 604
47 U.S.C. 205(b)	24,160
47 U.S.C. 214(d)	2,415
47 U.S.C. 219(b)	2,415
47 U.S.C. 220(d)	12,081
47 U.S.C. 223(b)	125,190
47 U.S.C. 227(e)	11,562 34,686 1,156,242
47 U.S.C. 362(a)	10,067
47 U.S.C. 362(b)	2,014
47 U.S.C. 386(a)	10,067
47 U.S.C. 386(b)	2,014
47 U.S.C. 503(b)(2)(A)	50,334 503,349
47 U.S.C. 503(b)(2)(B)	201,340 2,013,399
47 U.S.C. 503(b)(2)(C)	407,270 3,759,410
47 U.S.C. 503(b)(2)(D)	20,134 151,005
47 U.S.C. 503(b)(2)(F)	115,624 1,156,242
47 U.S.C. 507(a)	1,994
47 U.S.C. 507(b)	292
47 U.S.C. 554	892

* * * * *

[FR Doc. 2019–01056 Filed 2–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[GN Docket No. 14–177, IB Docket Nos. 15–256 and 97–95, WT Docket No. 10–112; FCC 17–152, FCC 18–73]

Use of Spectrum Bands Above 24 GHz for Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the Commission's *Second Report and Order (Second R&O) and Third Report and Order (Third R&O),* GN Docket No. 14–177, WT Docket No. 10–112, FCC 17–152 and FCC 18–73. This document is consistent with the *Second R&O and Third R&O,* which stated that the Commission

would publish a document in the **Federal Register** announcing OMB approval and the effective date of the information collection requirements.

DATES: The rule amendments contained in 47 CFR 25.136, published at 83 FR 37, January 2, 2018 and 83 FR 34478, July 20, 2018, are effective on February 7, 2019.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams, *Cathy.Williams@fcc.gov,* (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on January 28, 2019, OMB approved the information collection requirements contained in the Commission's *Second R&O and Third R&O,* FCC 17–152 and FCC 18–73, published at 83 FR 37 and 83 FR 34478, January 2, 2018 and July 20, 2018. The OMB Control Number is 3060–1215. The Commission publishes this document as an announcement of the effective date of the information collection requirements.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on November 6, 2018, for the information collection requirements contained in the Commission's rules.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1215.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1215.

OMB Approval Date: January 28, 2019.

OMB Expiration Date: January 31, 2022.

Title: Use of Spectrum Bands Above 24 GHz for Mobile Radio Services.

Form Number: Not applicable.

Respondents: Business or other for-profit entities, state, local, or tribal government and not for profit institutions.

Number of Respondents and Responses: 280 respondents; 280 responses.

Estimated Time per Response: 0.5–10 hours.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement; upon commencement of service, or within 3 years of effective date of rules; and at end of license term, or 2024 for incumbent licensees.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection are contained in sections 1, 2, 3, 4, 5, 7, 10, 201, 225, 227, 301, 302, 302a, 303, 304, 307, 309, 310, 316, 319, 332, and 336 of the Communications Act of 1934, 47 U.S.C. 151, 152, 153, 154, 155, 157, 160, 201, 225, 227, 301, 302, 302a, 303, 304, 307, 309, 310, 316, 319, 332, 336, Section 706 of the Telecommunications Act of 1996, as amended, 47 U.S.C. 1302.

Total Annual Burden: 615 hours.

Annual Cost Burden: $450,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information. The information to be collected will be made available for public inspection. Applicants may request materials or information submitted to the Commission be given confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Federal Communications Commission (Commission or FCC) adopted Use of *Spectrum Bands Above 24 GHz for Mobile Radio Services* in a *Second Report and Order (''Second R&O''),* GN Docket No. 14–177, IB Docket No. 15–256, WT Docket No. 10–112 and IB Docket No. 97–95, FCC 17–152, on November 16, 2017, published in 83 FR 37 on January 2, 2018. The Commission also adopted *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services* in the *Third R&O,* GN Docket No. 14–177, WT Docket No. 10–112, on June 7, 2018, FCC 18–73, published in 83 FR 34478 on July 20, 2018. In the *Second and Third R&Os,* the Commission amended § 25.136 by revising the section heading and paragraphs (a) introductory text, (a)(4), (b), (c), and (d) and adding paragraphs (e), (f) and (g). The Commission added the 24 GHz band (24.75–25.25 GHz) and 47 GHz band (47.2–48.2 GHz) to the bands that are subject to the framework for sharing between the Upper Microwave Flexible Use Service (UMFUS) and the Fixed-Satellite Service (FSS) established in that rule. Therefore, the Commission expanded the scope of the rules to include additional bands. In turn, since the rules now apply in additional bands, the number of respondents, the annual number of responses, annual burden hours and annual costs will increase for this collection. In addition, the Commission modified the sharing criteria between UMFUS and FSS to facilitate deployment of FSS earth stations in smaller markets and decrease the possibility of conflicts between UMFUS and FSS. The other rule sections previously approved under OMB Control Number 3060–1215 have not changed.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2019–01480 Filed 2–6–19; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170828822–70999–04]

RIN 0648–XG739

Fisheries of the Northeastern United States; Summer Flounder Fishery; Retroactive Quota Transfer

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces a retroactive commercial summer flounder quota transfer for the 2018 fishing year. The State of North Carolina is transferring quota to the Commonwealth of Virginia. This quota adjustment is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised 2018 commercial quotas for North Carolina and Virginia.

DATES: Effective February 6, 2019, through December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Management Specialist, (978) 281–9180.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102, and the initial 2018 allocations were published on December 22, 2017 (82 FR 60682),

and corrected January 30, 2018 (83 FR 4165).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i)(A) through (C) in the evaluation of requests for quota transfers or combinations.

North Carolina is transferring 5,000 lb (2,268 kg) of 2018 summer flounder commercial quota to Virginia through mutual agreement of the states. This transfer was requested to repay landings made by a North Carolina-permitted vessel in Virginia under a safe harbor agreement. Based on the initial quotas published in the 2018 Summer Flounder, Scup, and Black Sea Bass Specifications and subsequent adjustments and transfers, the revised summer flounder quotas for calendar year 2018 are now: North Carolina, 1,747,145 lb (792,492 kg); and Virginia, 1,356,972 lb (615,512 kg).

The 2018 fishing year ended December 31, 2018. The revised 2018 quotas will be used by NMFS in the ongoing quota accounting that is finalized in late 2019. These transfers were requested as a result of unforeseeable late-season events. Specifically, a landing event where a vessel were granted safe harbor too late in the year to publish notice in 2018.

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: February 4, 2019.

Karen H. Abrams,

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

[FR Doc. 2019–01515 Filed 2–6–19; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 84, No. 26

Thursday, February 7, 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–2018–1068; Product Identifier 2018–NM–140–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus SAS Model A319–113 and –114 airplanes, and Model A320–211 and –212 airplanes. This proposed AD was prompted by a report that a life-limit of 64,000 flight cycles has been established for certain titanium crossbeams of the forward engine mount. This proposed AD would require repetitive replacements of all affected crossbeams of the forward engine mount. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 25, 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 the incorporation by reference (IBR) material described in the ''Related IBR material under 1 CFR part 51'' section in **SUPPLEMENTARY INFORMATION**, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *http://www.regulations.gov.*

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–2018–1068; or in person at the Docket Management Facility 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 the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–1068; Product Identifier 2018–NM–140–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0212, dated September 28, 2018 (''EASA AD 2018–0212'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A319–113 and –114 airplanes, and Model A320–211 and –212 airplanes. The MCAI states:

> The forward engine mount crossbeam of the CFM56–5A engine, [part number] P/N 238–0204–501, is made of titanium. A life limit of 64,000 FC [flight cycles] has been demonstrated. Due to potential transferability of a crossbeam from one aeroplane to another, it is necessary to track the life of this part and to remove it before exceeding the life limit.
>
> This condition, if not corrected, could lead to forward engine mount crossbeam failure, possibly resulting in engine detachment in flight and consequent reduced control of the aeroplane.
>
> To address this potential unsafe condition, Airbus published the SB [Service Bulletin A320–71–1073, dated June 8, 2018], providing instructions to identify the P/N of the crossbeam installed on an aeroplane and to remove affected crossbeam before exceeding the life limit. Airbus also issued SB A320–71–1076, providing modification instructions for installation of improved forward engine mount steel crossbeams P/N 642–2002–503.
>
> For the reason described above, this [EASA] AD requires the implementation of the new life limit for the affected crossbeams.

Related IBR Material Under 1 CFR Part 51

EASA AD 2018–0212 describes procedures for repetitive replacements of all affected crossbeams of the forward engine mount. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section and it is publicly available through the EASA website.

FAA's Determination and Requirements of This Proposed AD

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 referenced above. We are

proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, EASA AD 2018–0212 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with the provisions specified in EASA AD 2018–0212, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in EASA AD 2018–0212 that is required for compliance with EASA AD 2018–0212 will be available at *http://www.regulations.gov* under Docket No. FAA–2018–1068 after the FAA final rule is published.

Costs of Compliance

We estimate that this proposed AD affects 59 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 134 work-hours × $85 per hour = $11,390	Up to $23,278	Up to $34,668	Up to $2,045,412.

Authority for This Rulemaking

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

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

This 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

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2018–1068; Product Identifier 2018–NM–140–AD.

(a) Comments Due Date

We must receive comments by March 25, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A319–113 and –114 airplanes, and Model A320–211 and –212 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Reason

This AD was prompted by a report that a life-limit of 64,000 flight cycles has been established for certain titanium crossbeams of the forward engine mount. We are issuing this AD to address failure of a crossbeam of the forward engine mount, which could result in detachment of the engine and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with European Aviation Safety Agency (EASA) AD 2018–0212, dated September 28, 2018 (''EASA AD 2018–0212'').

(h) Exceptions to EASA AD 2018–0212

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2018–0212 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (2) of EASA AD 2018–0212 specifies replacing ''with instructions provided by Airbus,'' for this AD, the replacement must be done using a method approved in accordance with the procedures specified in paragraph (i)(2) of this AD.

(3) Where paragraph (3) of EASA AD 2018–0212 specifies flight cycles (FC), this AD requires using ''total flight cycles.''

(4) The ''Remarks'' section of EASA AD 2018–0212 does not apply.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2018–0212 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2018–0212, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this EASA AD at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. EASA AD 2018–0212 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1068.

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

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

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–01237 Filed 2–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–1067; Product Identifier 2018–NM–158–AD]

RIN 2120–AA64

Airworthiness Directives; Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Saab AB, Saab Aeronautics Model SAAB 2000 airplanes. This proposed AD was prompted by an event where the airplane did not respond to the flightcrew's flight control inputs because the pitch trim switches did not disconnect the autopilot. This proposed AD would require modifying the wiring installation for the autopilot disconnect logic. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 25, 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 Saab AB, Saab Aeronautics, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab2000.techsupport@saabgroup.com;* internet *http://www.saabgroup.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.

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–2018–1067; 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 (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3220.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–1067; Product Identifier 2018–NM–158–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0240, dated November 7, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Saab AB, Saab Aeronautics Model SAAB 2000 airplanes. The MCAI states:

An occurrence was reported concerning a SAAB 2000 aeroplane, which was struck by lightning following a discontinued approach,

with the auto-pilot (AP) engaged. After the lightning strike, the wings rolled level and the flight crew decided to climb but the aeroplane did not respond to flight control inputs as expected. Contrary to flight crew understanding, the pitch trim switches had not disengaged the AP and the flight crew attempts to override the AP inputs resulted in a temporary loss of control of the aeroplane.

This condition, if not corrected, could lead to further events where, without the flight crew being aware, the AP remains engaged, possibly resulting in loss of control of the aeroplane.

Prompted by these findings, SAAB redesigned the AP disconnect logic, ensuring that the AP disconnects when either of the two main pitch trim switches on each control wheel are operated. SAAB also issued the SB [Service Bulletin 2000–22–008, dated June 15, 2018], providing modification instructions.

For the reason described above, this [EASA] AD requires a change to the AP disconnect logic by modification of the wiring installation.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1067.

Related Service Information Under 1 CFR Part 51

Saab AB, Saab Aeronautics has issued Service Bulletin 2000–22–008, dated June 15, 2018. This service information describes procedures for modifying the wiring for the autopilot disconnect logic.

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. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 8 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
12 work-hours × $85 per hour = $1,020	$8,750	$9,770	$78,160

Authority for This Rulemaking

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

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

This 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 to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems): Docket No. FAA–2018–1067; Product Identifier 2018–NM–158–AD.

(a) Comments Due Date

We must receive comments by March 25, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Saab AB, Saab Aeronautics Model SAAB 2000 airplanes, certificated in any category, all serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto flight.

(e) Reason

This AD was prompted by an event where the airplane did not respond to the flightcrew's flight control inputs because the pitch trim switches did not disconnect the autopilot. We are issuing this AD to address events where the airplane does not respond to the flightcrew's flight control inputs because the autopilot remains engaged, possibly resulting in loss of control of the airplane.

(f) Compliance

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

(g) Modification

Within 3,000 flight hours or 24 months after the effective date of this AD, whichever occurs first: Modify the wiring for the autopilot disconnect logic, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–22–008, dated June 15, 2018.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0240, dated November 7, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1067.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3220.

(3) For service information identified in this AD, contact Saab AB, Saab Aeronautics, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab2000.techsupport@saabgroup.com*; internet *http://www.saabgroup.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 January 28, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–01243 Filed 2–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 7

[Docket No. RM19–6–000]

Hydroelectric Licensing Regulations Under the America's Water Infrastructure Act of 2018

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to the America's Water Infrastructure Act, the Federal Energy Regulatory Commission (Commission) is proposing rules to establish an expedited process for issuing original licenses for qualifying facilities at existing nonpowered dams and closed-loop pumped storage projects. Under the expedited process, the Commission will seek to ensure a final decision will be issued no later than two years after the Commission receives a completed license application. The Commission proposes to codify the rules in a new part that will be added to the Commission's regulations.

DATES: Comments are due March 11, 2019.

ADDRESSES: You may send comments, identified by RM19–6–000, by either of the following methods:

- *Agency website:* Electronic Filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures section of this document.

FOR FURTHER INFORMATION CONTACT:

Shana Wiseman (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8736, *shana.wiseman@ferc.gov.*

Kenneth Yu (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8482, *kenneth.yu@ferc.gov.*

Tara DiJohn (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8671, *tara.dijohn@ferc.gov.*

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1. On October 23, 2018, the America's Water Infrastructure Act of 2018 [1] was signed into law. The AWIA, among other things, requires the Federal Energy Regulatory Commission (Commission or FERC) to establish an expedited process for issuing and amending licenses for qualifying facilities at existing nonpowered dams and closed-loop pumped storage projects. Under the expedited process, the Commission will seek to ensure that a final decision on a license application will be issued no later than two years after the Commission receives a completed application for a license.

2. To comply with the AWIA, the Commission proposes to amend its regulations governing hydroelectric licensing under the Federal Power Act (FPA) by establishing a new expedited licensing process for qualifying facilities at existing nonpowered dams and for closed-loop pumped storage projects. Under the proposal, a new part 7 will be added to Title 18 of the Code of Federal Regulations. The Commission's coordination and discussion with appropriate federal and state agencies and Indian Tribes, as part of an interagency task force (ITF), have informed these proposed regulations.

I. Background

3. Sections 3003 and 3004 of the AWIA amended the FPA by adding new sections 34 and 35. Section 34 of the FPA gives the Commission discretion to issue or amend licenses, as appropriate, for any facility that the Commission determines is a qualifying facility at an existing nonpowered dam. Section 35 of the FPA gives the Commission discretion to issue or amend licenses, as appropriate, for closed-loop pumped storage projects. Congress directed the Commission to issue a rule, no later than 180 days after October 23, 2018, establishing an expedited licensing process for issuing and amending licenses for qualifying facilities at nonpowered dams and for closed-loop pumped storage projects under sections 34 and 35. In establishing the expedited licensing process, Congress directed the Commission to convene an ITF, with appropriate Federal and State agencies and Indian Tribes represented, to coordinate the regulatory processes associated with the authorizations required to construct and operate qualifying facilities at nonpowered dams and closed-loop pumped storage projects.

4. On November 13, 2018, the Commission issued a notice inviting federal agencies, state agencies, and Indian Tribes to participate on the ITF.[2] The notice directed interested agencies and Tribes to file a statement of interest with the Commission by November 29, 2018. On December 6, 2018, the Commission issued a notice identifying 28 federal agencies, state agencies, and Tribes as ITF participants.[3]

5. On December 12, 2018, the Commission convened a coordination session with the ITF participants at the Commission's headquarters to discuss the Commission's preliminary proposal to coordinate the regulatory processes associated with the authorizations required to construct and operate qualifying facilities at nonpowered dams and closed-loop pumped storage projects. At the session, Commission staff presented for the ITF participants' consideration and comment a flowchart illustrating a draft expedited licensing process.[4] In addition to soliciting comments at the coordination session, Commission staff invited ITF participants to file comments on the process in Docket No. RM19–6–000 by December 26, 2018. Seven post-session comments were filed.

II. Discussion

6. The Commission's current regulations provide three prefiling process alternatives for hydropower developers to use in preparing license applications: (i) The integrated licensing process (ILP), which is the default process, as described in part 5; (ii) the traditional licensing process (TLP), as described in part 4, subparts D to H; and (iii) the alternative procedures (*i.e.,* the alternative licensing process (ALP)), as described in § 4.34(i) of part 4. The Commission does not propose to alter these existing licensing processes. Instead, these proposed regulations establish procedures for the Commission to determine, on a case-by-case basis, whether applications for an original license at qualifying hydropower projects at nonpowered dams or closed-loop pumped storage projects, as defined in sections 34 and 35 of the FPA and the eligibility criteria below, qualify to participate in the Commission's new expedited licensing process.

7. To be considered under the expedited process, applicants for original licenses at qualifying hydropower projects at nonpowered dams or closed-loop pumped storage projects must include with their application a request for authorization to use the expedited licensing process. The Commission may grant the request if the applicant demonstrates compliance with the procedures set forth in the proposed regulations. The

[1] Public Law 115–270, 132 Stat. 3765 (2018) (AWIA).

[2] *See* Notice Inviting Federal and State Agencies and Indian Tribes to Request Participation in the Interagency Task Force Pursuant to America's Water Infrastructure Act of 2018, 83 FR 58,245 (Nov. 19, 2018).

[3] *See* Notice of Interagency Task Force (Dec. 6, 2018); *see also* FERC, Office of Energy Projects, Summary of Interagency Task Force Activities (Jan. 10, 2019) (Appendix A identifies the ITF participants).

[4] *See* Commission staff's Letter to ITF Participants, Summary of Interagency Task Force Activities (Jan. 10, 2019).

use of the expedited licensing process is voluntary. The proposed expedited licensing process would only apply to original license applications; it would not apply to applications for a new or subsequent license. However, the Commission seeks comments on whether the expedited licensing process should apply to applications for a new or subsequent license for a project that was originally licensed under the expedited licensing process. The expedited licensing process would begin with the filing of a license application, that is, the prefiling process is not included in the two-year time frame governed by the expedited process. For the purposes of prefiling activities, any applicant interested in pursuing authorization to use the expedited licensing process must use the default ILP, or request authorization to the use TLP or ALP, as required under the current regulations. Therefore, the focus of this Notice of Proposed Rulemaking (NOPR) is solely on the process milestones and necessary authorizations that occur after an applicant files a license application.

A. Eligibility Criteria

8. An applicant interested in requesting authorization to use the expedited licensing process must demonstrate that its proposed project design meets the statutory criteria for qualifying facilities that Congress enumerated in sections 34 and 35 of the FPA. In addition, the applicant must demonstrate compliance with the FERC-defined criteria to use the expedited process, which include providing documentation of consultation at the time of application filing, verifying that the applicant has engaged in consultation with agencies, Indian Tribes, and, if applicable, the existing dam owner, sufficient to facilitate Commission action on the application within two years. The statutory criteria for qualifying facilities and the FERC-defined documentation requirements for the expedited process are described below.

1. Statutory Criteria for Qualifying Facilities

9. Section 34(e) of the FPA sets forth the qualifying criteria for a facility to be located at an existing nonpowered dam, and defines the term ''qualifying nonpowered dam.'' Section 35(g) of the FPA, as amended by the AWIA, directs the Commission to establish qualifying criteria for closed-loop pumped storage projects that will be eligible for the expedited licensing process. The statutory criteria for qualifying facilities are further described below.

a. Qualifying Facilities at Nonpowered Dams

10. Section 34(e)(1) of the FPA provides that ''qualifying criteria,'' with respect to a facility, are: (A) As of the October 23, 2018, the facility is not licensed under, or exempted from, the license requirements contained in Part I of the FPA; (B) the facility is associated with a qualifying nonpowered dam; (C) the facility will be constructed, operated, and maintained for the generation of electric power; (D) the facility will generate electricity by using any withdrawals, diversions, releases, or flows from the associated qualifying nonpowered dam, including its associated impoundment or other infrastructure; and (E) the operation of the facility will not result in any material change to the storage, release, or flow operations of the associated qualifying nonpowered dam.

11. Section 34(e)(2) defines ''qualifying facility'' as any facility that is determined to meet the ''qualifying criteria'' under section 34(e)(1).

12. Section 34(e)(3) defines ''qualifying nonpowered dam'' as any dam, dike, embankment, or other barrier, constructed on or before October 23, 2018, that is or was operated for the control, release, or distribution of water for agricultural, municipal, navigational, industrial, commercial, environmental, recreational, aesthetic, drinking water, or flood control purposes, and that, as of October 23, 2018, is not generating electricity with hydropower generating works licensed under, or exempted from, the license requirements of Part I of the FPA.

b. Closed-Loop Pumped Storage Projects

13. Section 35(g)(1) mandates that the Commission establish criteria that a pumped storage project must meet in order to qualify as a closed-loop pumped storage project eligible for the expedited process. In defining the criteria to qualify as an eligible closed-loop pumped storage project, section 35(g)(2) requires that the Commission include criteria that the pumped storage project cause little to no change to existing surface and groundwater flows and uses, and is unlikely to adversely affect species listed as a threatened species or endangered species under the Endangered Species Act of 1973 (ESA).[5]

2. FERC-Defined Criteria for Expedited Process

14. In addition to complying with the license application requirements set forth in part 4, subparts D to H and part 5 of the Commission's regulations, an application filed with a request for authorization to use the expedited licensing process must include documentation of consultation. Through experience and the implementation of the pilot two-year licensing process,[6] Commission staff has determined that this consultation, and documentation thereof, will best ensure that the Commission will be able to act on a completed license application within two years from the date it is received. As described below, this documentation of consultation must be filed concurrently with the license application and the request for authorization to use the expedited licensing process.

a. Clean Water Act

15. Under section 401(a)(1) of the Clean Water Act (CWA), the Commission may not issue a license authorizing the construction or operation of a hydroelectric project that results in a discharge into the navigable waters of the United States unless the state water quality certifying agency either has issued water quality certification for the project or has waived certification by failing to act on a request for certification within a reasonable period of time, not to exceed one year.[7] Section 401(d) of the CWA provides that the water quality certification shall become a condition of the license.[8]

16. Under the Commission's existing licensing processes, an applicant must file a copy of the water quality certification; a copy of the request for certification, including proof of the date on which the certifying agency received the request; or evidence of waiver of water quality certification no later than 60 days from the date that the Commission issues public notice accepting an application for filing and finding it ready for environmental analysis.[9] The Commission's Pilot Two-Year Licensing Report noted that all projects licensed within two years either received a water quality certification or a waiver within one year of the applicant's request.[10]

[5] 16 U.S.C. 1531–1544 (2012).

[6] *See* FERC, Report on the Pilot Two-Year Pilot Hydroelectric Licensing Process For Non-Powered Dams and Closed-Loop Pumped Storage Projects and Recommendations Pursuant to Section 6 of the Hydropower Regulatory Efficiency Act of 2013 (May 31, 2017), *https://www.ferc.gov/legal/staff-reports/2017/final-2-year-process.pdf* (Pilot Two-Year Licensing Report).

[7] *See* 33 U.S.C. 1341(a)(1) (2012).

[8] *Id.* 1341(d).

[9] *See* 18 CFR 4.34(b)(5) and 5.23(b) (2018).

[10] Pilot Two-Year Licensing Report at 42. As part of the Pilot Two-Year Licensing Report, Commission staff examined the processing times for

Continued

17. To increase the likelihood that a license application can be acted on within two years, the Commission proposes to require an applicant to submit, at the time of application filing, a copy of the applicant's request for certification under section 401(a)(1) of the CWA, including proof of the date on which the certifying agency received the request, and: (i) A copy of the water quality certification, (ii) evidence of waiver of water quality certification, or (iii) documentation from the state certifying agency that no additional information is needed to complete the water quality certification application.

b. ESA

18. Section 7(a)(2) of the ESA requires the Commission to ensure that its actions are not likely to jeopardize the continued existence of federally-listed threatened or endangered species, or result in the destruction or adverse modification of designated critical habitat of such species.[11] The Commission, in determining what protective measures to incorporate into a license, must consult with the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as applicable. The length of this consultation process varies based on the Commission's determination of effect on a federally-listed species or its critical habitat.[12]

19. Under the Commission's current licensing processes, the Commission issues its effect determination as part of the National Environmental Policy Act of 1969 (NEPA)[13] document prepared on the license application. The NEPA document is used as the Commission's biological assessment on listed species for ESA consultation purposes. The Commission's Pilot Two-Year Licensing Report found that seventy percent (*i.e.,* 16 of 23) of projects licensed in two years or less required no consultation under the ESA.[14] In addition, the report found that of the seven projects that required ESA consultation, all of the consultations were completed in less than 48 days.[15]

20. To increase the likelihood that an expedited license application may be acted on within two years, the Commission proposes to require that any application filed with a request for authorization to use the expedited licensing process include: (i) A no-effect determination that includes documentation that no listed species or critical habitat are present at the proposed project site; (ii) documentation of concurrence from FWS and NMFS, as necessary, on a not likely to adversely affect determination; or (iii) a draft biological assessment that includes documentation of consultation with FWS and NMFS, as necessary.

21. New FPA sections 34 and 35 do not refer to the critical habitat of listed species. However, if there were critical habitat that would likely be adversely affected by a proposed project, formal ESA consultation would be required, which may make it difficult to issue a license within a two-year period. Accordingly, the documentation referred to above must cover not only listed species but also their critical habitat.

22. Moreover, FPA section 35(g)(1) is silent on whether a closed-loop pumped storage project would be eligible for the expedited licensing process if it were to result in adverse effects to habitat designated as critical habitat under the ESA. Because the AWIA does not alter the ESA and ESA section 7(a)(2) also requires the Commission to ensure that its actions are not likely to result in the destruction or adverse modification of designated critical habitat of such species,[16] we propose to include in the qualifying criteria for closed-loop pumped storage projects the requirement that the proposed project is not likely to adversely affect threatened or endangered species, *or habitat designated as critical habitat,* under the ESA.

c. National Historic Preservation Act

23. Under section 106 of the National Historic Preservation Act (NHPA)[17] and its implementing regulations,[18] the Commission must take into account the effect of any proposed undertaking on properties listed or eligible for listing in the National Register of Historic Places and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

24. To increase the likelihood that an expedited license application may be acted on within two years, the Commission proposes to require an applicant to provide, at the time of application filing, documentation that section 106 consultation has been initiated with the relevant State Historic Preservation Officer(s) and any Indian Tribes identified as having an interest in the proposed project. This requirement does not differ from requirements in our current regulations.

d. Dam Owner Documentation

25. For projects at existing nonpowered dams, the Commission proposes to require an applicant to provide, at the time of application filing, documentation verifying consultation with the owner of the dam and the results of the consultation. For a proposal at a non-federal nonpowered dam, the applicant would be required to provide documentation of consultation with the non-federal dam owner, including confirmation that the non-federal dam owner does not oppose the project development. For a proposal at a federal nonpowered dam, the applicant would be required to provide documentation from the federal dam owner confirming that non-federal hydropower is not precluded at the proposed location and that the federal owner does not oppose project development. This documentation and confirmation requirement seeks to ensure that applicants discuss the project proposal with dam owners early in the process to verify that there are no issues that would preclude the Commission from authorizing a hydropower project at the dam or would require an applicant to significantly amend its proposal. Substantial amendments to a license application, especially when made late in the licensing process, decrease the likelihood that the application could be acted on in two years.

e. Public Parks, Recreation Areas, and Wildlife Areas

26. Section 21 of the FPA, as amended by the Energy Policy Act of 1992,[19] limits the use of eminent domain to acquire any lands included within any public park, recreation area, or wildlife refuge established under state or local

83 projects that completed prefiling activities and were issued original licenses or small hydropower exemptions between 2003 and 2016. During this period, 23 projects (*i.e.,* 28 percent) were licensed within two years from the filing of a Notice of Intent to file a license application and a pre-application document.

[11] *See* 16 U.S.C. 1536 (2012).

[12] For example, if the Commission determines that its actions will have no effect on a listed species or habitat, no further consultation is required. If the Commission determines that its action is not likely to adversely affect a listed species or its habitat, Commission staff will seek concurrence from FWS or NMFS. If FWS or NMFS agrees with the Commission's determination, consultation is complete once the appropriate service provides a letter of concurrence. However, if FWS or NMFS does not agree with the Commission's finding that its action is not likely to adversely affect a federally listed species or its critical habitat or if the Commission determines its action is likely to adversely affect a federally-listed species or its critical habitat, formal consultation is required under section 7 of the ESA.

[13] 42 U.S.C. 4321 *et seq.* (2012).

[14] Pilot Two-Year Licensing Report at 43.

[15] *Id.*

[16] 16 U.S.C. 1536(a)(2) (2012).

[17] 54 U.S.C. 306108 (2012).

[18] 36 CFR pt. 800 (2018).

[19] Public Law 102–486, 106 Stat. 2776 (1992).

law.[20] Waiting until after a license application is filed to identify a proposal for a project that uses any public park, recreation area, or wildlife refuge in a manner that would be acceptable to the managing entity could extend the license application processing time and decrease the likelihood of meeting the two-year target. Therefore, if the proposed project would use any public park, recreation area, or wildlife refuge established under state or local law, the Commission proposes to require an applicant to provide, at the time of application filing, documentation from the managing entity demonstrating that it is not opposed to use of the park, recreation area, or wildlife refuge for hydropower development.

B. Expedited Licensing Process

27. As directed by FPA sections 34 and 35, the Commission is proposing an expedited licensing process for qualifying facilities at nonpowered dams and for closed-loop pumped storage projects. The proposed regulations, if enacted, will be codified as part 7 of the Commission's regulations.

1. Section 7.1—Applicability and Definitions

28. Proposed § 7.1 explains that the expedited licensing process would be restricted to applicants that apply for and receive authorization to use the process. Unless superseded by the expedited licensing process regulations, the Commission's existing regulations governing license applications would also apply to license applications filed pursuant to part 7. This section also defines the following key terms used throughout this proposed part: ''qualifying nonpowered dam,'' ''qualifying facility,'' and ''closed-loop pumped storage project.'' Finally, proposed § 7.1 explains that an applicant under part 7 may elect to use any of the Commission's three licensing processes: the ILP,[21] the TLP,[22] or the ALP.[23]

2. Section 7.2—Use of Expedited Licensing Process

29. Proposed § 7.2 explains that an applicant must submit a request for authorization to use the expedited licensing process. Proposed § 7.2(b) identifies the information that must be included in any original license application that accompanies a request to use the expedited licensing process. The information pertains to the design and environmental criteria statutorily mandated by sections 34 and 35 of the FPA, as well as the early consultation documentation described above in section II.A (Eligibility Criteria).

3. Section 7.3—Adequacy Review of Application

30. Proposed § 7.3 describes how Commission staff will conduct an adequacy review of an application submitted under part 7. Commission staff will review a license application that is accompanied by a request to use the expedited licensing process under part 4 (TLP or ALP) or part 5 (ILP) of the Commission's regulations, depending on the applicant's elected licensing process. If the application is deemed deficient and rejected under part 4 or 5, the request to use the expedited licensing process will likewise be rejected.

4. Section 7.4—Additional Information

31. Proposed § 7.4 states that an applicant under part 7 may be required to submit additional information or documentation to the Commission in the form and time frame prescribed by the Commission. The Commission may also require the applicant to submit copies of the application or other filed materials to any person, agency, Indian Tribe, or other entity specified by the Commission. Failure to provide the requested information or documentation as specified may result in dismissal of the license application.

5. Section 7.5—Decision on Request To Use Expedited Licensing Process

32. Proposed § 7.5 explains that the Director of the Office of Energy Projects (Director) will act on the request to use the expedited licensing process within six months from the date of application filing. If Commission staff is unable to find that the application meets the requirements of parts 4, 5, and 7, all deficiencies have been cured, and no additional information is required, the Director will deny the request to use the expedited licensing process. If the expedited licensing request is denied, proposed § 7.5 explains that the license application will be processed pursuant to a standard processing schedule under parts 4 or 5 of the Commission's regulations, as appropriate.

6. Section 7.6—Notice of Acceptance and Ready for Environmental Analysis

33. If the Director approves the request to use the expedited licensing process, proposed § 7.6 describes the components of the public notice that the Commission will issue no later than six months after the date of application filing. The notice will accept the application and confirm the acceptance date as the application filing date; find the application ready for environmental analysis; request comments, protests, and interventions; request recommendations, preliminary terms and conditions, and preliminary fishway prescriptions; and establish a schedule for the application's expedited processing.

34. The expedited licensing process schedule will include the estimated dates for: (i) The filing of recommendations, preliminary terms and conditions, and fishway prescriptions; (ii) issuance of the draft NEPA document, or an environmental assessment not preceded by a draft; (iii) filing of responses, if applicable, to Commission staff's request for ESA concurrence or request for formal consultation under ESA, or to other Commission staff requests to federal and state agencies, or Indian Tribes under other federal laws, including the Magnuson-Stevens Fishery Conservation and Management Act[24] and the NHPA; (iv) filing of comments on a draft NEPA document, if applicable; (v) filing of modified recommendations, mandatory terms and conditions, and fishway prescriptions in response to a draft NEPA document or, if no draft NEPA document is issued, to an environmental assessment; and (vi) issuance of a final NEPA document, if applicable.

7. Section 7.7—Amendment of Application

35. Proposed § 7.7 prescribes the requirements for an application that proposes to amend a pending application filed under the expedited licensing process, after the Commission has already issued a notice of acceptance and ready for environmental analysis for the application. This section also explains the right of an agency, Indian Tribe, and member of the public to modify its previously-submitted recommendations or terms and conditions or prescriptions if an applicant files, and the Commission accepts, an amendment to the application that would materially change the proposed project's plans of development.

8. Section 7.8—Other Provisions

36. Proposed § 7.8 authorizes the Director to waive or modify provisions of this part for good cause. The Commission may consider late-filed

[20] 16 U.S.C. 814 (2012).

[21] 18 CFR pt. 5 (2018).

[22] *Id.* pt. 4, subpts. D–H.

[23] *Id.* 4.34(i).

[24] 16 U.S.C. 1801 *et seq.* (2012).

recommendations by authorized fish and wildlife agencies under the Fish and Wildlife Coordination Act [25] and FPA section 10(j),[26] and late-filed FPA section 4(e) [27] terms and conditions or FPA section 18 [28] prescriptions as cause to remove the application from the expedited licensing process under this part.

9. Section 7.9—Transition Provision

37. Proposed § 7.9 provides that this part only applies to original license applications filed on or after the effective date of the final rule.

C. Key Issues and Goals for an Expedited Licensing Process

38. In addition to the structure and information requirements of the expedited licensing process, the Commission requests comments on certain issues, discussed below.

1. Definition of Closed-Loop Pumped Storage

39. Absent the inclusion requirement in FPA section 35(g)(2), FPA section 35 does not define the term ''closed-loop pumped storage project.'' The Commission's existing regulations also do not provide a definition. In the past, the Commission or Commission staff has defined closed-loop pumped storage projects as pumped storage projects that are ''not continuously connected to a naturally-flowing water feature.'' [29] The Commission has also licensed five projects with proposed operational features that could be considered to be closed-loop pumped storage projects, depending on how the term is defined:

- The Eagle Mountain Pumped Storage Hydroelectric Project No. 13123: A closed-loop pumped storage project that will rely on groundwater wells to provide the project's initial reservoir fill and future replenishment.[30] Construction of the project has not commenced.
- The Gordon Butte Pumped Storage Project No. 13642: A closed-loop pumped storage project that will use an existing, privately-owned irrigation system connected to Cottonwood Creek to supply initial reservoir fill and future replenishment due to evaporation loss.[31] Construction of the project has not commenced.
- The Summit Pumped Storage Hydroelectric Project No. 9423: A pumped storage facility that would have used off-stream reservoirs filled by a municipal water supply.[32] The license was terminated for failure to commence timely construction.[33]
- The Mount Hope Pumped Storage Project Nos. 9401, 8595, 9105: A pumped storage facility that was to be located at a rock quarry site, with fill water supplied by water from an abandoned iron mine.[34] The license was terminated for failure to commence timely construction.[35]
- The Blue Diamond Pumped Storage Project No. 10756: A pumped storage facility with off-stream reservoirs that were dependent on the local water district for the initial fill and future replenishment.[36] The license was terminated for failure to commence timely construction.[37]

40. In addition, the Commission is currently reviewing an application for an original license for the Mineville Energy Storage Project No. 12635, a pumped storage project that would include facilities located in a decommissioned mine, and an application for an original license for the Swan Lake North Pumped Storage Project No. 13318, a pumped storage project near Klamath Falls, Oregon. Both proposals would rely on groundwater for initial reservoir fill.[38]

41. Based on a review of these licenses and related applications, the Commission proposes to retain the Commission's previous definition of a closed-loop pumped storage project (*i.e.,* a pumped storage project that is not continuously connected to a naturally-flowing water feature). We encourage comments on the proposed definition, including proposals for alternative definitions and discussion of how terms in the definition, such as ''continuously connected,'' should be construed.

2. License Amendments

42. FPA sections 34(a)(1) and 35(a)(1) give the Commission discretion to amend licenses, as appropriate, for any facility that the Commission determines is a qualifying facility. As part of this rulemaking, the Commission is required to establish an expedited process for amending licenses for qualifying facilities. FPA sections 34(a)(4) and 35(a)(4) specifically define the expedited process for license applications as a two-year process for the Commission to issue a final decision on a license application once it receives a completed license application. The amended statute, however, is silent on the length of time to process applications to amend licenses.

43. Any change to an issued license is considered a license amendment, and proposed amendments can vary greatly in type and complexity. A simple amendment might consist of changing the frequency of fish passage monitoring, whereas a complex amendment might include building a new dam or powerhouse or changing a project's basic mode of operation.

44. Over the last five fiscal years, Commission staff has reviewed and processed over 18,000 post-license related filings, approximately 7,500 of which were considered amendment-related filings. Ninety-eight percent of these 7,500 filings resulted in the issuance of a Commission final decision within two years from receipt of the filing. Because the Commission already processes the vast majority of amendments within two years, the Commission proposes to process applications to amend licenses for projects located at qualifying nonpowered dam and for closed-loop pumped storage projects under the Commission's existing regulations for amendments in 18 CFR part 4, subpart L.

3. Projects That Require the Preparation of an EIS

45. When the Commission believes a proposed project may not be a major federal action significantly affecting the quality of the human environment, the Commission may first prepare an environmental assessment to determine whether an EIS needs to be prepared.[39] However, § 380.6(a)(4) of the Commission's regulations identifies licenses of any unconstructed water power project as a category of project that will normally require the preparation of an EIS.[40]

[25] 16 U.S.C. 661–666c (2012).

[26] *Id.* 803(j).

[27] *Id.* 797(e).

[28] *Id.* 811.

[29] *See Wyco Power and Water, Inc.,* 139 FERC ¶ 61,124, at n.11 (2012) (providing the definition in an order denying rehearing of a dismissed preliminary permit). *See generally* FERC, Pumped Storage Projects, *https://www.ferc.gov/industries/hydropower/gen-info/licensing/pump-storage.asp. See also* Pilot Two-Year Licensing Report at 7.

[30] *See Eagle Crest Energy Co.,* 147 FERC ¶ 61,220 (2014).

[31] *See GB Energy Park, LLC,* 157 FERC ¶ 62,196 (2016).

[32] *Summit Energy Storage, Inc.,* 55 FERC ¶ 62,026 (1991).

[33] *Summit Energy Storage, Inc.,* 95 FERC ¶ 62,035 (2001).

[34] *Halecrest Co.,* 60 FERC ¶ 61,121 (1992).

[35] *Mt. Hope Waterpower Project, LLP,* 113 FERC ¶ 61,258 (2005).

[36] *Blue Diamond South Pumped Storage Power Co., Inc.,* 79 FERC ¶ 62,184 (1997).

[37] *Blue Diamond South Pumped Storage Power Co., Inc.,* 112 FERC ¶ 62,110 (2005).

[38] *See* Moriah Hydro Corporation's February 13, 2015 Application at 17–18; Exhibit A of Swan Lake North Hydro LLC's October 28, 2015 Application at A–19.

[39] 18 CFR 380.6(b) (2018).

[40] *Id.* 380.6(a)(4).

46. Because the preparation of an EIS typically involves projects that are more complex, thereby requiring more resources from all involved stakeholders and Commission staff, the Commission requests comment on whether the two-year expedited licensing process should be available to proposed projects that would require the Commission to prepare an EIS.

47. Additionally, then FERC Chairman McIntyre signed a Memorandum of Understanding Implementing One Federal Decision Under Executive Order 13807,[41] in which the Commission committed to completing within an average of two years all environmental reviews and authorization decisions for ''major infrastructure projects,'' [42] starting from the date the Commission publishes a Notice of Intent to prepare an EIS and ending with the issuance of a final order.[43] Projects that are authorized for expedited processing and qualify as ''major infrastructure projects,'' will be designated under both programs.

III. Regulatory Requirements

A. Information Collection Statement

48. The Paperwork Reduction Act [44] requires each federal agency to seek and obtain the Office of Management and Budget's (OMB) approval before undertaking a collection of information directed to ten or more persons or contained in a rule of general applicability. OMB regulations require approval of certain information collection requirements contemplated by proposed rules.[45] Upon approval of a collection of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to the collection of information unless the collection of information displays a valid OMB control number.

49. *Public Reporting Burden:* In this NOPR, the Commission proposes to establish an expedited process for issuing original licenses for qualifying facilities at nonpowered dams and for closed-loop pumped storage projects, as directed by Congress in the AWIA.

50. This proposed rule would modify certain reporting and recordkeeping requirements included in FERC–500A [46] (OMB Control No. TBD) [47] and FERC–505 (OMB Control No. 1902–0115).[48]

51. The proposed revisions to the Commission's regulations, associated with the FERC–500A and FERC–505 information collections, are intended to comply with the requirements of the AWIA. While the information to be included in the license application and the required federal and state authorizations would remain the same under the expedited licensing process, consultation documentation regarding these authorizations will need to be submitted to the Commission at an earlier point in the licensing process. Therefore, preparing the request to use the expedited licensing process would represent a slight increase in the reporting requirements and burden information for FERC–500A and FERC–505.

52. The estimated burden and cost for the requirements contained in this NOPR follow.

ANNUAL CHANGES PROPOSED BY THE NOPR IN DOCKET NO. RM19–6–000

	Number of respondents (1)	Number of responses [49] per respondent (2)	Total number of responses (1) × (2) = (3)	Average burden hours & cost per response [50] (4)	Total annual burden hours & total annual cost (3) × (4) = 5
FERC–500A	[51] 5	1	5	40; $3,160	200 hrs.; $15,800.
FERC–505	[52] 5	1	5	40 hrs.; $3,160	200 hrs.; $15,800.
Total			10		400 hrs.; $31,600

53. *Titles:* FERC–500A (Application for License/Relicense for Water Projects with More than 5 Megawatt (MW) Capacity) and FERC–505 (Small Hydropower Projects and Conduit Facilities including License/Relicense, Exemption, and Qualifying Conduit Facility Determination).

54. *Action:* Revisions to information collections FERC–500A and FERC–505.

55. *OMB Control Nos.:* TBD (FERC–500A) and 1902–0115 (FERC–505).

56. *Respondents:* Municipalities, businesses, private citizens, and for-profit and not-for-profit institutions.

57. *Frequency of Information:* Ongoing.

58. *Necessity of Information:* The revised regulations implement the AWIA's directive to establish an expedited licensing process for two types of hydropower projects—qualifying facilities at existing

[41] Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects, Exec. Order No. 13,807, 82 FR 40,463 (Aug. 15, 2017).

[42] A major infrastructure project is defined as an infrastructure project for which multiple authorizations by Federal agencies will be required to proceed with construction, the lead Federal agency has determined that it will prepare an EIS, and the project sponsor has identified the reasonable availability of funds sufficient to complete the project. *Id.* 3(e).

[43] Memorandum of Understanding Implementing the One Federal Decision under Executive Order 13807, *https://www.ferc.gov/legal/mou/2018/MOU-One-Federal-Decision.pdf.*

[44] 44 U.S.C. 3501–3521 (2012).

[45] *See* 5 CFR 1320.11 (2018).

[46] The new reporting requirements and burden that would normally be submitted to OMB under FERC–500 (OMB Control No 1902–0058) will be submitted under a ''placeholder'' information collection number (FERC–500A). FERC–500 is currently under OMB review for an unrelated FERC activity.

[47] FERC–500A includes the reporting and recordkeeping requirements for ''Application for License/Relicense for Water Projects with More than 5 Megawatt (MW) Capacity.''

[48] FERC–505 includes the reporting and recordkeeping requirements for ''Small Hydropower Projects and Conduit Facilities including License/Relicense, Exemption, and Qualifying Conduit Facility Determination.''

[49] We consider the filing of an application to be a ''response.''

[50] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $79 per Hour = Average Cost per Response.

The hourly cost figure of $79 is the 2018 average FERC employee wage plus benefits. Commission staff assumes that respondents earn at a similar rate to FERC employees.

[51] After implementation of this rule, we estimate five applications for closed-loop pumped storage projects will be filed, alongside a request to use the expedited licensing process, per year. We estimate that all of these applications will be for projects with more than 5 MW capacity.

[52] After implementation of this rule, we estimate five applications for qualifying facilities at existing nonpowered dams will be filed, alongside a request to use the expedited licensing process, per year. We estimate that all of these applications will be for projects with 5 MW or less capacity.

nonpowered dams and closed-loop pumped storage projects. The revised regulations would affect only the number of entities that would file applications with the Commission for these two project types, and would impose a new, albeit slight, information collection requirement.

59. The new requirement for an applicant interested in using the expedited process to file a request for authorization to use the expedited process concurrently with its license application is necessary for the Commission to carry out its responsibilities under the FPA, as amended by the AWIA. The information provided to the Commission enables the Commission to review the features of the proposed project and make a determination on whether the proposed project meets the statutory criteria enumerated in the AWIA, as well as the early consultation requirements that the Commission has determined will help it seek to ensure that the proposed project's license application will be acted on no later than two years after the date of application filing.

60. *Internal Review:* The Commission has reviewed the proposed revisions and has determined that they are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements.

61. Interested persons may obtain information on the reporting requirements by contacting the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director], by email to *DataClearance@ferc.gov,* by phone (202) 502–8663, or by fax (202) 273–0873.

62. Comments concerning the collections of information and the associated burden estimates may also be sent to: Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission]. Due to security concerns, comments should be sent electronically to the following email address: *oira_submission@omb.eop.gov.* Comments submitted to OMB should refer to FERC–500A (OMB Control No. TBD) and FERC–505 (OMB Control No. 1902–0115).

B. Environmental Analysis

63. The Commission is required to prepare an environmental assessment or an EIS for any action that may have a significant adverse effect on the human environment.[53] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Excluded from this requirement are rules that are clarifying, corrective, or procedural, or that do not substantially change the effect of legislation or the regulations being amended.[54] This proposed rule proposes to establish an expedited licensing process for qualifying facilities at nonpowered dams and for closed-loop pumped storage projects, as directed by Congress in the AWIA. Because this proposed rule is procedural in nature and does not substantially change the effect of the underlying legislation, preparation of an environmental assessment or EIS is not required.

C. Regulatory Flexibility Act

64. The Regulatory Flexibility Act of 1980 (RFA)[55] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The RFA mandates consideration of regulatory alternatives that accomplish the stated objectives of a proposed rule and minimize any significant economic impact on a substantial number of small entities.[56] In lieu of preparing a regulatory flexibility analysis, an agency may certify that a proposed rule will not have a significant economic impact on a substantial number of small entities.[57]

65. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.[58] The SBA size standard for electric utilities is based on the number of employees, including affiliates.[59] Under SBA's current size standards, a hydroelectric power generator (NAICS code 221111)[60] is small if it, including its affiliates, employs 500 or fewer people.[61]

66. If enacted, this proposed rule would directly affect only those entities that file an application for a qualifying facility at a nonpowered dam or for a closed-loop pumped storage project, and a request to use the expedited licensing process. While the information to be included in the licensing application and the required federal and state authorizations would remain the same, documentation regarding these authorizations will need to be submitted at an earlier point in the licensing process. Therefore, preparing a request to use the expedited licensing process would represent a slight increase (40 hours of reporting burden and corresponding wage costs of $3,160 per entity on an annual basis) in the information collection reporting requirements and burden for FERC–500A and FERC–505. However, we do not anticipate the impact of the proposed rule on affected entities, regardless of their status as a small entity or not, to be significant.

67. Accordingly, pursuant to section 605(b) of the RFA, the Commission certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

D. Comment Procedures

68. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due March 11, 2019. Comments must refer to Docket No. RM19–6–000, and must include the commenters' name, the organization they represent, if applicable, and their address.

69. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

70. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

[53] *Regulations Implementing the National Environmental Policy Act,* Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at FERC ¶ 61,284).

[54] 18 CFR 380.4(a)(2)(ii) (2018).

[55] 5 U.S.C. 601–612 (2012).

[56] *Id.* 603(c).

[57] *Id.* 605(b).

[58] 13 CFR 121.101 (2018).

[59] *Id.* 121.201.

[60] The North American Industry Classification System (NAICS) is an industry classification system that Federal statistical agencies use to categorize businesses for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. economy. United States Census Bureau, *North American Industry Classification System, https://www.census.gov/eos/www/naics/.*

[61] 13 CFR 121.201 (2018) (Sector 22—Utilities).

71. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

E. Document Availability

72. In addition to publishing the full text of this document in the **Federal Register,** the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington, DC 20426.

73. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number, excluding the last three digits of this document, in the docket number field.

74. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov*, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

List of Subjects in 18 CFR Part 7

Administrative practice and procedure, Electric power, Reporting and recordkeeping requirements.

By direction of the Commission.

Issued: January 31, 2019.

Kimberly D. Bose,

Secretary.

■ In consideration of the foregoing, the Commission proposes to add part 7, chapter I, title 18, *Code of Federal Regulations,* as follows:

PART 7—EXPEDITED LICENSING PROCESS FOR QUALIFYING NON-FEDERAL HYDROPOWER PROJECTS AT EXISTING NONPOWERED DAMS AND FOR CLOSED-LOOP PUMPED STORAGE PROJECTS

Sec.

7.1 Applicability and Definitions.
7.2 Use of Expedited Licensing Process.
7.3 Adequacy Review of Application.
7.4 Additional Information.
7.5 Decision on Request To Use Expedited Licensing Process.
7.6 Notice of Acceptance and Ready for Environmental Analysis.
7.7 Amendment of Application.
7.8 Other Provisions.
7.9 Transition Provision.

Authority: 16 U.S.C. 791a-825r; Pub. L. 115–270, 132 Stat. 3765.

§ 7.1 Applicability and definitions.

(a) This part applies to the processing of applications for original licenses for qualifying non-federal hydropower projects at existing nonpowered dams and for closed-loop pumped storage projects pursuant to sections 34 and 35 of the Federal Power Act.

(b) *Applicability of Existing Regulations.* Except where superseded by the expedited licensing process set forth in this part, the regulations governing license applications under parts 4 and 5 of this chapter, as applicable, also apply to license applications filed under this part.

(c) *Definitions.* The definitions in § 4.30(b) of this chapter apply to this part. In addition, for the purposes of this part–

(1) *Qualifying nonpowered dam* means any dam, dike, embankment, or other barrier–

(i) The construction of which was completed on or before October 23, 2018;

(ii) That is or was operated for the control, release, or distribution of water for agricultural, municipal, navigational, industrial, commercial, environmental, recreational, aesthetic, drinking water, or flood control purposes; and

(iii) That, as of October 23, 2018, was not generating electricity with hydropower generating works that were licensed under, or exempted from the license requirements contained in, Part I of the Federal Power Act.

(2) *Qualifying facility* means a facility that is determined under section 34 of the Federal Power Act to meet the qualifying criteria for non-federal hydropower projects at existing nonpowered dams.

(3) *Closed-loop pumped storage project* means a pumped storage project that is not continually connected to a naturally-flowing water feature.

(d) *Who may file.* Any citizen, association of citizens, domestic corporation, municipality, or state that develops and files a license application under 18 CFR parts 4 and 5, as applicable, may request expedited processing under this part.

(e) *Use of expedited licensing process.* An applicant wishing to use this expedited licensing process must apply for and receive authorization from the Commission under this part. An applicant under this part may elect to use the licensing process provided for in 18 CFR part 5 (*i.e.,* integrated license application process), or as provided under § 5.1 of this chapter:

(1) 18 CFR part 4, subparts D–H (*i.e.,* traditional process); or

(2) § 4.34(i) of this chapter, *Alternative procedures.*

§ 7.2 Use of Expedited Licensing Process.

(a) In order to pursue the expedited licensing process, an applicant must request authorization for the expedited process, as provided for in paragraph (b) of this section. The licensing procedures in this part do not apply to an application for a new or subsequent license.

(b) An application that accompanies a request for authorization to use the expedited licensing process must include the information specified below.

(1) *Section 34 of the Federal Power Act Qualification—Projects at Nonpowered Dams.* The application must demonstrate that the proposed facility meets the following qualifications pursuant to section 34(e) of the Federal Power Act:

(i) As of October 23, 2018, the proposed hydropower facility was not licensed under or exempted from the license requirements contained in Part I of the Federal Power Act;

(ii) The facility will be associated with a qualifying nonpowered dam;

(iii) The facility will be constructed, operated, and maintained for the generation of electric power;

(iv) The facility will use for such generation any withdrawals, diversions, releases, or flows from the associated qualifying nonpowered dam, including its associated impoundment or other infrastructure; and

(v) The operation of the facility will not result in any material change to the storage, release, or flow operations of the associated qualifying nonpowered dam.

(2) *Section 35 of the Federal Power Act Qualification—Closed-Loop Pumped Storage Projects.* The application must demonstrate that the proposed closed-loop pumped storage project meets the following qualifications pursuant to section 35(g)(2) of the Federal Power Act:

(i) The project will cause little to no change to existing surface and groundwater flows and uses, and

(ii) The project is not likely to adversely affect species listed as a threatened species or endangered species, or designated critical habitat of such species, under the Endangered Species Act of 1973.

(3) *Section 401 of the Clean Water Act.* The application must include a copy of a request for certification under section 401(a)(1) of the Clean Water Act, including proof of the date on which the certifying agency received the request; and

(i) A copy of the water quality certification;

(ii) Evidence of waiver of water quality certification. A certifying agency is deemed to have waived the certification requirements of section 401(a)(1) of the Clean Water Act if the certifying agency has not denied or granted certification by one year after the date the certifying agency received a written request for certification; or

(iii) Documentation from the state certifying agency that the water quality certification application is complete. If a certifying agency denies certification, the applicant must file a copy of the denial within 30 days after the applicant receives it.

(4) *Endangered Species Act (ESA).* The application must include:

(i) A no-effect determination that includes documentation that no listed species or critical habitat are present at the proposed project site;

(ii) Documentation of concurrence from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Service(s)), as necessary, on a not likely to adversely affect determination; or

(iii) A draft Biological Assessment that includes documentation of consultation with the Service(s).

(5) *Section 106 of the National Historic Preservation Act.* Documentation that section 106 consultation has been initiated with the state historic preservation officer(s) and any Indian Tribes identified as having an interest in the project.

(6) *Dam Owner Documentation.* For projects to be located at existing nonpowered dams:

(i) Documentation of consultation with any nonfederal owner of the nonpowered dam if the applicant is not the owner and confirmation that the owner is not opposed to a hydropower development at the location; or

(ii) Documentation from the federal entity that non-federal hydropower development is not precluded at the proposed location and confirmation that the federal entity is not opposed to a hydropower development at the location.

(7) *Public Parks, Recreation Areas, and Wildlife Refuges.* If the project would use any public park, recreation area, or wildlife refuge established under state or local law, documentation from the managing entity indicating it is not opposed to the site's use for hydropower development.

§ 7.3 Adequacy Review of Application.

(a) *Adequacy Review of License Applications.* Review of the original license application for which expedited processing under this part is requested will be conducted pursuant to 18 CFR part 4 or 5, as applicable.

(b) *Deficient License Applications.* If an original license application for which expedited processing is requested under this part is rejected under 18 CFR parts 4 and 5, as applicable, the request for authorization for the expedited licensing process under this part is deemed rejected.

§ 7.4 Additional information.

An applicant may be required to submit any additional information or documentation that the Commission considers relevant for an informed decision on the application for authorization under this part. The information or documents must take the form, and must be submitted within the time, that the Commission prescribes. An applicant may also be required to provide within a specified time additional copies of the application, or any of the additional information or documents that are filed, to the Commission or to any person, agency, Indian Tribe or other entity that the Commission specifies. If an applicant fails to provide timely additional information, documents, or copies of submitted materials as required, the Director of the Office of Energy Projects (Director) may dismiss the application, hold it in abeyance, or take other appropriate action under this chapter or the Federal Power Act.

§ 7.5 Decision on request to use expedited licensing process.

When the Commission has determined that the original license application meets the Commission's requirements as specified in 18 CFR parts 4, 5, and this part; any deficiencies have been cured; and no other additional information is needed, the Director will approve the request to use the expedited licensing process under this part. If the Commission cannot deem the application meets the Commission's requirements as specified in 18 CFR parts 4, 5, and this part; has deficiencies; or additional information is needed within 6 months of application filing, the Director will deny the request to use the expedited licensing process. If the Director denies the request to use the expedited licensing process, the original license application will be processed pursuant to a standard processing schedule under 18 CFR parts 4 and 5, as applicable.

§ 7.6 Notice of acceptance and ready for environmental analysis.

If the Director approves the request to use the expedited licensing process under § 7.5, the Commission will issue a public notice as required in the Federal Power Act, no later than 6 months after application filing, that:

(a) Accepts the application for filing and specifies the date upon which the application was accepted for filing;

(b) Finds that the application is ready for environmental analysis;

(c) Requests comments, protests, and interventions;

(d) Requests recommendations, preliminary terms and conditions, and preliminary fishway prescriptions, including all supporting documentation; and

(e) Establishes an expedited licensing process schedule, including estimated dates for:

(1) Filing of recommendations, preliminary terms and conditions, and fishway prescriptions;

(2) Issuance of a draft National Environmental Policy Act (NEPA) document, or an environmental assessment not preceded by a draft;

(3) Filing of a response, as applicable, to Commission staff's request for ESA concurrence or request for formal consultation under the ESA, or responding to other Commission staff requests to Federal and State agencies, or Indian Tribes pursuant to Federal law, including the Magnuson-Stevens Fishery Conservation and Management Act and National Historic Preservation Act;

(4) Filing of comments on the draft NEPA document, as applicable;

(5) Filing of modified recommendations, mandatory terms and conditions, and fishway prescriptions in response to a draft NEPA document or environmental assessment, if no draft NEPA document is issued; and

(6) Issuance of a final NEPA document, if any.

§ 7.7 Amendment of application.

(a) Any proposed amendments to the pending license application after issuance of the notice of acceptance and ready for environmental analysis under this section must include:

(1) An amended or new section 401 of the Clean Water Act water quality certification if the amendment would have a material adverse impact on the water quality in the discharge from the proposed project; and

(2) Updates to all other material submitted under § 7.2(b)(1).

(b) If based on the information provided under paragraph (a) of this section, the proposed project under the amended license application no longer meets the requirements for expedited processing under § 7.2, the Director will notify the applicant that the application will no longer be processed under the expedited licensing process under this part and that further processing of the application will proceed under 18 CFR parts 4 and 5, as applicable.

(c) If the Director approves the continued processing of the amended application under this part and the amendment to the application would materially change the project's proposed plans of development, as provided in § 4.35 of this chapter, an agency, Indian Tribe, or member of the public may modify the recommendations or terms and conditions or prescriptions it previously submitted to the Commission pursuant to § 7.6. Such modified recommendations, terms and conditions, or prescriptions must be filed no later than the due date specified by the Commission for comments on the amendment.

(d) *Date of acceptance.* The date of acceptance of an amendment of application for an original license filed under this part is governed by the provisions of § 4.35 of this chapter.

§ 7.8 Other provisions.

(a) Except for provisions required by statute, the Director may waive or modify any of the provisions of this part for good cause.

(b) Late-filed recommendations by fish and wildlife agencies pursuant to the Fish and Wildlife Coordination Act and section 10(j) of the Federal Power Act for the protection, mitigation of damages to, and enhancement of fish and wildlife affected by the development, operation, and management of the proposed project and late-filed terms and conditions or prescriptions filed pursuant to sections 4(e) and 18 of the Federal Power Act, respectively, may be considered by the Commission as cause to remove the application from the expedited licensing process. If late-filed recommendations, terms and conditions, or prescriptions would delay or disrupt the expedited licensing proceeding, the Director will notify the applicant that the application will no longer be processed under the expedited licensing process under this part and that further processing of the application will proceed under 18 CFR parts 4 and 5, as applicable.

(c) *License conditions and required findings.* (1) All licenses shall be issued on the conditions specified in section 10 of the Federal Power Act and such other conditions as the Commission determines are lawful and in the public interest.

(2) Subject to paragraph (b) of this section, fish and wildlife conditions shall be based on recommendations timely received from the fish and wildlife agencies pursuant to the Fish and Wildlife Coordination Act.

(3) The Commission will consider the timely recommendations of resource agencies, other governmental units, and members of the public, and the timely recommendations (including fish and wildlife recommendations) of Indian Tribes affected by the project.

(4) Licenses for a project located within any Federal reservation shall be issued only after the findings required by, and subject to, any conditions that may be filed pursuant to section 4(e) of the Federal Power Act.

(5) The Commission will require the construction, maintenance, and operation of such fishways as may be timely prescribed by the Secretary of Commerce or the Secretary of the Interior, as appropriate, pursuant to section 18 of the Federal Power Act.

§ 7.9 Transition provision.

This part shall only apply to original license applications filed on or after May 8, 2019.

[FR Doc. 2019–01256 Filed 2–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0007]

RIN 1625–AA87

Security Zones; Port of Palm Beach, Port Everglades, Port of Miami, and Port of Key West, Florida

AGENCY: Coast Guard, DHS.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: On September 16, 2016, the Coast Guard published a notice of proposed rulemaking (NPRM) to establish security zones on the navigable waters of the Seventh Coast Guard District to allow the Coast Guard to restrict vessels from entering or transiting certain waters. The Coast Guard proposes amendments to its regulation by modifying the security zones in the Port of Palm Beach, Port Everglades, Port of Miami, and Port of Key West, Florida and updating definitions throughout the regulation. This action is necessary for clarification of terms and geographic application of security zones in Sector Key West and Sector Miami ports allowing for more effective implementation of these regulations to protect the public and ports from potential subversive acts. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before March 11, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0007 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: If you have questions about this proposed rulemaking, call or email Lieutenant Samuel Rodriguez-Gonzalez, Sector Miami Waterways Management Division, U.S. Coast Guard; telephone (305) 535–4307, email *Samuel.Rodriguez-Gonzalez@uscg.mil;* or BMC Greg Bergstrom, Sector Key West Waterways Management Division, U.S. Coast Guard; telephone (305) 292–8772, email *Greg.C.Bergstrom@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

A. Regulatory History and Information

The purpose of this proposed amendment is to protect the public and ports from potential subversive acts. The amendments establish a new section for Sector Key West security zones that previously were annotated as belonging to Sector Miami; clarify when the Port Everglades fixed security zones will be in effect, modify and lengthen a portion of one Port Everglades fixed security zone; and update language and definitions throughout the regulation.

B. Discussion of Comments on NPRM and Changes

On September 16, 2016, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled ''Security Zones; Port of Palm Beach, Port Everglades, Port of Miami, and Port of

Key West, Florida'' (see 81 FR 63728). The purpose of the proposed security zone was to mitigate the aforementioned potential subversive acts at various ports in the Seventh Coast Guard District. During the comment period, we received two comments.

One comment, received by telephone, asked that security calls be placed on Channels 13 and 16. The Coast Guard will not be implementing this requested change because our broadcasts are exclusively done on Channel 16.

The second comment expressed concern that the proposed zone does not offer enough security ''standoff'' distance for those three berths using the coordinates listed in § 165.760 (b) (3) of the proposed rule. The commenter also recommended shifting the coordinates in this berth area further east of the pier face to provide a larger security ''standoff'' distance. To address those concerns, we made minute changes to specific coordinates of the security zone and nomenclature updates to the geographic features listed in the NPRM. The geographic features we updated in the SNPRM are the name of the state park from John U Lloyd State Park to Von D. Mizell—Eula Johnson State Park and the description of the location from ''Pier'' to ''Berth.'' We are seeking comments for these changes from the NRPM comments. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of the SNPRM Proposed Rule

The fixed security zone from Mid-Port to North-Port (Berth 7 to the northern-most section of the Port) including all waters westward at Port Everglades would be an established permanent fixed security zone that will be in effect at all times. Berthing from Berth 7 to North-Port Port Everglades regularly serves passenger vessels, vessels carrying cargoes of particular hazards, and vessels carrying liquefied hazardous gas. This permanent fixed security zone, which parallels the Intracoastal Waterway, would not limit persons or vessels from using the main entrance channel (Bar Cut) or from using the Intracoastal Waterway. This zone would not restrict persons and vessels authorized to be in the zone from maneuvering around the berths within Port Everglades between Mid-Port and North-Port. This proposed amendment clarifies that all persons and vessels not authorized to be in the zone shall remain out of the zone in order to protect the public and Port from potential subversive acts.

The fixed security zone that runs from Mid-Port south to Berth 29, just south of the Von D. Mizell—Eula Johnson State Park launching ramps, along Port Everglades and the Intracoastal Waterway, would be decreased in size to encompass only the waters westward of the Intracoastal Waterway extending to and including the pier face of Port Everglades. The fixed security zone would also lengthen southward from Berth 29, just south of the Von D. Mizell—Eula Johnson State Park launching ramps to the northern tip of the Dania Cut-Off Canal. Persons and vessels would be allowed to operate along the Intracoastal Waterway, as they are now; however, persons and vessels would not be authorized to enter the security zone westward of the Intracoastal Waterway between Mid-Port and the northern tip of the Dania Cut-Off Canal without authorization. When a passenger vessel, vessel carrying cargoes of particular hazards, or vessel carrying liquefied hazardous gas moors along this section of Port Everglades, vessels transiting along the Intracoastal Waterway would be required to transit eastward of law enforcement vessels. This extension is needed to provide continuous protection for the public and Port because Port Everglades has expanded the entrance of the Dania Cut-Off Canal and its operations south over the years.

The term ''cruise ship tenders'' would be removed from the entire regulation because cruise ship tenders no longer provide security zone assistance.

The term ''cruise ship'' would be removed and ''passenger vessels'' will be redefined. Also, a ''vessel carrying cargoes of particular hazards'' and a ''vessel carrying liquefied hazardous gas'' will be defined.

As discussed above, since the implementation of Sector Miami security zones in 2003, Sector Key West was delegated its own Captain of the Port authority. Therefore, a separate section would be implemented by this proposed regulation to establish the security zone authority for Sector Key West.

These amendments are necessary for administrative reasons as noted above and to protect the public and Ports from potential subversive acts.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

The economic impact of these updates and modifications to the proposed rule are not significant for the following reasons: (1) Persons and vessels would still be able to operate in waters surrounding security zones; (2) the permanent fixed security zone encompassing Port Everglades from Mid-Port to North-Port is within the natural boundaries of the Port and is limited in size; (3) notification of the security zones will be made to the local maritime community via posted signs and Broadcast Notice to Mariners on VHF–FM marine channels 16 when applicable; and (4) persons and vessels may operate within the security zone if authorized by Captain of the Port Miami, Captain of the Port Key West, or a designated representative.

B. Impact on Small Entities

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

This rule may affect the following entities, some of which may be small entities: People and the owners or operators of vessels intending to transit or remain within the security zone(s) when they are in effect. For reasons discussed in section IV. A. Regulatory Planning and Review above, this rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves amending security zones and lengthening part of a security zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

Documents mentioned in this SNPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 2. Add § 165.760 to read as follows:

§ 165.760 Security Zones; Port of Palm Beach, Port Everglades, and Port of Miami, Florida.

(a) *Definition.* (1) As used in this section, passenger vessel is a vessel greater than 100 feet in length and over 100 gross tons that is authorized to carry more than 12 passengers for hire making voyages lasting more than 24 hours, except for a ferry.

(2) As used in this section, a vessel carrying cargoes of particular hazard is defined in 33 CFR part 126 and a vessel carrying liquefied hazardous gas (LHG) is defined in 33 CFR part 127.

(b) *Location.* The following areas are security zones. All coordinates are North American Datum 1983.

(1) *Fixed and moving security zones around vessels in the Port of Palm Beach, Port Everglades, and Port of Miami Florida.* Moving security zones are established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying liquefied hazardous gas (LHG) during transits entering or departing the

Port of Palm Beach, Port Everglades, or Port of Miami. These moving security zones are activated when the subject vessel passes: Lake Worth Lighted Buoy LW, at approximate position 26°46′22″ NN, 80°00′37″ W, when entering the Port of Palm Beach; passes Port Everglades Lighted Buoy PE, at approximate position 26°05′30″ N, 080°04′46″ W, when entering Port Everglades; and passes Miami Lighted Buoy M, at approximate position 25°46′05″ N, 080°05′01″ W, when entering Port of Miami. These moving security zones remain active whenever a passenger vessel, vessels carrying cargoes of particular hazard, or vessels carrying LHG is underway westward of the above mentioned buoys. Fixed security zones are established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying LHG, while the vessel is moored in the Port of Palm Beach, Port Everglades, or Port of Miami, Florida. Persons and vessels may pass within 100 yards of a moored passenger vessel, vessel carrying cargoes of particular hazard, or vessel carrying LHG that is moored within or alongside a federal channel as long as the passage occurs outside of the on scene law enforcement vessel. Persons and vessels shall pass north of the on scene law enforcement vessel when north of the Port of Miami, south of the on scene law enforcement vessel when south of the Port of Miami and east of the on scene law enforcement vessel in Port Everglades.

(2) *Fixed security zone in Port of Miami, Florida.* A fixed security zone encompasses all waters between Watson Park and Star Island from the MacArthur Causeway south to Port of Miami. The western boundary is formed by an imaginary line from points 25°46′45″ N, 080°10′52″ W, northwest to 25°46′46″ N, 080°10′54″ W, northeast to 25°46′53″ N, 080°10′50″ W, and extending northeast ending at Watson Island at 25°47′00″ N, 080°10′40″ W. The eastern boundary is formed by an imaginary line approximately 100 yards west of the Fisher Island Ferry terminal, in approximate position 25°46′20″ N, 080°09′07″ W, extending southwest across the Main Channel to Port of Miami, at 25°46′16″ N, 080°09′11″ W. The fixed security zone is in effect when two or more passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying LHG, enter or moor within this zone.

(i) When the security zone is in effect, persons and vessels shall not enter or transit the security zone along the Miami Main Channel unless authorized by Captain of the Port of Miami or a designated representative.

(ii) Persons and vessels may transit the Miami Main Channel when only one passenger vessel, one vessel carrying cargoes of particular hazard or one vessel carrying LHG is berthed.

(iii) Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(3) *Fixed security zones in Port Everglades.* A fixed security zone encompasses Mid-Port to North-Port in Port Everglades and includes all waters west of an imaginary line starting at the southernmost point 26°05′24″ N, 080°06′57″ W, on the northern tip of Berth 22, to the northernmost point 26°06′01″ N, 080°07′09″ W, near the west side of the 17th Street Bridge and then move west to the northwestern most point at 26°06′01″ N, 080°07′10″ W. An additional fixed security zone encompasses the waters west of the Intracoastal Waterway to the pier face of Port Everglades from Mid-Port south to the northern tip of the Dania Cut-Off Canal and includes the waters westward of the line connecting the following points to the pier face of Port Everglades: starting at 26°05′25″ N, 080°06′58″ W, on the northern tip of Berth 22 at Mid-Port, to a point directly east along the Intracoastal Waterway, 26°05′25″ N, 080°06′54″ W, then southeast along the Intracoastal Waterway to 26°05′10″ N, 080°06′49″ W, then southwest along the Intracoastal Waterway to 26°04′43″ N, 080°06′53″ W, then south along the Intracoastal Waterway to 26°03′54″ N, 080°06′52″ W, and then west to the Port Everglades pier face just north of the Dania Cut-Off Canal at 26°03′54″ N, 080°06′55″ W.

(i) Persons and vessels may transit the Intracoastal Waterway; however, persons and vessels are not authorized to enter the fixed security zone westward of the Intracoastal Waterway without authorization from Captain of the Port Miami or a designated representative. On occasion, a passenger vessel, vessel carrying cargoes of particular hazard, or vessel carrying LHG may moor and encroach into the Intracoastal Waterway. When this occurs, persons and vessels shall transit the Intracoastal Waterway east of the on scene law enforcement vessel.

(ii) Periodically, vessels may be required to temporarily hold their positions while large commercial traffic operates in this area. Vessels near the security zone must follow the orders of the Captain of the Port or the designated representative.

(iii) Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(c) *Regulations.* (1) Prior to commencing any movement, the person directing the movement of a passenger vessel, a vessel carrying cargoes of particular hazard, or a vessel carrying LHG is encouraged to make a security broadcast on VHF Marine Band Radio Channel 16 (156.8 MHz) to advise mariners of the moving security zone activation and intended transit.

(2) In accordance with the general regulations Section 165.33 of this part, entry into these zones is prohibited, except as authorized by the Captain of the Port of Miami or a designated representative. Vessels such as pilot boats, tug boats, and contracted security vessels may assist the Coast Guard Captain of the Port by monitoring these zones strictly to advise mariners of the restrictions. The Captain of the Port will notify the public of the security zone via signs or by Marine Safety Radio Broadcasts on VHF Marine Band Radio Channel 16 (156.8 MHz) when applicable.

(3) Persons and vessels desiring to enter or transit the fixed or moving security zones may contact the Captain of the Port Miami at (305) 535–4472 or on VHF Marine Band Radio Channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or the designated representative.

(4) The Captain of the Port Miami may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for the purpose of port security, safety, or environmental safety.

■ 3. Revise § 165.761 to read as follows:

§ 165.761 Security Zones; Port of Key West, Florida.

(a) *Definition.* (1) As used in this section, passenger vessel is a vessel greater than 100 feet in length and over 100 gross tons that is authorized to carry more than 12 passengers for hire making voyages lasting more than 24 hours, except for a ferry.

(2) As used in this section, a vessel carrying cargoes of particular hazard is defined in 33 CFR part 126 and a vessel carrying liquefied hazardous gas (LHG) is defined in 33 CFR part 127.

(b) *Location.* The following area is a security zone. Fixed and moving security zones around vessels in the Port of Key West, Florida. A moving security zones is established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard, or

vessels carrying liquefied hazardous gas (LHG) during transits entering or departing the Port of Key West, Florida. A moving security zones is activated when the subject vessel passes Key West Entrance Lighted Whistle Buoy KW, at approximate position 24°27′26″ N, 081°48′00″ W. This moving security zone remains active whenever a passenger vessel, vessels carrying cargoes of particular hazard, or vessels carrying LHG is underway westward of the above mentioned buoys. Fixed security zones are established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying LHG, while the vessel is moored in the Port of Key West, Florida.

(c) *Regulations.* (1) Prior to commencing any movement, the person directing the movement of a passenger vessel, a vessel carrying cargoes of particular hazard, or a vessel carrying LHG, is encouraged to make a security broadcast on VHF Marine Band Radio, Channel 16 (156.8 MHz) to advise mariners of the moving security zone activation and intended transit.

(2) In accordance with the general regulations Section 165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port of Key West or a designated representative. Vessels such as pilot boats, tug boats, and contracted security vessels may assist the Coast Guard Captain of the Port by monitoring these zones strictly to advise mariners of the restrictions. The Captain of the Port will notify the public of the security zone via signs or by Marine Safety Radio Broadcasts on VHF Marine Band Radio, Channel 16 (156.8 MHz) when applicable.

(3) Persons and vessels desiring to enter in, transit through, anchor in, or remain within the fixed or moving security zones may contact the Captain of the Port Key West at (305) 292–8727 or on VHF Marine Band Radio Channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or the designated representative.

(4) The Captain of the Port Key West may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for the purpose of port security, safety, or environmental safety.

Dated: February 4, 2019.

P.J. Brown,

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

[FR Doc. 2019–01468 Filed 2–6–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 328

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 110, 112, 116, 117, 122, 232, 300, 302, and 401

[EPA–HQ–OW–2018–0149]

RIN 2040–AF75

Revised Definition of "Waters of the United States"

AGENCY: Department of the Army; Environmental Protection Agency (EPA).

ACTION: Notice of public hearing.

SUMMARY: On December 11, 2018, the Environmental Protection Agency and the U.S. Department of the Army (the agencies) signed a proposed rule revising the definition of ''waters of the United States'' to clarify the scope of waters federally regulated under the Clean Water Act. The agencies are announcing that a public hearing will be held in Kansas City, Kansas on February 27 and 28, 2019, to provide interested parties the opportunity to present data, views, or information concerning the proposed rule. The pre-publication version of this proposal can be found at *https://www.epa.gov/wotus-rule/step-two-revise.*

DATES: The agencies will hold a public hearing on Wednesday, February 27 and Thursday, February 28, 2019, in Kansas City, Kansas. Please refer to the **SUPPLEMENTARY INFORMATION** section for additional information on the public hearing.

ADDRESSES: The hearing will be held in the Wyandotte Ballroom of the Reardon Convention Center, 520 Minnesota Avenue, Kansas City, Kansas 66101. The Wednesday session will convene at 4:00 p.m. (local time) and will conclude no later than 8:00 p.m. and the Thursday session will convene at 9:00 a.m. and will conclude no later than 12:00 p.m.

A complete set of documents related to the proposal will be available for public inspection through the Federal eRulemaking Portal: *http://www.regulations.gov,* Docket ID No. EPA–HQ–OW–2018–0149 once the notice of proposed rulemaking publishes in the **Federal Register**. Documents can also be viewed at the Environmental Protection Agency Docket Center, located at 1301 Constitution Avenue NW, Room 3334, Washington, DC between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays. In addition, the pre-publication version of the notice of proposed rule, the economic analysis for the proposed rule, and the resource and programmatic assessment for the proposed rule are available at *https://www.epa.gov/wotus-rule/step-two-revise.*

If you are unable to attend the public hearing you will be able to submit your comments, identified by Docket ID No. EPA–HQ–OW–2018–0149, to the *Federal eRulemaking Portal: http://www.regulations.gov* (our preferred method). Follow the online instructions for submitting comments. All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For additional information on the public hearing, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Ms. Damaris Christensen, Office of Water (4504–T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 566–2428; email address: *WOTUS-outreach@epa.gov;* or Ms. Cindy Barger, Office of the Assistant Secretary of the Army for Civil Works, 441 G Street NW, Washington DC 20014; telephone number: (202) 761–0038.

SUPPLEMENTARY INFORMATION:

I. Background

On December 11, 2018, the agencies signed a proposed rule defining the scope of waters federally regulated under the Clean Water Act, in light of the U.S. Supreme Court cases in *United States* v. *Riverside Bayview Homes, Solid Waste Agency of Northern Cook County v. United States,* and *Rapanos* v. *United States,* and consistent with Executive Order 13778, signed on February 28, 2017, entitled ''Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule.'' The agencies are holding a public hearing in Kansas City, Kansas on February 27 and

28, 2019, to provide interested parties the opportunity to present data, views, or information concerning the proposed rule. The agencies have submitted the proposed rule to the Office of the Federal Register, and it will be published separately in the **Federal Register**. The comment period on the proposed action will end 60 days after the notice of proposed rulemaking publishes in the **Federal Register**. The pre-publication version of the proposed rule can be found at *https://www.epa.gov/wotus-rule/step-two-revise* and will be replaced with the official version of the notice after it publishes.

II. Public Participation

A. Participation in Public Hearing

The public is invited to speak during the public hearing on February 27 and 28, 2019. The agencies will begin pre-registering speakers for the hearing upon signature of this document. Those interested in speaking at the hearing can sign up for a three-minute speaking slot within an identified 45-minute timeframe. To register to speak at the hearing, please use the online registration form available at *https://www.epa.gov/wotus-rule/proposed-revised-definition-wotus-public-hearing.* The last day to pre-register to speak at the hearing will be February 21, 2019. On February 26, 2019, the agencies will post a general agenda for the hearing that will list pre-registered speakers in approximate order at: *https://www.epa.gov/wotus-rule/proposed-revised-definition-wotus-public-hearing.*

The agencies will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearings to run either ahead of schedule or behind schedule. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk. The agencies will make every effort to accommodate all speakers who arrive and register, although preferences on speaking times may not be available.

Each commenter will have three minutes to provide oral testimony. The agencies encourage commenters to provide the agencies with a copy of their oral testimony electronically (via email) or in hard copy form.

The agencies may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. Written comments must be received by the last day of the comment period, as specified in the notice of proposed rulemaking. Verbatim transcripts of the hearing and written statements will be included in the docket for the rulemaking.

Please note that any updates made to any aspect of the hearing will be posted online at *https://www.epa.gov/wotus-rule/proposed-revised-definition-wotus-public-hearing.* While the agencies expect the hearing to go forward as set forth above, please monitor our website for any updates. The agencies do not intend to publish a document in the **Federal Register** announcing updates.

The agencies will not provide audiovisual equipment for presentations. Any media presentations should be submitted to the public docket at *https://www.regulations.gov/,* identified by Docket ID No. EPA–HQ–OW–2018–0149. A sign language interpreter will be available for the hearing. If you require the service of a translator or other special accommodations such as audio description, please pre-register for the hearing and describe your needs by February 20, 2019. We may not be able to arrange accommodations without advanced notice.

Dated: January 31, 2019.

John T. Goodin,

Director, Office of Wetlands, Oceans and Watersheds, Office of Water, Environmental Protection Agency.

Dated: February 1, 2019.

Ryan A. Fisher,

Principal Deputy Assistant Secretary of the Army (Civil Works), Department of the Army.

[FR Doc. 2019–01483 Filed 2–6–19; 8:45 am]

BILLING CODE 3720–58–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2018–0195; FRL–9988–89–OAR]

RIN 2060–AU00

Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopen comment period.

SUMMARY: On November 30, 2018, the Environmental Protection Agency (EPA) proposed a rule titled ''Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces.'' The EPA is reopening the public comment period on the proposed rule that closed on January 14, 2019. The EPA is taking this action to allow time for the public to comment on the proposed rule for at least 30 days following the public hearing, which was held on December 17, 2018.

DATES: The public comment period for the proposed rule published in the **Federal Register** on November 30, 2018 is being reopened. Written comments must be received on or before February 12, 2019.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2018–0195, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*.

Regulations.gov is our preferred method for receiving comments. However, the following other submission methods are also accepted:

- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2018–0195 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2018–0195.
- *Mail:* To ship or send mail via the United States Postal Service, use the following address: U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2018–0195, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* Use the following Docket Center address if you are using express mail, commercial delivery, hand delivery, or courier: EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. Delivery verification signatures will be available only during regular business hours.

Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you need to include CBI as part of your comment, send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2018–0195.

The EPA may publish any comment received to its public docket. 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://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: For additional information on this action, contact Rochelle Boyd, Sector Policies and Programs Division, Office of Air Quality Planning and Standards (D243–02), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–1390; and email address: *boyd.rochelle@epa.gov.*

SUPPLEMENTARY INFORMATION: To allow for additional time for stakeholders to provide comments, the EPA has decided to reopen the public comment period until February 12, 2019.

Dated: February 1, 2019.

Panagiotis Tsirigotis,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2019–01366 Filed 2–6–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2013–0495; FRL–9989–04–OAR]

RIN 2060–AT56

Review of Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: On December 6, 2018, the Environmental Protection Agency (EPA) proposed a rule titled ''Review of Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units.'' The EPA is extending the public comment period from February 19, 2019, until March 18, 2019, which is consistent with the requirement to keep the record open for at least 30 days after the public hearing, which is scheduled for February 14, 2019, in Washington, DC. Information about the public hearing was posted online on January 30, 2019, and can be found at *https://www.epa.gov/stationary-sources-air-pollution/proposal-nsps-ghg-emissions-new-modified-and-reconstructed-egus.*

DATES: The public comment period for the proposed rule published in the **Federal Register** on December 20, 2018 is being extended. Written comments must be received on or before March 18, 2019.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0495, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov. Regulations.gov* is our preferred method of receiving comments. However, other submission methods are accepted:

- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2013–0495 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2013–0495.
- *Mail:* To ship or send mail via the United States Postal Service, use the following address: U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2013–0495, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* Use the following Docket Center address if you are using express mail, commercial delivery, hand delivery, or courier: EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. Delivery verification signatures will be available only during regular business hours.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Mr. Christian Fellner, Sector Policies and Programs Division (D205–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–4003; fax number: (919) 541–4991; and email address: *fellner.christian@epa.gov.*

SUPPLEMENTARY INFORMATION: *Instructions.* Direct your comments to Docket ID No. EPA–HQ–OAR–2013–0495. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov.* Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you need to include CBI as part of your comment, send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2013–0495.

The EPA may publish any comment received to its public docket. 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.*

Dated: January 31, 2019.

Panagiotis Tsirigotis,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2019–01365 Filed 2–6–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[WT Docket No. 17–79 and WC Docket No. 17–84; Report No. 3109]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration.

SUMMARY: A Petition for Reconsideration (Petition) has been filed in the Commission's proceeding by Alan S. Tilles, on behalf of The City of New Orleans, Louisiana; Virginia Municipal League; Kentucky League of Cities; Mississippi Municipal League; Pennsylvania Municipal League; Alabama League of Municipalities; Arkansas Municipal League; Nevada League of Cities and Municipalities; Town of Middleburg, Virginia; Jefferson Parish, Louisiana; and Government Wireless Technology & Communications Association.

DATES: Oppositions to the Petition must be filed on or before February 22, 2019. Replies to an opposition must be filed on or before March 4, 2019.

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

FOR FURTHER INFORMATION CONTACT: Donald Johnson, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at (202) 418–7444, email: *Donald.Johnson@fcc.gov.*

SUPPLEMENTARY IN0FORMATION: This is a summary of the Commission's document, Report No. 3109, released January 2, 2019. The full text of the Petition is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554. It also may be accessed online via the Commission's Electronic Comment Filing System at: *http://apps.fcc.gov/ecfs/.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5.U.S.C. because no rules are being adopted by the Commission.

Subject: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, FCC 18–133, published at 83 FR 51867, October 15, 2018, in WT Docket No. 17–79; WC Docket No. 17–84. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 1.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2019–01479 Filed 2–6–19; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 84, No. 26

Thursday, February 7, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Black Hills National Forest Advisory Board (Board) will meet in Rapid City, South Dakota. The Board is established consistent with the Federal Advisory Committee Act of 1972, the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Forest Management Act of 1976, and the Federal Public Lands Recreation Enhancement Act. Additional information concerning the Board, including the meeting summary/minutes, can be found by visiting the Board's website at: *http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees.*

DATES: The meeting will be held on Wednesday, February 20, 2019, at 1:00 p.m.

All meetings are subject to cancellation. For updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Forest Service Center, 8221 Mount Rushmore Road, Rapid City, South Dakota.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Black Hills National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Scott Jacobson, Committee Coordinator, by phone at 605–440–1409 or by email at *sjjacobson@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide:

(1) Election of Chair and Vice-Chair;

(2) Annual Ethics Training;

(3) Charter Review;

(4) Recreation Site Analysis (RSA) update;

(5) Timber Sustainability;

(6) Botanical Area and Research Natural Area Mineral Withdrawal; and

(7) Motorized Trail Strategy.

The meeting is open to the public and transcripts, documents and minutes will be made available for public inspection. The U.S. Forest Service will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Chairman may allow the public to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by February 11, 2019, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Board may file written statements with the Board's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Scott Jacobson, Black Hills National Forest Supervisor's Office, 1019 North Fifth Street, Custer, South Dakota 57730; by email to *sjjacobson@fs.fed.us,* or via facsimile to 605–673–9208.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: December 7, 2018.

Allen Rowley,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2019–01439 Filed 2–6–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Guaranteed Rural Rental Housing Low Loan-to-Cost Ratio

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service announces the low loan-to-cost ratio required for loans guaranteed under Option Three (Continuous Guarantee) of the Guaranteed Rural Rental Housing Program (GRRHP). The low loan-to-cost ratio is defined as a maximum of 70 percent in order for a loan to be eligible for a single continuous guarantee for construction and permanent loans. The Rural Housing Service is not modifying the lease-up reserves or percent of guarantee previously established for this program.

DATES: Applicability date: February 7, 2019.

FOR FURTHER INFORMATION CONTACT: Tammy Daniels, Financial and Loan Analyst, USDA, Rural Development, Guaranteed Rural Rental Housing Program, Multi-Family Housing Guaranteed Loan Division, Room 1263–S, STOP 0781, 1400 Independence Avenue SW, Washington, DC 20250–0781. Email: *tammy.daniels@wdc.usda.gov.* Telephone: (202) 720–0021. This number is not toll-free. Hearing or speech-impaired persons may access that number by calling the Federal Information Relay Service toll-free at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The GRRHP is authorized by Section 538 of the Housing Act of 1949, as amended (42 U.S.C. 1490p–2) and operates under 7 CFR part 3565. A previous **Federal Register** Notice (77 FR 54877, September 6, 2012) set the loan to cost ratio requirement for the Continuous Guarantee to 50 percent or less of the total development cost. As set forth in 7 CFR part 3565, the Agency will define the loan to cost ratio. With this Notice, the loan to-cost-ratio is now being increased to 70 percent or less of the total development cost for loan guarantees that meet the Agency's requirement for Option Three (Continuous Guarantee).

Non-Discrimination Statement: In accordance with Federal civil rights law and U.S. Department of Agriculture

(USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

Joel C. Baxley,

Administrator, Rural Housing Service.

[FR Doc. 2019–01350 Filed 2–6–19; 8:45 am]

BILLING CODE 3410–XV–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Mississippi Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Mississippi Advisory Committee (Committee) will hold a meeting on Thursday February 14, 2019 at 12:00 p.m. Central time. The Committee will discuss next steps in their study of prosecutorial discretion in the state.

DATES: The meeting will take place on Thursday February 14, 2019 at 12:00 p.m. Central Time.

Public Call Information: Dial: 877–260–1479, Conference ID: 9982340.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or (312) 353–8311.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call in number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 230 S Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Mississippi Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome and roll call
II. Discussion: Prosecutorial Discretion in Mississippi
III. Public comment
IV. Next steps
V. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the federal government shutdown.

Dated: February 1, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–01330 Filed 2–6–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Office of the Secretary, Office of Security; Proposed Information Collection; Comment Request; Foreign National Request Form

AGENCY: Office of the Secretary, Office of Security (OSY), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 8, 2019.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 1401 Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Philip Bennett, NIST, 100 Bureau Drive, Gaithersburg, MD 20899, (301) 975–6306, or *philip.bennett@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of this collection is to gather information to mitigate variances in foreign access management program implementation and registration

information requirements needed to reach risk-based determinations of physical and logical access by foreign national visitors and guests to Commerce facilities and resources. Due to the increasing diversity of foreign national participation in departmental programs, considerable efforts have been made to baseline requirements as a means to define uniform program standards as well as to expand current guidance beyond foreign visitor control to manage emerging risks associated with physical and logical access to the Department' s facilities and resources.

II. Method of Collection

This information is collected in both paper form and electronically.

III. Data

OMB Control Number: 0690–0033.
Form Number(s): 207–12–1.
Type of Review: Regular submission. Extension of a currently approved collection.
Affected Public: Individuals or households.
Estimated Number of Respondents: 12,000.
Estimated Time Per Response: 15 minutes.
Estimated Total Annual Burden Hours: 3,000.
Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Commerce invites 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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record, which may include posting them on the *Regulations.gov* website. Comments will generally be posted without change. Please do not include information of a confidential nature, such as sensitive personal information or proprietary information. All Personally Identifiable Information (for example, name and address) voluntarily submitted may be publicly accessible. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket. Please note that comments that include a message stating the confidentiality of the communication will be treated as public comments and will be made available to the public.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–01435 Filed 2–6–19; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Reviews; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that certain exporters subject to this administrative review and new shipper reviews did not make sales of subject merchandise at less than normal value.

DATES: Applicable February 7, 2019.

FOR FURTHER INFORMATION CONTACT: Jacob Keller and Bryan Hansen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4849 and (202) 482–3683, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 28, 2017, Commerce aligned the new shipper reviews with the administrative review.[1] On October 16, 2018, we published the preliminary results of the administrative review and new shipper reviews of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (China) covering the period of review (POR) September 1, 2016, through August 31, 2017.[2] We gave interested parties an opportunity to comment on the *Preliminary Results.* We received no comments. Hence, these final results are unchanged from the *Preliminary Results.* Commerce conducted these reviews in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act).

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.[3] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for these final results of reviews is now March 25, 2019.

Scope of the Order

The product covered by the antidumping duty order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or un-purged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the HTSUS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by U.S. Customs and Border Protection (CBP) in 2000, and HTSUS numbers 0306.19.00.10 and 0306.29.00.00, which are reserved for fish and crustaceans in general. On February 10, 2012, Commerce added HTSUS classification number 0306.29.01.00 to the scope description pursuant to a request by CBP. On September 21, 2018, Commerce added HTSUS classification numbers 0306.39.0000 and 0306.99.0000 to the scope description pursuant to a request

[1] *See* Memorandum, ''Alignment of New Shipper Reviews of Freshwater Crawfish Tail Meat from the People's Republic of China with the Concurrent Administrative Review of Freshwater Crawfish Tail Meat from the People's Republic of China,'' dated November 28, 2017.

[2] *See Freshwater Crawfish Tail Meat from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and New Shipper Reviews, and Rescission of Review in Part; 2016–2017,* 83 FR 52201 (October 16, 2018) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[3] *See* memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

by CBP. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

Final Determination of No Shipments

Commerce preliminarily found that China Kingdom (Beijing) Import & Export Co., Ltd., Hubei Qianjiang Huashan Aquatic Food and Product Co., Ltd., and Nanjing Gemsen International Co., Ltd., which have been eligible for separate rates in previous segments of the proceeding and are subject to this administrative review, did not have any reviewable entries of subject merchandise during the POR.[4] After the *Preliminary Results,* we received no comments or additional information with respect to these three companies. Therefore, for the final results, we continue to find that these three companies did not have any reviewable entries of subject merchandise during the POR. Consistent with our practice, we will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on our final results.

Separate Rates

Commerce preliminarily determined that seven respondents are eligible to receive separate rates in this administrative review.[5] We made no changes to these determinations for the final results.

Analysis of Comments Received

As stated above, we received no comments on the *Preliminary Results.*

Changes Since the Preliminary Results

We made no revisions to the *Preliminary Results.*

Final Results of Administrative Review

As a result of this administrative review, Commerce determines that the following weighted-average dumping margins exist for the period September 1, 2016, through August 31, 2017:

Exporter	Weighted-average margin (percent)
Hubei Nature Agriculture Industry Co., Ltd	0.00
Weishan Hongda Aquatic Food Co., Ltd	0.00
Xiping Opeck Food Co., Ltd	0.00
Xuzhou Jinjiang Foodstuffs Co., Ltd	0.00
Yancheng Hi-King Agriculture Developing Co., Ltd	0.00

Final Results of New Shipper Reviews

As a result of the new shipper reviews, Commerce determines that the following dumping margins exist covering the period September 1, 2016, through August 31, 2017:[6]

Exporter	Producer	Weighted-average margin (percent)
Anhui Luan Hongyuan Foodstuffs Co., Ltd	Anhui Luan Hongyuan Foodstuffs Co., Ltd	0.00
Kunshan Xinrui Trading Co., Ltd	Leping Yongle Food Co., Ltd	0.00

Assessment

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), and the *Final Modification for Reviews,*[7] Commerce intends to instruct CBP to liquidate without regard to antidumping duties all appropriate entries for respondents eligible for a separate rate. For all other companies, we will instruct CBP to apply the antidumping duty assessment rate of the China-wide entity, 223.01 percent, to all entries of subject merchandise exported by these companies.[8] For the three companies that we determined had no reviewable entries of the subject merchandise in the administrative review period, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the China-wide rate. We intend to issue assessment instructions to CBP 15 days after the date of publication of the final results of 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 from China entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be the rate established in these final results of review for each exporter as listed above; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter.

With respect to Anhui Luan Hongyuan Foodstuffs Co., Ltd. (Anhui Luan) and Kunshan Xinrui Trading Co., Ltd. (Kunshan Xinrui), the respondents in the new shipper reviews, Commerce established a combination cash deposit rate for these companies consistent with its practice, as follows: (1) For subject merchandise produced and exported by Anhui Luan and for subject merchandise produced by Leping Yongle Food Co., Ltd. and exported by Kunshan Xinrui, the cash deposit rate will be the rate established in the final results of the new shipper reviews; (2) for subject merchandise exported by Anhui Luan but not produced by Anhui Luan and exported by Kunshan Xinrui but not produced by Leping Yongle Food Co., Ltd. the cash deposit rate will be the rate for the China-wide entity;

[4] *See Preliminary Results,* 83 FR at 52202 n.4.

[5] *Id.* at 52202, and accompanying Preliminary Decision Memorandum at 8–11.

[6] Commerce reached these conclusions based on the totality of the circumstances surrounding the reported sale for each company. *See Preliminary Results,* and accompanying Preliminary Decision Memorandum at 4–5 *Bona Fides* Analysis section.

[7] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012) (*Final Modification for Reviews*).

[8] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 52268, 52269 (November 13, 2017); *see also Freshwater Crawfish Tail Meat from the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews,* 82 FR 48482, 48483 (October 18, 2017).

and (3) for subject merchandise produced by Anhui Luan but not exported by Anhui Luan and for subject merchandise produced by Leping Yongle Food Co., Ltd. but not exported by Kunshan Xinrui the cash deposit rate will be the rate applicable to the exporter. These deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

These final results of administrative and new shipper reviews are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: February 1, 2019.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–01478 Filed 2–6–19; 8:45 a.m.]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG751

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice; public workshops.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold eight in-person workshops to inform stakeholders about new reporting requirement for federally permitted for-hire operators in the Gulf of Mexico.

DATES: The public hearings will take place January 24, 2019–March 11, 2019. The meetings will begin at 6 p.m. and will conclude no later than 9 p.m. For specific dates and times, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The public documents can be obtained by contacting the Gulf of Mexico Fishery Management Council, 4107 West Spruce Street, Suite 200, Tampa, FL 33607; (813) 348–1630 or on their website at *www.gulfcouncil.org*.

Meeting addresses: The workshops will be held in Destin, St. Petersburg, Ft. Myers, Key West, FL; Orange Beach, AL; New Orleans, LA; Biloxi, MS; and Galveston, TX. For specific locations, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Emily Muehlstein, Public Information Officer; *Emily.Muehlstein@gulfcouncil.org,* Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Please note: This was previously issued prior to the government shutdown, however, due to the shutdown, it was not able to be published prior to three of the hearings. Although the hearings that have taken place are still listed, this notice is being published for the remaining hearings. The agenda for the following eight in-person workshop are as follows: NOAA staff will brief the public on the purpose and requirements associated with the Generic Amendment to Fishery Management Plans for the Reef Fish and Coastal Migratory Pelagic Resources in the Gulf of Mexico to Modify Charter Vessel and Headboat Reporting Requirements.

Staff will be available to answer any questions, and the public will have the opportunity to provide feedback on the upcoming reporting requirements.

The schedule is as follows:

Locations

Thursday, January 24, 2019; Fish and Wildlife Research Institute, 100 8th Avenue SE, St. Petersburg, FL 33701; telephone: (727) 896–8626.

Monday, January 28, 2019; Orange Beach Community Center, 27235 Canal Road, Orange Beach, AL 36561; telephone: (251) 981–6629.

Friday, February 1, 2019; City of Destin Community Center, 101 Stahlman Avenue, Destin, FL, 32541; telephone: (850) 654–5184.

Tuesday, February 12, 2019; La Quinta Inn & Suites, 2610 Williams Blvd., Kenner, LA 70062; telephone: (504) 446–1401.

Wednesday, February 13, 2019; Mississippi Department of Marine Resources, 1141 Bayview Avenue, Biloxi, MS 39530; telephone: (228) 374–5000.

Monday, February 25, 2019; Galveston Yacht Basin, 715 N. Holiday Drive, Galveston, TX 77550; telephone: (409) 765–3000.

Thursday, March 7, 2019; Harvey Government Center, 1200 Truman Avenue, Key West, FL 33040; telephone: (305) 295–4385.

Monday, March 11, 2019; Hyatt Place Fort Myers at the Forum, 2600 Champion Ring Road, Ft. Myers, FL 33905; telephone: (239) 418–1844.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira (see **ADDRESSES**), at least 5 working days prior to the meeting date.

Dated: February 1, 2019.

Karen H. Abrams,

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

[FR Doc. 2019–01362 Filed 2–6–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG765

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of re-scheduled SEDAR 61 Assessment Webinar II for Gulf of Mexico red grouper.

SUMMARY: The SEDAR 61 stock assessment process for Gulf of Mexico red grouper will consist of an In-person Workshop, and a series of data and assessment webinars.

DATES: The SEDAR 61 Assessment Webinar II will be held February 13, 2019, from 10 a.m. to 12 p.m. Eastern Time. This webinar was originally scheduled for January 10, 2019, but was

postponed due to the government shutdown.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Assessment Webinar are as follows:

1. Using datasets and initial assessment analysis recommended from the in-person workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 1, 2019.

Karen H. Abrams,

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

[FR Doc. 2019–01361 Filed 2–6–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG693

Endangered Species; Take of Steelhead

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

ACTION: Notice of receipt for one application to renew a scientific enhancement permit.

SUMMARY: Notice is hereby given that NMFS received an application from NMFS' California Coastal Office in Long Beach, California to renew their U.S. Endangered Species Act (ESA) scientific enhancement permit (permit 14159–2R). The purpose of this permit is to enhance the survival of the endangered Southern California Distinct Population Segment of steelhead (*Oncorhynchus mykiss*) through rescue and relocation of at-risk steelhead, ecological research, and invasive species management. The public is hereby notified that the application for Permit 14159–2R is available for review and comment before NMFS either approves or disapproves the application.

DATES: Written comments on the permit application must be received at the appropriate address or fax number (see **ADDRESSES**) on or before March 11, 2019.

ADDRESSES: Written comments on the permit application should be submitted to Matt McGoogan, NMFS, California Coastal Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802. Comments may also be submitted via email (*matthew.mcgoogan@noaa.gov*) or fax (562) 980–4027. The permit application is available for review, by appointment, at the foregoing address or online at the Authorizations and Permits for Protected Species website: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

FOR FURTHER INFORMATION CONTACT: Matt McGoogan, phone: (562) 980–4026 or email: *matthew.mcgoogan@noaa.gov.*

SUPPLEMENTARY INFORMATION: *Species Covered in This Notice:* Endangered Southern California Distinct Population Segment of steelhead (*Oncorhynchus mykiss*).

Authority

Scientific research and enhancement permits are issued in accordance with Section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et. seq*) and regulations governing listed fish and wildlife permits (50 CFR 222–227). NMFS issues permits based on findings that such permits (1) are applied for in good faith, (2) would not operate to the disadvantage of the listed species which are the subject of the permits, and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits.

This notice is provided pursuant to Section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and any comment submitted to determine whether the application meets the requirements of Section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period and consideration of any comment submitted therein. NMFS will publish

notice of its final action in the **Federal Register**.

Those individuals requesting a hearing on the application listed in this notice should provide the specific reasons why a hearing on the application would be appropriate (see **ADDRESSES**). Such a hearing is held at the discretion of the Assistant Administrator for NOAA Fisheries.

Permit Application Received:

Permit 14159–2R

NMFS' California Coastal Office in Long Beach, California applied to renew their Section 10(a)1(A) scientific enhancement permit (permit 14159–2R). This application involves enhancing the survival of the endangered Southern California (SC) Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) through (1) rescue and relocation of at-risk steelhead, (2) ecological research, and (3) invasive species management. Activities associated with these three primary components could occur anywhere within the range for the SC DPS of steelhead. A summary of these components is provided as follows.

1. Rescue and Relocation

This component involves rescuing and relocating steelhead from stream sections experiencing natural dewatering during the dry season or prolonged periods of below average rainfall. Specific staff listed on the application from both NMFS and the California Department of Fish and Wildlife (CDFW) will follow a predetermined communication and documentation protocol while implementing these relocation efforts. Standard scientific methods and equipment (*e.g.,* backpack-electrofishing, nets, seines, portable air pumps, transport containers, water chillers, etc.) will be used during the capture and relocation of steelhead. Captured steelhead will be transported for release into habitats within the same watershed (when possible) that are determined likely to maintain adequate water and habitat quality through the remainder of the dry season. Because this is an endangered population with low abundance, relocating steelhead from sections of stream where they will likely perish is expected to benefit the survival of this species.

2. Ecological Research

Basic information regarding the ecology of endangered SC steelhead is extremely limited, yet such information is critical for guiding science-based decisions regarding the conservation of this species. As a result, NMFS proposes field-based investigations to produce much-needed empirical data, particularly data concerning the ecology of endangered steelhead. The empirical data would benefit endangered steelhead through informing species-management and protection efforts, including work NMFS undertakes while enforcing certain provisions of the ESA. Specific NMFS' staff listed on the application will implement this research. Proposed ecological research elements under this application could include any of the following: (1) Salvaging steelhead carcasses to assess age, growth, and toxicology; (2) trapping emergent fry to assess spawning ecology; (3) capturing juvenile steelhead to assess the effectiveness of steelhead relocation; (4) collecting and maintaining steelhead to improve species management and protection; and (5) developing a predictive model for the maximum size of juvenile steelhead in streams. Standard scientific methods and procedures (*e.g.,* Passive Integrated Transponder-tagging, fin-clip/DNA analysis, scale sampling, otolith analysis, anesthesia etc.) are proposed for implementing these research elements.

3. Invasive Species Management

NMFS' recovery plan for endangered SC steelhead highlights non-native aquatic plant and animal species as a threat to steelhead in many watersheds across the SC DPS of steelhead. Non-native fish, crustaceans, and amphibians can harm steelhead indirectly through competition for resources (*e.g.,* food, living space) or degradation of habitat quality and directly through predation on steelhead. As such, removing these non-native species is expected to be highly beneficial for steelhead. Specific NMFS and CDFW staff listed on the application will implement standard methods for capture and removal of invasive species (*e.g.,* backpack-electrofishing, seining, hand-nets, traps, hook-and-line angling, spearfishing). Invasive species management methods will target capture and removal of non-native species; however, these activities may also result in the capture of steelhead in the process. Steelhead captured during invasive species management will be (1) measured for length and weight, (2) potentially have a tissue sample (*i.e.,* fin clip, scale) taken, and (3) returned unharmed to the stream. Any non-native species captured will be humanely euthanized and disposed.

Field activities for the various proposed enhancement components can occur year-round between May 1, 2019, and December 31, 2029. The annual sum of take requested across the various components of this effort is as follows: (1) Non-lethal capture and release of up to 4,000 juvenile steelhead while electrofishing, (2) non-lethal capture and release of up to 200 juvenile steelhead while seining, (3) non-lethal capture and release of up to 100 adult steelhead using hand net or seine, (4) collection and retention of up to 110 adult and 300 juvenile steelhead carcasses, (5) non-lethal capture and release of up to 5 adult and 600 juvenile steelhead for the purpose of applying Passive Integrated Transponder-tags, (6) non-lethal capture and release up to 2000 fry during emergent trapping, (7) non-lethal capture of up to 5 juvenile steelhead while hook-and-line angling, and (8) non-lethal observation of up to 2000 juvenile and 50 adult steelhead during instream snorkel surveys. The potential annual unintentional lethal steelhead take resulting from the proposed enhancement activities is up to 241 juvenile, 100 fry, and 2 adult. The potential annual intentional (directed) lethal take includes up to 200 steelhead fry.

This proposed scientific enhancement effort is expected to enhance survival and support steelhead recovery across the entire SC DPS of steelhead and is consistent with recommendations and objectives outlined in NMFS' Endangered Southern California Steelhead Recovery Plan. See the Permit 14159–2R application for greater details on the various components of this scientific enhancement effort including the specific scientific methods proposed and take allotments requested for each.

Dated: February 1, 2019.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–01375 Filed 2–6–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Marine Recreational Information Program Social Network Analysis Mail Survey.

OMB Control Number: 0648–.

Form Number(s): None.

Type of Request: Regular.

Number of Respondents: 4,500.

Average Hours per Response: 0.25.

Burden Hours: 1,125.

Needs and Uses: NOAA Fisheries needs to educate and inform anglers about MRIP generally, but there's no way to effectively reach millions of individual anglers. Therefore, the agency is looking to identify how and where anglers get and share their information. In 2019, MRIP will undertake a social network survey to help identify relationships, networks, channels, and information flow among the numerous audiences that comprise the recreational fishing community. Completing this survey of licensed saltwater recreational anglers along with a subsequent analysis will help MRIP more effectively engage with its audiences by identifying key influencers and information pathways, and identifying the areas of greatest need and greatest opportunity for relationship-building. Data gathered will include angler use of and trust in different sources and channels of fisheries management information. These data will be used to identify key information sources for recreational anglers, evaluate regional differences in information sources, and evaluate recreational angler confidence in management and data collection efforts, thus allowing MRIP to more effectively communicate with recreational anglers on data collection issues by focusing communications efforts on important network channels.

Affected Public: Individuals or Households.

Frequency: One-time reporting.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–01394 Filed 2–6–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee on Arlington National Cemetery Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Advisory Committee on Arlington National Cemetery (ACANC), the Remember and Explore Subcommittee, and the Honor Subcommittee. These meetings are open to the public. For more information, please visit: *http://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/ACANC-Meetings.*

DATES: The Remember and Explore Subcommittee will meet on Wednesday, March 13, 2019 from 9:00 a.m. to 12:00 p.m. The Honor Subcommittee will meet on Wednesday, March 13, 2019 from 1 p.m. to 4 p.m. The full Advisory Committee on Arlington National Cemetery (ACANC) will meet on Thursday, March 14, 2019 from 9:00 a.m. to 2 p.m.

ADDRESSES: Arlington National Cemetery Welcome Center, Arlington National Cemetery, Arlington, VA 22211.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy Keating; Alternate Designated Federal Officer for the Committee, in writing at Arlington National Cemetery, Arlington VA 22211, or by email at *timothy.p.keating.civ@mail.mil,* or by phone at 1–877–907–8585.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended) and 41 Code of the Federal Regulations (CFR 102–3.150).

Purpose of the Meeting: The primary purpose of the Remember & Explore Subcommittee is to recommend methods to maintain the Tomb of the Unknown Soldier Monument, including the cracks in the large marble sarcophagus, the adjacent marble slabs, and the potential replacement marble stone for the sarcophagus already gifted to the Army; accomplish an independent assessment of requests to place commemorative monuments within ANC; and identify means to capture and convey ANC's history, including Section 60 gravesite mementos, and improve the quality of visitors' experiences now and for generations to come.

The primary purpose of the Honor Subcommittee is to accomplish an independent assessment of methods to address the long-term future of the Army national cemeteries, including how best to extend the active burials and what ANC should focus on once all available space is used.

The Advisory Committee on Arlington National Cemetery is an independent Federal advisory committee chartered to provide the Secretary of the Army independent advice and recommendations on Arlington National Cemetery, including, but not limited to, cemetery administration, the erection of memorials at the cemetery, and master planning for the cemetery. The Secretary of the Army may act on the Committee's advice and recommendations.

Agenda: The Remember and Explore Subcommittee will receive briefings on possible funding options for perpetual maintenance and upkeep of Commemorative Monuments approved for placement within ANC; educational outreach program efforts by ANC; and an update on mitigation of bio-film growth on ANC structures.

The Honor Subcommittee will receive a Public Affairs update briefing; a status report on the Southern Expansion project design and funding; and a briefing on the status of committee report recommendations.

The Committee will receive an update briefing on the Southern expansion project; ANC plan to implement a policy change to military funeral escorts; ANC future eligibility and capacity update brief; a discussion of prioritizing Medal of Honor recipient funeral scheduling; and reports from subcommittee meetings.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis. The Arlington National Cemetery conference room is readily accessible to and usable by persons with disabilities. For additional information about public access procedures, contact Mr. Timothy Keating, the subcommittee's Alternate Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments and Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may

submit written comments or statements to the Subcommittees and/or the Committee in response to the stated agenda of the open meeting or in regard to the Committee's mission in general. Written comments or statements should be submitted to Mr. Timothy Keating, the Alternate Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Officer at least seven business days prior to the meeting to be considered by the Committee. The Designated Federal Officer will review all timely submitted written comments or statements with the Committee Chairperson, and ensure the comments are provided to all members of the Committee before the meeting. Written comments or statements received after this date may not be provided to the Committee until its next meeting. Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow any member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during these meetings only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the Committee's Designated Federal Officer, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The Designated Federal Officer will log each request, in the order received, and in consultation with the appropriate Chair determine whether the subject matter of each comment is relevant to the missions and/or the topics to be addressed in these public meeting. Members of the public who have requested to make a comment and whose comments have been deemed relevant under the process described above, will be invited to speak in the order in which their requests were received by the Designated Federal Officer. The appropriate Chair may allot a specific amount of time for comments.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2019–01465 Filed 2–6–19; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Uniform Formulary Beneficiary Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Uniform Formulary Beneficiary Advisory Panel, Department of Defense.

ACTION: Notice of federal advisory committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel will take place.

DATES: Open to the public Wednesday, March 27, 2019 from 9:00 a.m.–12:00 p.m.

ADDRESSES: The address of the open meeting is the Naval Heritage Center Theater, 701 Pennsylvania Avenue NW, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Colonel Paul J. Hoerner, USAF, 703–681–2890 (Voice), None (Facsimile), *dha.ncr.j-6.mbx.baprequests@mail.mil* (Email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101. Website: *https://health.mil/bap.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

The Panel will review and comment on recommendations made to the Director of the Defense Health Agency, by the Pharmacy and Therapeutics Committee, regarding the Uniform Formulary.

Purpose of the Meeting: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel will take place.

Agenda:

1. Sign-In
2. Welcome and Opening Remarks
3. Scheduled Therapeutic Class Reviews (Comments will follow each agenda item)
   a. Migraine Agents—CGRP Prophylaxis Subclass
   b. Oncological Agents—Prostate Cancer 2nd Generation Antiandrogen Subclass
   c. Oncological Agents—Prostate Cancer CYP–17 Inhibitors Subclass
4. Newly Approved Drugs Review
5. Pertinent Utilization Management Issues
6. Panel Discussions and Vote

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 Code of Federal Regulations (CFR) 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is limited and will be provided only to the first 220 people signing-in. All persons must sign-in legibly.

Written Statements: Pursuant to 41 CFR 102–3.140, the public or interested organizations may submit written statements to the membership of the Panel about its mission and/or the agenda to be addressed in this public meeting. Written statements should be submitted to the Panel's Designated Federal Officer (DFO). The DFO's contact information can be obtained previously in this announcement. Written comments or statements must be received by the committee DFO at least five (5) business days prior to the meeting so that they may be made available to the Panel for its consideration prior to the meeting. The DFO will review all submitted written statements and provide copies to all the committee members.

Dated: February 4, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–01437 Filed 2–6–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Board on Coastal Engineering Research

AGENCY: Department of the Army, DoD.

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Board on

Coastal Engineering Research. This meeting is open to the public.

DATES: The Board on Coastal Engineering Research will meet from 8:00 a.m. to 12:30 p.m. on March 20, 2019 and reconvene from 8:00 a.m. to 4:00 p.m. on March 21, 2019.

ADDRESSES: All sessions will be held at the Courtyard by Marriott Gulfport Hotel, 1600 East Beach Blvd., Gulfport, MS 39501. All sessions are open to the public. For more information about the Board, please visit *https://chl.erdc.dren.mil/usace-cerb/.*

FOR FURTHER INFORMATION CONTACT: Dr. Julie Dean Rosati Designated Federal Officer (DFO), U.S. Army Engineer Research and Development Center, Coastal and Hydraulics Laboratory, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199, phone (202) 761–1850, or *Julie.D.Rosati@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The 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 102–3.150. The Board on Coastal Engineering Research provides broad policy guidance and reviews plans for the conduct of research and the development of research projects in consonance with the needs of the coastal engineering field and the objectives of the U.S. Army Chief of Engineers.

Purpose of the Meeting: The meeting is an Executive Session to review past action items, status reports, research and development (R & D) strategic directions, and coastal engineering research in the United States.

Agenda: On Wednesday morning, March 20, 2019, past/current action items will be reviewed and discussed and there will be an overview on current Mississippi Coastal Improvement Program Mainland Projects.

On Thursday morning, March 21, 2019, the Board will reconvene to discuss comments from day one. An update will be given on the Coastal Working Group Annual Meeting and presentations on: Next Generation Electronic Best Practice; Panel Discussion: Implementation of R&D Innovations in Hurricane Supplemental Projects; CHL Strategy & Update on Numerical Technology Modernization Plan; and US Coastal Research Program and DUNEX. The meeting will conclude with a discussion plans for the 96th CERB and public comment.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meeting is open to the public. Because seating capacity is limited, advance registration is required. For registration requirements please see below.

Oral participation by the public is scheduled for 3:00 p.m. on Thursday, March 21, 2019. The Courtyard by Marriott Gulfport Hotel is fully handicap accessible. For additional information about public access procedures, please contact Dr. Julie Dean Rosati, the Board's DFO, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Registration: It is encouraged for individuals who wish to attend the meeting of the Board to register with the DFO by email, the preferred method of contact, no later than March 11, 2019, using the electronic mail contact information found in the **FOR FURTHER INFORMATION CONTACT** section. The communication should include the registrant's full name, title, affiliation or employer, email address, and daytime phone number. If applicable, include written comments or statements with the registration email.

Written Comments and Statements: Pursuant to 41 CFR 102–3.015(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments or statements to the Board, in response to the stated agenda of the open meeting or in regard to the Board's mission in general. Written comments or statements should be submitted to Dr. Julie Dean Rosati, DFO, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The DFO will review all submitted written comments or statements and provide them to members of the Board for their consideration. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the DFO at least five business days prior to the meeting to be considered by the Board. The DFO will review all timely submitted written comments or statements with the Board Chairperson and ensure the comments are provided to all members of the Board before the meeting. Written comments or statements received after this date may not be provided to the Board until its next meeting.

Verbal Comments: Pursuant to 41 CFR 102–3.140d, the Board is not obligated to allow a member of the public to speak or otherwise address the Board during the meeting. Members of the public will be permitted to make verbal comments during the Board meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least five business days in advance to the Board's DFO, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The DFO will log each request, in the order received, and in consultation with the Board Chair, determine whether the subject matter of each comment is relevant to the Board's mission and/or the topics to be addressed in this public meeting. A 30-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment, and whose comments have been deemed relevant under the process described above, will be allotted no more than five minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2019–01466 Filed 2–6–19; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0127]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Longitudinal Transition Study 2012 Phase II

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 11, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0127. Comments submitted in response to this notice should be

submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Yumiko Sekino, 202–374–0936.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Longitudinal Transition Study 2012 Phase II.

OMB Control Number: 1850–0882.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 21,757.

Total Estimated Number of Annual Burden Hours: 13,345.

Abstract: The National Longitudinal Transition Study 2012 (NLTS 2012) is the third in a series of studies being conducted by the U.S. Department of Education (ED), with the goal of describing the characteristics, secondary school experiences, transition, and outcomes of youth who receive special education services under IDEA. Phase II of NLTS 2012 will utilize high school and post-high school administrative records data to collect information in three broad areas important to understanding outcomes for youth with disabilities: (1) High school course-taking and completion (2) post-secondary education and training, and (3) employment and earnings after high school. Phase II collected information will build on a survey of a nationally representative set of students with and without IEPs from Phase I of the study to address the following questions:

- To what extent do youth with disabilities who receive special education services under IDEA make progress through high school compared with other youth, including those identified for services under Section 504 of the Rehabilitation Act? For students with disabilities, has high school course taking and completion rates changed over the past few decades?
- Are youth with disabilities achieving the post-high school outcomes envisioned by IDEA, and how do their college, training, and employment rates compare with those of other youth?
- How do these high school and postsecondary experiences and outcomes vary by student characteristics, including their disability category, age, sex, race/ethnicity, English Learner status, income status, and type of high school attended (including regular public school, charter school, career/technical school, special education school, or other State or Federally-operated institution)?

The NLTS 2012 sample includes 21,959 students ranging in age from 13 to 21 in December 2011. The sample was selected to include sufficient number of students in each of the 12 federally defined disability categories, and adequate number of students without disabilities, including both students with a Section 504 plan and students with neither an IEP nor a Section 504 plan. To meet the study's objective, data will be collected from the following sources: (1) School district administrative records, including transcripts, from districts participating in NLTS 2012; (2) postsecondary enrollment information through the National Student Clearinghouse, (3) student financial aid data from ED's Federal Student Aid Office (FSA), (4) employment and earnings data from the Social Security Administration (SSA); and (5) information about vocational rehabilitative services and supports youth received from ED's Rehabilitative Services Administration (RSA). Data collection activities expected to result in public burden are the collection of administrative data from school districts and requests for consent from sample members and their parents.

Dated: February 4, 2019.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2019–01505 Filed 2–6–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0108]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Carl D. Perkins Career and Technical Education Act State Plan

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 11, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0108. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection

activities, please contact Braden Goetz, 202–245–7405.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Carl D. Perkins Career and Technical Education Act State Plan.

OMB Control Number: 1830–0029.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 54.

Total Estimated Number of Annual Burden Hours: 3,654.

Abstract: This information collection is used by the U.S. Department of Education to gather State plans from eligible agencies under the Carl D. Perkins Career and Technical Education Act, as amended by the Strengthening Career and Technical Education Act for the 21st Century Act (Pub. L. 115–224) (Perkins V or the Act). State plans consist of narrative information, budgets, and performance levels pursuant to the Act and applicable Federal regulations pursuant to the Uniform Guidance (2 CFR 200) and Education Department General Administrative Regulations (2 CFR 76). Eligible agencies are the State boards, or sole State agencies, responsible for career and technical education in the 50 States, the District of Columbia, Puerto Rico, and the outlying areas of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marianas Islands, and the Republic of Palau.

Perkins V authorizes appropriations from Fiscal Year (FY) 2019 through FY 2024. Section 122(a) of Perkins V requires each eligible agency desiring assistance for any fiscal year under the Act to prepare and submit to the Secretary a State plan for a 4-year period, together with such annual revisions as the Act specifies or the eligible agency deems necessary. Eligible agencies may submit a 4-year State plan or, for FY 2019 only, a one-year transition plan followed by a 4-year plan. An eligible agency also may submit its State plan as part of a Combined State Plan under the Workforce Innovation and Opportunities Act of 2014 (WIOA).

Dated: February 4, 2019.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2019–01474 Filed 2–6–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0123]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Performance Partnership Pilots Application

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 11, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0123. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Braden Goetz, 202–245–7405.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Performance Partnership Pilots Application.

OMB Control Number: 1830–0575.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 25.

Total Estimated Number of Annual Burden Hours: 2,000.

Abstract: This information collection request solicits applications for the Performance Partnership Pilots for Disconnected Youth, which provides States, localities, or tribal governments receiving funds under multiple Federal

programs additional flexibility in using these funds to achieve significant improvement in outcomes for disconnected youth.

Dated: February 4, 2019.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2019–01504 Filed 2–6–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, April 4, 2019; 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1862 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, email: *Greg.Simonton@lex.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Approval of March 2019 Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentation
- Administrative Issues
- Subcommittee Updates
- Public Comments
- Final Comments from the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Greg Simonton at the address and phone number listed above. Minutes will also be available at the following website: *https://www.energy.gov/pppo/ports-ssab/listings/meeting-materials.*

Signed in Washington, DC, on February 4, 2019.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2019–01471 Filed 2–6–19; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX, OMB 3060–0422, OMB 3060–0700, OMB 3060–0718, OMB 3060–0937, OMB 3060–0984, OMB 3060–1042]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before March 11, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal

Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–XXXX.

Title: Broadcast Incubator Program.

Form Number: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; Tribal Governments.

Number of Respondents: 20 respondents; 123 responses.

Estimated Time per Response: 4 to 16 hours.

Frequency of Response: On occasion reporting requirement; annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 152(a), 154(i), 257, 303, 307–310, and 403.

Total Annual Burden: 1,179 hours.

Total Annual Cost: $326,700.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The need for confidentiality for this collection of information is not anticipated; however, when submitting an incubation proposal (including the underlying contract and certified statements), applicants may, upon request, redact confidential or proprietary terms.

Needs and Uses: On August 3, 2018, the Commission released a Report and Order (Order), Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Services, FCC 18–114, in MB Docket No. 17–289, establishing the requirements that will govern the incubator program that the Commission previously decided to adopt to support the entry of new and diverse voices into the radio broadcast industry. The Commission recognized the need for more innovative approaches to encourage access to capital, as well as technical, operational, and management training for use by new entrants and small businesses, that without assistance, would not be able to own broadcast stations. The incubator program is designed for small businesses, struggling station owners, and new entrants that do not have any other means to access the financial assistance and operational support necessary for success in the broadcast industry. The goal is the pairing of these small aspiring, or struggling, broadcast station owners with established broadcasters. These incubation relationships will provide new entrants and struggling small broadcasters access to the financing, mentoring, and industry connections that are necessary for success in the industry, but to date have been unavailable to many. In return for successfully incubating a small aspiring, or struggling, broadcast station owner as part of the incubator program, an incumbent broadcaster will be eligible to receive a waiver of the Commission's Local Radio Ownership Rule following the conclusion of a successful qualifying incubation relationship. Commission staff will use the initial incubator applications, certification statements, contracts, and any responses to Commission requests for additional information to determine qualifications for participation in the incubator program. Commission staff will use the periodic reports to determine whether ongoing incubation relationships are proceeding in a manner consistent with the parties' initial filings and are likely to result in a successful incubation relationship. In the event the parties seek to extend the duration of their incubation relationship, the filing of a request for such an extension will enable Commission staff to gauge the types of problems incubating parties are experiencing. Information provided by the parties to the Commission no later than six months before the contract termination date will allow Commission staff to evaluate which option for station ownership the incubating parties plan to pursue at the conclusion of the relationship. Additionally, Commission staff will review documentation submitted to seek a reward waiver to assess whether the market where the reward waiver is sought is a comparable market to where the incubated station was located.

OMB Control Number: 3060–0422.

Title: Section 68.5, Waivers (Application for Waivers of Hearing Aid Compatibility Requirements).

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 2 respondents; 2 responses.

Estimated Time per Response: 3 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 610.

Total Annual Burden: 6 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Telephone manufacturers seeking a waiver of 47 CFR 68.4(a)(1), which requires that certain telephones be hearing aid compatible, must demonstrate that compliance with the rule is technologically infeasible or too costly. Information is used by FCC staff to determine whether to grant or dismiss the request. Prior to (and after) the adoption of FCC 17–135, manufacturers could request waivers for wireline telephones connected to the public switched telephone network. Pursuant to FCC 17–135, waivers may also be requested for wireline advanced communications services telephonic customer premises equipment (ACS telephonic CPE), which includes wireline telephones used for Voice over internet Protocol (VoIP).

OMB Control: 3060–0700.

Title: Open Video Systems Provisions, FCC Form 1275.

Form Number: FCC Form 1275.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; and State, Local or Tribal Government.

Number of Respondents and Responses: 280 respondents; 4,672 respondents.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement; On occasion reporting requirement.

Estimated Time per Response: 0.25 to 20 hours.

Total Annual Burden: 9,855 hours.

Total Annual Costs: None.

Privacy Impact Assessment: No impact(s).

Obligation to Respond: Required to obtain or retain benefits. The statutory

authority for this collection is contained in Section 302 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: Section 302 of the 1996 Telecommunications Act provides for specific entry options for telephone companies wishing to enter the video programming marketplace, one option being to provide cable service over an ''open video system'' (''OVS''). The rule sections that are covered by this collection relate to OVS.

OMB Control Number: 3060–0718.

Title: Part 101 Rule Sections Governing the Terrestrial Microwave Fixed Radio Service.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local, or tribal government.

Number of Respondents: 9,500 respondents; 32,446 responses.

Estimated Time per Response: .25–2.85 hours.

Frequency of Response: On occasion and every 10 year reporting requirements, third party disclosure requirement, and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 301, 303(f), 303(g), 303(r), 307, 308, 309, 310, and 316.

Total Annual Burden: 38,290 hours.

Total Annual Cost: $2,564,650.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget for a three-year approval of OMB Control Number 3060–0718. Part 101 rule sections require respondents to report or disclose information to the Commission or third parties, respectively, and to maintain records. These requirements are necessary for the Commission staff to carry out its duties to determine technical, legal and other qualifications of applicants to operate and remain licensed to operate a station(s) in the common carrier and/or private fixed microwave services. In addition, the information is used to determine whether the public interest, convenience, and necessity are being served as required by 47 U.S.C. 309 and to ensure that applicants and licenses comply with ownership and transfer restrictions imposed by 47 US.C. 310. Without this information, the Commission would not be able to carry out its statutory responsibilities.

OMB Control Number: 3060–0937.

Title: Establishment of a Class A Television Service, MM Docket No. 00–10.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement; On occasion and quarterly reporting requirements.

Number of Respondents and Responses: 380 respondents; 9,850 responses.

Estimated Time per Response: 0.017 hours-52 hours.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 307, 308, 309 and 319 of the Communications Act of 1934, as amended.

Total Annual Burden: 172,087 hours.

Total Annual Cost: $1,851,000.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On November 29, 1999, the Community Broadcasters Protection Act of 1999 (CBPA), Public Law 106–113, 113 Stat. Appendix I at pp. 1501A–594–1501A–598 (1999), codified at 47 U.S.C. 336(f), was enacted. That legislation provided that a low power television (LPTV) licensee should be permitted to convert the secondary status of its station to the new Class A status, provided it can satisfy certain statutorily-established criteria by January 28, 2000. The CBPA directs that Class A licensees be subject to the same license terms and renewal standards as full-power television licenses and that Class A licensees be accorded primary status as television broadcasters as long as they continue to meet the requirements set forth in the statute for a qualifying low power station.

For those stations that met the certification deadline, the CBPA sets out certain certification procedures, prescribes the criteria to maintain a Class A license, and outlines the interference protection Class A stations must provide to analog, digital, LPTV and TV translator stations.

The CBPA directs that Class A stations must comply with the operating requirements for full-service television broadcast stations in order to maintain Class A status. Therefore, beginning on the date of its application for a Class A license and thereafter, a station must be ''in compliance'' with the Commission's operating rules for full-service television stations, contained in 47 CFR part 73.

OMB Control Number: 3060–0984.

Title: 90.175(b)(1), Frequency Coordinator Requirements, Industrial/Business Pool frequencies.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, and State, local, or tribal government.

Number of Respondents and Responses: 2,700 respondents; 2,700 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: One-time reporting requirement, and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 301, 302(a), 303(g), 303(r), 309, 332(c)(7), 336 and 337.

Total Annual Burden: 2,700 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: Section 90.175 requires third party disclosures by applicants proposing to operate a land mobile radio station. If they are requesting a frequency that formerly was coordinated exclusively by one industry-specific frequency coordinator, they are required to obtain written concurrence of that frequency coordinator.

On August 18, 2016, the Commission adopted a Notice of Proposed Rulemaking, FCC 16–110, in WP Docket No. 16–261, RM–11719 and RM–11722 (2016 Notice of Proposed Rulemaking), which proposed to amend Part 90 of the Commission's Rules to expand access to private land mobile radio (PLMR) spectrum. Among the many actions taken in the 2016 Spectrum Access NPRM, the Commission proposed to make certain frequencies that are designated for central station alarm operations available for other PLMR uses.

Specifically, the Commission proposed to modify section 95.35(c)(63) to remove the use limitation in the

urbanized areas where the frequencies designated for alarm use in urban areas are not in use. The Commission tentatively concluded that it would be in the public interest to make these frequencies available for other PLMR operations in those areas and sought comment on this proposal, including its costs and benefits. The Commission also sought comment on other ways to expand PLMR users' access to frequencies that are designated, but no longer needed, for central station commercial protection services, including by making available channels in urbanized areas where some of the urban frequencies are in use, including: Related costs and benefits associated with such proposals; current and expected future need for central station commercial protection service channels in the 460–470 MHz band; and how to protect incumbent central station commercial protection service operations from harmful interference if eliminating the use restriction on any frequency in any area where it currently is in use.

On October 22, 2018, the Commission issued a Report and Order and Order, FCC 18–143, in WP Docket No. 15–32, RM–11572, WP Docket No. 16–261, RM–11719 and RM–11722 (800/PLMR Access Order), in which it revised certain rules to require applicants for channels currently designated for central station alarm use to obtain the concurrence of the central station alarm frequency coordinator in order to use the channels for uses other than central station alarm operations. This requirement is similar to existing requirements pertaining to certain other channels. The Report and Order and Order did not revise any of the information collection requirements that are contained in this collection but rather added additional frequencies to the list. Therefore, this essentially is adding an additional 200 respondents to this collection.

OMB Control No.: 3060–1042.

Title: Request for Technical Support—Help Request Form.

Form No.: N/A—Electronic only.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or household; business or other for-profit; not-for-profit institutions; and state, local or tribal government.

Number of Respondents: 36,300.

Estimated Time per Response: 8 minutes (0.13 hours).

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 5,082 hours.

Total Annual Cost: $609,840.

Privacy Act Impact Assessment: Possible Impacts.

Nature and Extent of Confidentiality: In general there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Needs and Uses: The Commission will submit this collection as revision to the currently approved collection. The Commission is slightly revising the electronic form to include five additional data elements, FCC Registration Number, Call Sign, Antenna Registration Number, Facility ID and File Number. Today customers are asked to include this information as part of their narrative description and often neglect to include all the necessary information to process their request. This results in customer services representatives needing to contact the customers to obtain the additional details, which slows down case resolution. We do not anticipate these changes will impact the customer burden, since they will only need to include the information applicable to their request, and it was previous requested as part of the description field. There will be no change to the estimated average burden (hours and costs) or the number of respondents.

The FCC's maintains internet software used by the public to apply for licenses, participate in auctions for spectrum, and maintain license information. In this mission, FCC has a 'help desk' that answers questions related to these systems as well as resetting and/or issuing user passwords for access to these systems.

The form currently is available on the website *https://esupport.fcc.gov/request.htm* under OMB Control Number 3060–1042. This form will continue to substantially decrease public and staff burden since all the information needed to facilitate a support request will be submitted in a standard format but be available to a wider audience. This eliminates or at least minimizes the need to follow-up with the customers to obtain all the information necessary to respond to their request. This form also helps presort requests into previously defined categories to all staff to respond more quickly.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2019–01499 Filed 2–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1084 and OMB 3060–1088]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before April 8, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1084.

Title: Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers (CARE).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 2,989 respondents; 665,248 responses.

Estimated Time per Response: 1 minute (.017 hours) to 20 minutes (.33 hours).

Frequency of Response: Recordkeeping and annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for these information requirements are found in sections 1–4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 151–154, 201, 202, 222, 258, and 303(r).

Total Annual Burden: 54,900 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: Confidentiality is not an issue as individuals and/or households are not required to provide personally identifiable information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: In the 2005 Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers (*2005 Report and Order*), CG Docket No. 02–386, FCC 05–29, which was released on February 25, 2005, the Commission adopted rules governing the exchange of customer account information between local exchange carriers (LECs) and interexchange carriers (IXCs). The Commission concluded that mandatory, minimum standards are needed in light of record evidence demonstrating that information needed by carriers to execute customer requests and properly bill customers is not being consistently provided by all LECs and IXCs. Specifically, the 2005 Report and Order requires LECs to supply customer account information to IXCs when: (1) The LEC places an end user on, or removes an end user from, an IXC's network; (2) an end user presubscribed to an IXC makes certain changes to her account information via her LEC; (3) an IXC requests billing name and address information for an end user who has usage on an IXC's network but for whom the IXC does not have an existing account; and (4) a LEC rejects an IXC-initiated PIC order. The *2005 Report and Order* required IXCs to notify LECs when an IXC customer informs an IXC directly of the customer's desire to change IXCs. In the accompanying Further Notice of Proposed Rulemaking, the Commission sought comment on whether to require the exchange of customer account information between LECs. In December 2007, the Commission declined to adopt mandatory LEC-to-LEC data exchange requirements.

OMB Control Number: 3060–1088.

Title: Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991, Report and Order and Third Order on Reconsideration, CG Docket No. 05–338, FCC 06–42.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; and Individuals or households.

Number of Respondents and Responses: 5,340,000 respondents; 6,051,545 responses.

Estimated Time per Response: 3 minutes (.05 hours) to 30 minutes (.50 hours).

Frequency of Response: Annual, monthly, and on occasion reporting requirements; Recordkeeping; and Third party disclosure.

Obligation to Respond: Required to obtain or retain benefits. The authorizing statutes for this information collection are: Telephone Consumer Protection Act of 1991, Public Law 102–243. 105 Stat. 2394 (1991); Junk Fax Prevention Act, Public Law 109–21, 119 Stat. 359 (2005).

Total Annual Burden: 3,670,945 hours.

Total Annual Cost: $1,051,042.00.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's updated system of records notice (SORN), FCC/CGB–1, ''Informal Complaints, Inquiries and Requests for Dispute Assistance'', which became effective on September 24, 2014.

Privacy Impact Assessment: The Privacy Impact Assessment (PIA) for Informal Complaints and Inquiries was completed on June 28, 2007. It may be reviewed at *http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.* The Commission is in the process of updating the PIA to incorporate various revisions to it as a result of revisions to the SORN.

Needs and Uses: On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration, In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Junk Fax Prevention Act of 2005, CG Docket Nos. 02–278 and 05–338, FCC 06–42, which modified the Commission's facsimile advertising rules to implement the Junk Fax Prevention Act. The Report and Order and Third Order on Reconsideration contained information collection requirements pertaining to: (1) Opt-out Notice and Do-Not-Fax Requests Recordkeeping in which the rules require senders of unsolicited facsimile advertisements to include a notice on the first page of the facsimile that informs the recipient of the ability and means to request that they not receive future unsolicited facsimile advertisements from the sender; (2) Established Business Relationship Recordkeeping whereas the Junk Fax Prevention Act provides that the sender, *e.g.,* a person, business, or a nonprofit/institution, is prohibited from faxing an unsolicited advertisement to a facsimile machine unless the sender has an ''established business relationship'' (EBR) with the recipient; (3) Facsimile Number Recordkeeping in which the Junk Fax Prevention Act provides that an EBR alone does not entitle a sender to fax an advertisement to an individual or business. The fax number must also be provided voluntarily by the recipient; and (4) Express Invitation or Permission Recordkeeping where in the absence of an EBR, the sender must obtain the prior express invitation or permission from the consumer before sending the facsimile advertisement.

On October 14, 2008, the Commission released an Order on Reconsideration, FCC 08–239, addressing certain issues raised in petitions for reconsideration and/or clarification filed in response to the Commission's Report and Order and Third Order on Reconsideration (Junk Fax Order), FCC 06–42. In document FCC 08–239, the Commission clarified that: (1) Facsimile numbers compiled by third parties on behalf of the facsimile sender will be presumed to have been made voluntarily available for public distribution so long as they are obtained from the intended recipient's own directory, advertisement, or internet site; (2) Reasonable steps to verify that

a recipient has agreed to make available a facsimile number for public distribution may include methods other than direct contact with the recipient; and (3) a description of the facsimile sender's opt-out mechanism on the first web page to which recipients are directed in the opt-out notice satisfies the requirement that such a description appear on the first page of the website.

The Commission believes these clarifications will assist senders of facsimile advertisements in complying with the Commission's rules in a manner that minimizes regulatory compliance costs while maintaining the protections afforded consumers under the Telephone Consumer Protection Act (TCPA).

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer Office of the Secretary.

[FR Doc. 2019–01498 Filed 2–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

[Notice 2019–03]

Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold

AGENCY: Federal Election Commission.

ACTION: Notice of adjustments to contribution and expenditure limitations and lobbyist bundling disclosure threshold.

SUMMARY: As mandated by provisions of the Federal Election Campaign Act (''the Act''), the Federal Election Commission (''the Commission'') is adjusting certain contribution and expenditure limitations and the lobbyist bundling disclosure threshold set forth in the Act, to index the amounts for inflation. Additional details appear in the supplemental information that follows.

DATES: The effective date for the limitation at 52 U.S.C. 30116(a)(1)(A) is November 7, 2018. The effective date for the limitations at 52 U.S.C. 30104(i)(3)(A), 30116(a)(1)(B), 30116(d) and 30116(h) is January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, 1050 First Street NE, Washington, DC 20463; (202) 694–1100 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: Under the Federal Election Campaign Act, 52 U.S.C. 30101–46, coordinated party expenditure limits (52 U.S.C. 30116(d)(3)), certain contribution limits (52 U.S.C. 30116(a)(1)(A) and (B), and (h)), and the disclosure threshold for contributions bundled by lobbyists (52 U.S.C. 30104(i)(3)(A)) are adjusted periodically to reflect changes in the consumer price index. *See* 52 U.S.C. 30104(i)(3), 30116(c); 11 CFR 109.32, 110.17(a), (f). The Commission is publishing this notice to announce the adjusted limits and disclosure threshold.

Coordinated Party Expenditure Limits for 2019

Under 52 U.S.C. 30116(c), the Commission must adjust the expenditure limitations established by 52 U.S.C. 30116(d) (the limits on expenditures by national party committees, state party committees, or their subordinate committees in connection with the general election campaign of candidates for Federal office) annually to account for inflation. This expenditure limitation is increased by the percent difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period (calendar year 1974). 52 U.S.C. 30116(c).

1. Expenditure Limitation for House of Representatives in States With More Than One Congressional District

Both the national and state party committees have an expenditure limitation for each general election held to fill a seat in the House of Representatives in states with more than one congressional district. *See* 52 U.S.C. 30116(d)(3)(B). This limitation also applies to the District of Columbia and territories that elect individuals to the office of Delegate or Resident Commissioner.[1] *Id.* The formula used to calculate the expenditure limitation in such states and territories multiplies the base figure of $10,000 by the difference in the price index (5.09279), rounding to the nearest $100. *See* 52 U.S.C. 30116(c)(1)(B), (d)(3)(B); 11 CFR 109.32(b), 110.17. Based upon this formula, the expenditure limitation for 2019 general elections for House candidates in these states, districts, and territories is $50,900.

2. Expenditure Limitation for Senate and for House of Representatives in States With Only One Congressional District

Both the national and state party committees have an expenditure limitation for a general election held to fill a seat in the Senate or in the House of Representatives in states with only one congressional district. *See* 52 U.S.C. 30116(d)(3)(A). The formula used to calculate this expenditure limitation considers not only the price index but also the voting age population (''VAP'') of the state. *Id.* The VAP figures used to calculate the expenditure limitations were certified by the U.S. Census Bureau. The VAP of each state is also published annually in the **Federal Register** by the U.S. Department of Commerce. 11 CFR 110.18. The general election expenditure limitation is the greater of: The base figure ($20,000) multiplied by the difference in the price index, 5.09279 (which totals $101,900); or $0.02 multiplied by the VAP of the state, multiplied by 5.09279. Amounts are rounded to the nearest $100. *See* 52 U.S.C. 30116(c)(1)(B), (d)(3)(A); 11 CFR 109.32(b), 110.17. The chart below provides the state-by-state breakdown of the 2019 general election expenditure limitations for Senate elections. The expenditure limitation for 2019 House elections in states with only one congressional district[2] is $101,900.

[1] .Currently, these are the Commonwealth of Puerto Rico, and the territories of American Samoa, Guam, the United States Virgin Islands and the Northern Mariana Islands. *See http://www.house.gov/representatives.*

[2] Currently, these states are: Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont and Wyoming. *See http://www.house.gov/representatives/.*

SENATE GENERAL ELECTION COORDINATED EXPENDITURE LIMITS—2019 ELECTIONS

State	Voting age population (VAP)	VAP × .02 × the price index (5.09279)	Senate Expenditure Limit (the greater of the amount in column 3 or $101,900)
Alabama	3,798,031	$386,900	$386,900
Alaska	553,622	56,400	101,900
Arizona	5,528,989	563,200	563,200
Arkansas	2,310,645	235,400	235,400
California	30,567,090	3,113,400	3,113,400
Colorado	4,430,329	451,300	451,300
Connecticut	2,837,472	289,000	289,000
Delaware	763,555	77,800	101,900
Florida	17,070,244	1,738,700	1,738,700
Georgia	8,013,724	816,200	816,200
Hawaii	1,117,077	113,800	113,800
Idaho	1,307,236	133,100	133,100
Illinois	9,883,814	1,006,700	1,006,700
Indiana	5,123,748	521,900	521,900
Iowa	2,425,378	247,000	247,000
Kansas	2,205,544	224,600	224,600
Kentucky	3,459,573	352,400	352,400
Louisiana	3,564,062	363,000	363,000
Maine	1,088,000	110,800	110,800
Maryland	4,702,570	479,000	479,000
Massachusetts	5,535,291	563,800	563,800
Michigan	7,831,247	797,700	797,700
Minnesota	4,308,564	438,900	438,900
Mississippi	2,280,389	232,300	232,300
Missouri	4,749,622	483,800	483,800
Montana	832,871	84,800	101,900
Nebraska	1,452,427	147,900	147,900
Nevada	2,345,395	238,900	238,900
New Hampshire	1,098,288	111,900	111,900
New Jersey	6,954,877	708,400	708,400
New Mexico	1,613,275	164,300	164,300
New York	15,474,107	1,576,100	1,576,100
North Carolina	8,082,975	823,300	823,300
North Dakota	581,379	59,200	101,900
Ohio	9,096,117	926,500	926,500
Oklahoma	2,986,593	304,200	304,200
Oregon	3,317,146	337,900	337,900
Pennsylvania	10,158,149	1,034,700	1,034,700
Rhode Island	852,102	86,800	101,900
South Carolina	3,978,182	405,200	405,200
South Dakota	664,629	67,700	101,900
Tennessee	5,263,790	536,100	536,100
Texas	21,303,746	2,169,900	2,169,900
Utah	2,228,643	227,000	227,000
Vermont	510,326	52,000	101,900
Virginia	6,647,893	677,100	677,100
Washington	5,872,306	598,100	598,100
West Virginia	1,441,672	146,800	146,800
Wisconsin	4,537,465	462,200	462,200
Wyoming	442,962	45,100	101,900

Limitations on Contributions by Individuals, Non-Multicandidate Committees and Certain Political Party Committees Giving to U.S. Senate Candidates for the 2019–2020 Election Cycle

The Act requires inflation indexing of: (1) The limitations on contributions made by persons under 52 U.S.C. 30116(a)(1)(A) (contributions to candidates) and 30116(a)(1)(B) (contributions to national party committees); and (2) the limitation on contributions made to U.S. Senate candidates by certain political party committees at 52 U.S.C. 30116(h). *See* 2 U.S.C. 30116(c). These contribution limitations are increased by multiplying the respective statutory contribution amount by 1.41818, the percent difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period (calendar year 2001). The resulting amount is rounded to the nearest multiple of $100. *See* 52 U.S.C. 30116(c); 11 CFR 110.17(b). Contribution limitations shall be adjusted accordingly:

Statutory provision	Statutory amount	2019–2020 limit
52 U.S.C. 30116(a)(1)(A)	$2,000	$2,800
52 U.S.C. 30116(a)(1)(B)	25,000	35,500
52 U.S.C. 30116(h)	35,000	49,600

The limitation at 52 U.S.C. 30116(a)(1)(A) is to be in effect for the two-year period beginning on the first day following the date of the general election in the preceding year and ending on the date of the next regularly scheduled election. Thus the $2,800 figure above is in effect from November 7, 2018, to November 3, 2020. The limitations under 52 U.S.C. 30116(a)(1)(B) and 30116(h) shall be in effect beginning January 1st of the odd-numbered year and ending on December 31st of the next even-numbered year. Thus the new contribution limitations under 52 U.S.C. 30116(a)(1)(B) and 30116(h) are in effect from January 1, 2019, to December 31, 2020. *See* 11 CFR 110.17(b)(1).

Lobbyist Bundling Disclosure Threshold for 2019

The Act requires certain political committees to disclose contributions bundled by lobbyists/registrants and lobbyist/registrant political action committees once the contributions exceed a specified threshold amount. 52 U.S.C. 30104(i)(1), (3)(A). The Commission must adjust this threshold amount annually to account for inflation. 52 U.S.C. 30104(i)(1). The disclosure threshold is increased by multiplying the $15,000 statutory disclosure threshold by 1.24558, the difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period (calendar year 2006). The resulting amount is rounded to the nearest multiple of $100. *See* 52 U.S.C. 30104(i)(3), 30116(c)(1)(B); 11 CFR 104.22(g). Based upon this formula ($15,000 × 1.24558), the lobbyist bundling disclosure threshold for calendar year 2019 is $18,700.

On behalf of the Commission.

Dated: February 4, 2019.

Ellen L. Weintraub,

Chair, Federal Election Commission.

[FR Doc. 2019–01516 Filed 2–6–19; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

[DOCKET NO. 19–02]

Toyota de Puerto Rico, Corp., Complainant v. Puerto Rico Ports Authority, Crowley Puerto Rico Services, Inc., and Oceanic General Agency Inc., Respondents; Notice of Filing of Complaint and Assignment

Served: February 4, 2019.

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by Toyota de Puerto Rico, Corp., hereinafter ''Complainant,'' against Puerto Rico Ports Authority, Crowley Puerto Rico Services, Inc., and Oceanic General Agency Inc., hereinafter ''Respondents.'' Complainant states that it '' . . . is a corporation duly organized under the laws of the Commonwealth of Puerto Rico. . . .'' Complainant states that Respondent Puerto Rico Ports Authority ''. . . is a public corporation responsible for managing the San Juan ports facilities, including the terminals where containerized cargo is received.'' Complainant states that Respondents Crowley Puerto Rico Services, Inc., and Oceanic General Agency Inc. are '' . . . corporation(s) duly organized under the laws of the Commonwealth of Puerto Rico. . . . ''

Complainant alleges that it was charged the Enhanced Security Fee by and through Respondents, after a U.S. District Court found that fee to be unconstitutional as it applied to customers such as the Complainant whose cargo did not undergo security scanning. Complainant further alleges that ''this was the normal, customary and continuous practice until 2017, and impacted Toyota as a shipper.''

Complainant states that it '' . . . seeks reparations for the injury caused to Toyota by Respondents through violations of the prohibitions against undue, unfair, unjust and unreasonably discriminatory and prejudicial practices that apply to marine terminal operators and common carriers under the Shipping Act of 1984, 46 U.S.C. 41102(c), 41104(4), (5) and (9), and 41106 (2).''

Complainant seeks reparations in the amount of $1,166,952.59, and other relief. The full text of the complaint can be found in the Commission's Electronic Reading Room at *www.fmc.gov/19-02/.*

This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding officer in this proceeding shall be issued by February 4, 2020, and the final decision of the Commission shall be issued by August 18, 2020.

Rachel Dickon,

Secretary.

[FR Doc. 2019–01503 Filed 2–6–19; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, a voluntary survey of the foreign exchange and derivatives markets, the Central Bank Survey of Foreign Exchange and Derivatives Market Activity (FR 3036; OMB 7100–0285).

DATES: Comments must be submitted on or before April 8, 2019.

ADDRESSES: You may submit comments, identified by *FR 3036*, by any of the following methods:

- *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or

contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street NW (between 18th and 19th Streets NW), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments. Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, With Revision, the Following Information Collection

Report title: The Central Bank Survey of Foreign Exchange and Derivatives Market Activity.

Agency form number: FR 3036.

OMB control number: 7100–0285.

Frequency: Triennially.

Respondents: Financial institutions that serve as intermediaries in the wholesale foreign exchange and derivatives market and dealers.

Estimated number of respondents: 21.

Estimated average hours per response: 55.

Estimated annual burden hours: 1,155.

General description of report: The survey is a comprehensive source of global information on the volume of foreign exchange and derivatives trading and, as such, is useful to the Federal Reserve System and other government agencies in understanding market developments and trends. The data also provide the Manager of the System Open Market Account with information for analyzing market developments and conducting Federal Reserve and U.S. Treasury foreign exchange operations. Survey data are also used by market participants to gain a perspective on the market that is not available from data at the firm level. Academics and the general public also use the survey's data for research and analysis.

Proposed revisions: The Board is proposing changes to the report form and instructions for the Turnover survey to align with some of the changes being adopted in the Bank for International Settlements (BIS) survey. The Board proposes to revise the FR 3036 by modifying the Execution Method schedule for foreign exchange contracts (Table C.2) to merge ''Dark Pools'' [1] with ''Other Electronic Communication Networks'' and renaming it under Electronic-Indirect Trading as ''Disclosed Venues.'' ''Reuters Matching/EBS'' would be renamed under Electronic Indirect Trading as ''Anonymous Venues.'' These changes would provide better information on the evolution of electronic trading methods, which have accounted for a large part of the growth in foreign exchange turnover in recent years.

The Board also proposes to merge the separate reporting of bought options and sold options to ''Sum of Bought and Sold Options,'' to align with new BIS reporting guidelines on Tables A.4, A.5, and A.6. Additionally, the Board also proposes modifying and expanding the maturity breakdown for foreign exchange forwards and swaps to align with both broader market standards and practices as well as with the BIS reporting guidelines. Additionally, for single-currency interest rate turnover, interest rate swaps would be deleted and replaced by two separate categories, (1) ''overnight indexed swaps'', and (2) ''other swaps''. In addition, Table C.1, ''Complementary Information for Foreign Exchange Contracts'' would be deleted. The Board proposes to make several clarifications to the reporting instructions to provide additional guidance to the definitions used for the Execution Method schedule as well as to reflect the changes and deleted items from the report form.

Legal authorization and confidentiality: The Board's Legal Division has determined that the FR 3036 is authorized pursuant to sections 2A and 12A of the Federal Reserve Act (''FRA''). Section 2A of the FRA requires that the Board and the Federal Open Market Committee (FOMC) maintain long-run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). Under section 12A of the FRA, the FOMC is required to

[1] Dark pools are private platforms for trading securities especially for large trade sizes, where access is restricted and quotes are not revealed.

implement regulations relating to the open market operations conducted by Federal Reserve Banks. Those transactions must be governed with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country (12 U.S.C. 263). The Board and the FOMC use the information obtained from the FR 3036 to help fulfill these obligations.

The FR 3036 is a voluntary survey. Because the release of this information would cause substantial harm to the competitive position of the entity from whom the information was obtained, the information collected on the FR 3036 may be granted confidential treatment under exemption (b)(4) of the Freedom of Information Act, (5 U.S.C. 552(b)(4)), which protects from disclosure ''trade secrets and commercial or financial information obtained from a person and privileged or confidential.''

Consultation outside the agency: This survey is being coordinated by the BIS with other participating central banks.

Board of Governors of the Federal Reserve System, February 4, 2019.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2019–01438 Filed 2–6–19; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–19–0571]

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 Minimum Data Elements (MDEs) for the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) 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 March 5, 2018 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

Minimum Data Elements (MDEs) for the National Breast and Cervical Cancer Early Detection Program (NBCCEDP)—(OMB No. 0920–0571, exp. 12/31/2018)—Reinstatement with Change—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC)

Background and Brief Description

CDC is requesting a Reinstatement with Change to OMB No. 0920–0571. Based on feedback from grantees and internal subject matter experts, CDC proposes use of revised minimum data elements (MDEs).

Both breast and cervical cancers are prevalent among U.S. women—in 2014, more than 236,000 women were diagnosed with breast cancer, and more than 12,000 women were diagnosed with cervical cancer. Evidence shows that deaths from both breast and cervical cancers can be avoided by increasing screening services—mammography and Pap tests—among women. However, screening is typically underutilized among women who are under- or uninsured, have no regular source of healthcare, or who recently immigrated to the U.S.

Congress passed the Breast and Cervical Cancer Mortality Prevention Act of 1990, which directed CDC to establish the National Breast and Cervical Cancer Early Detection Program (NBCCEDP). The purpose of the NBCCEDP is to increase breast and cervical cancer screening rates among priority populations by funding grantees to provide breast and cervical cancer screening services to eligible women. CDC issued a new funding opportunity announcement to support a five-year cooperative agreement under CDC–RFA–DP17–1701. The number of grantees will increase from 67 grantees to 70 grantees.

CDC proposes a Reinstatement with Change to the MDEs to include removal of several data variables that are no longer relevant for CDC analyses, as well as collapsing/revising several data variables to reduce burden and increase clarity for respondents. The MDEs focus on: (1) Patient demographics, (2) breast cancer screening, (3) cervical cancer screening, (4) breast and cervical cancer diagnoses, (5) breast and cervical cancer treatment, (6) timeliness of services, and (7) patient navigation.

Redesigned data elements will enable CDC to better gauge progress in meeting clinical service delivery processes and patient-level outcomes. Findings will allow CDC to assess program progress in meeting goals and monitor implementation activities, evaluate outcomes, and identify grantee technical assistance needs. In addition, data collected will inform program improvement and help identify successful activities that need to be maintained, replicated, or expanded.

OMB approval is requested for three years. The total estimated annualized burden hours will decrease from 536 to 350 hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
NBCCEDP Grantees	MDES	70	2	150/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2019–01327 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–19–18JC]

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 ''Women's Health Needs Study: The Health of U.S.-Resident Women from Countries with Prevalent Female Genital Mutilation/Cutting (FGM/C)'' 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 March 20, 2018 to obtain comments from the public and affected agencies. CDC received three 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

Women's Health Needs Study: The Health of U.S.-Resident Women from Countries with Prevalent Female Genital Mutilation/Cutting (FGM/C)—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Female Genital Mutilation/Cutting (FGM/C) is a practice common in many countries; in parts of Asia, Africa and the Middle East that can have severe, deleterious health consequences for women and girls. Recent studies suggest that more than 500,000 women and girls in the United States may have been cut or be at risk for FGM/C based on whether women or their mothers are from countries with high prevalence of FGM/C. However, this estimate was derived using indirect techniques that do not account for the differing characteristics of women in the country of origin versus those who have migrated to the United States, or any other factors that are likely to affect the prevalence of FGM/C. Additional major knowledge gaps regarding FGM/C in the United States include: The prevalence of FGM/C in selected communities in the United States with high concentrations of residents from countries where FGM/C is prevalent; women's attitudes about continuance of the practice; and the health characteristics and needs of women living in the United States who have experienced FGM/C or are at risk for FGM/C.

This study aims to capture information on women's history of FGM/C, their experiences with health care services, and their attitudes about continuation of the FGM/C practice. Findings from this study will be used to identify public health needs of women and communities in the United States that are affected by FGM/C, to formulate public health strategies to meet identified needs, and to inform prevention efforts.

The proposed information collection will include piloting and conducting a full-scale survey of the health experiences and needs of women who live in selected communities in the United States with high concentrations of residents from countries where FGM/C is widely practiced. The pilot study will be conducted during the first year of this project and will be used to assess the feasibility of sampling and recruiting methods for a hard-to-reach population on a sensitive topic. Based on findings from the pilot, a change request, including necessary translations, will be submitted to conduct the full study during the second and third year of this project. The full study is planned to be implemented in up to five community sites in the United States. The estimated annualized burden over the three years of this project is 356 hours. There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Total number of respondents	Number of responses per respondents	Time per response (hours)
Women age 18 to 49 who were born in, or whose mother was born in, an FGM/C practicing country.	WHNS Eligibility Screener	667	1	5/60
Women age 18–49 who were born in, or whose mother was born in, an FGM/C practicing country.	WHNS Questionnaire	400	1	45/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01325 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–19–1108; Docket No. CDC–2018–0117]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Paul Coverdell National Acute Stroke Program (PCNASP) reporting system, which was established to improve quality of care for acute stroke patients from onset of signs and symptoms through hospital care and rehabilitation and recovery.

DATES: CDC must receive written comments on or before April 8, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0117 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Paul Coverdell National Acute Stroke Program (PCNASP) (OMB No. 0920–1108, exp. 03/31/2019)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Stroke is the fifth leading cause of death in the United States and results in approximately 130,000 deaths per year. Additionally, approximately 800,000 stroke events are reported each year, including approximately 250,000 recurrent strokes. However, many strokes are preventable, or patient outcomes post-stroke can be improved through coordinated care that begins at stroke onset and is delivered in a timely manner.

Stroke outcomes depend upon the rapid recognition of signs and symptoms of stroke, prompt transport to a treatment facility, and early rehabilitation. Improving outcomes requires a coordinated systems approach involving pre-hospital care, emergency department and hospital care, post-stroke rehabilitation, prevention of complications, and ongoing secondary prevention. Each care setting has unique opportunities for improving the quality of care provided and access to available professional and clinical care at the local level within a coordinated state-based system of care.

Through the Paul Coverdell National Acute Stroke Program (PCNASP), CDC has been continuously working to measure and improve acute stroke care using well-known quality improvement strategies coupled with frequent evaluation of results. PCNASP awardees are state health departments who work with participating hospitals, Emergency

Medical Services (EMS) agencies, and other healthcare partners (*e.g.,* post-stroke recovery facilities) in their jurisdictions to improve quality of care for stroke patients. State-based efforts include identifying effective stroke treatment centers, building capacity and infrastructure to ensure that stroke patients are routed to effective treatment centers in a timely manner, and improving transitions of care from the hospital to the next care setting.

During initial cooperative agreement cycles, PCNASP awardees focused on improving in-hospital quality of care (QoC) with technical assistance provided by CDC. Through lessons learned during this process and other supporting evidence in the field, it has become evident that it is also important to examine pre- and post-hospital transitions of care to link the entire continuum of stroke care when improving QoC for stroke patients.

The PCNASP's current five-year cooperative agreement started on July 1, 2015 and includes nine awardees and their selected partners (hospitals, EMS agencies, other healthcare facilities). This current funding period reflects additional emphasis on pre-hospital quality of care as well as the post-hospital transition of care setting from hospital to home or other healthcare facility. With technical assistance provided by CDC, awardees have worked on identifying and using data systems to systematically collect and report data on all three phases of the stroke care continuum and on hospital capacity.

PCNASP currently has OMB approval for the collection of pre-hospital (EMS), in-hospital, and post-hospital patient care data, as well as hospital inventory data (OMB No. 0920–1108, exp. 03/31/2019). CDC plans to request a revision of this currently approved collection, with an extension of three years.

In-hospital patient care data continues to align with standards set by The Joint Commission (TJC) and the American Heart Association's Get With The Guidelines (GWTG) program. There are no changes to the estimated burden for the collection of in-hospital data. The average burden per response remains 30 minutes for awardees, for a total of 18 hours annually.

Data collection methods for pre- and post-hospital care data are being revised to allow for information collection through existing data systems, including GWTG and the National Emergency Medical Services Information System (NEMSIS). CDC has been working with awardees and the American Heart Association to identify areas of alignment and new collaboration to reduce the burden of this data collection. The changes also reflect the different methods that awardees use to collect this data, which depends on their state's access to data sources. These changes will ultimately reduce the overall burden of pre-hospital data collection by using existing data systems to automatically transmit data from EMS partners or hospitals to awardees. The average burden per response will vary from 30 minutes to two hours. Thus, the burden for pre-hospital data is being reduced from 96 to 60 burden hours annually.

Similarly, the burden for post-hospital data is reduced from 38 to 22 burden hours annually, because data collection will occur using GWTG or another similar mechanism, and data will be transmitted automatically to awardees. The average burden per response will vary from 30 minutes to two hours per quarter for post-hospital data collection.

Primary data collection of hospital inventory data is being collected to understand the capacity and infrastructure of the hospitals that admit and treat stroke patients. Each hospital reports inventory information to its PCNASP awardee annually. The average burden per response remains 30 minutes for hospitals. In addition, each PCNASP awardee prepares an annual aggregate hospital inventory file for transmission to CDC. The average burden of reporting hospital inventory information for each PCNASP awardee remains eight hours per response. The number of respondents is increasing from 315 to 378 hospital partners due to increased participation in PCNASP. Thus, the burden for hospital inventory data is increasing from 230 to 261 hours annually.

These requested changes will result in a net decrease in total average burden from 382 to 361 hours. All patient, hospital, and EMS provider data that is submitted to CDC by PCNASP awardees will be de-identified and occur through secure data systems. Proposed data elements and quality indicators may be updated over time to include new or revised items based on evolving recommendations and standards in the field to improve the quality of stroke care.

OMB approval is requested for three years. Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
PCNASP Awardee	Hospital inventory	9	1	8	72
	In-hospital care data	9	4	30/60	18
	Pre-hospital care data	2	4	30/60	4
		7	4	2	56
	Post-hospital transition of care data	7	4	30/60	14
		2	4	1	8
PCNASP Hospital Partners	Hospital Inventory	378	1	30/60	189
Total					361

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01336 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–19–1104; Docket No. CDC–2018–0114]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Assessing the ''Impact of Organizational and Personal Antecedents on Proactive Health/Safety Decision Making''. This study seeks to empirically understand the factors and conditions that contribute to mine workers' safe decisions (or lack thereof) while completing job tasks.

DATES: CDC must receive written comments on or before April 8, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0114 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

Assessing the Impact of Organizational and Personal Antecedents on Proactive Health/Safety Decision Making (OMB Control Number 0920–1104, Expiration 2/28/2019) — Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH, under Public Law 91–596, Sections 20 and 22 (Section 20–22, Occupational Safety and Health Act of 1977) has the responsibility to conduct research relating to innovative methods, techniques, and approaches dealing with occupational safety and health problems.

This research relates to the interplay of personal and organizational influences on risk-taking and proactive decision-making behaviors among mine workers. The antecedents, or characteristics, that impact these behaviors are not well understood in mining. Understanding the degree to which antecedents influence at-risk decisions can inform the focus of future health and safety management interventions.

NIOSH proposed a project that sought to empirically understand the following:

(1) What are the most influential organizational antecedent characteristics that support worker health and safety (H&S) performance behaviors in the mining industry?

(2) What are the most influential personal antecedent characteristics that support worker health and safety (H&S) performance behaviors in the mining industry?

To answer the above questions, NIOSH researchers developed a psychometrically supported survey. Researchers identified seven worker perception-based 'organizational values' and four 'personal characteristics' that are presumed to be important in fostering H&S proactive behaviors. Because these emergent, worker perception-based constructs have a theoretical and empirical history, psychometrically tested items exist for each of them.

Upon approval of the previous ICR, which expires on February 28, 2019, recruitment and data collection occurred from February 2016 to March 2018 with 2,683 mineworkers. The data was analyzed to answer the organizational/personal characteristics that have the biggest impact on proactive and compliant health and safety behaviors. Dominance and relative weights analysis were used as the data analysis method to statistically rank order the importance of predictors in numerous regression contexts. Safety proactivity and safety compliance served as the dependent variables in these regression analyses, with the organizational and personal characteristics as independent variables.

Findings are being used to improve the safety and health organizational values and focus of mine organizations,

as executed through their health and safety management system for mitigating health and safety risks at their mine site. Specifically, if organizations were lacking in values that were of high importance among employees, site leadership now knows where to focus new, innovative methods, techniques, and approaches to dealing with their occupational safety and health problems.

Finally, the data is being directly compared to data from other mine organizations that administered the same standardized methods to provide broader context for areas in which the mining industry can focus more attention if trying to encourage safer work behavior. Therefore, the purpose was not to isolate negative actions among workers or mine management, rather the purpose was to determine what areas of a health and safety management system mines can focus their efforts to better support worker health and safety decision making.

Data collection took place with mine workers over the last three years with minimal recruitment. The respondents targeted for this study included any active mine worker at a mine site, both surface and underground. All participants were between the ages of 18 and 75 and currently employed. Upon consent from the mine, mine workers were asked to complete the organizational health and safety survey.

In the time that this project has been open, there has been extensive interest from companies. The demand is so great that companies would like to continue distributing the survey. Even if NIOSH does not use the data in their final data set to answer the research questions posed, this effort is building good faith with industry stakeholders and also allows an opportunity to collect data for other research projects. No recruitment is being done for this effort, only data is being collected as requested by mining companies who have presence across the world. Therefore, we would like to keep this data collection open for an additional one-year time period.

Participation will require no more than 20 minutes of workers' time during one visit to the mine. There is no cost to respondents other than their time. It is estimated, based on industry interest, that in this one year period no more than 1,200 mineworkers will opt to complete the survey and will be between the ages of 18 and 75.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Mine Worker	Individual Miner Recruitment Script	1200	1	5/60	100
Mine Worker	survey	1200	1	15/60	300
Total					400

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01335 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–19–1105]

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 One Health Harmful Algal Bloom System (OHHABS) 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 October 15, 2018 to obtain comments from the public and affected agencies. CDC received four 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

One Health Harmful Algal Bloom System (OHHABS) (OMB Control No. 0920–1105, Exp. Date 03/31/2019)—Extension—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Center for Emerging and Zoonotic Infectious Diseases requests a three-year extension for the One Health Harmful Algal Bloom System (OHHABS) for harmful algal bloom (HAB) and HAB-associated illness surveillance.

Algal toxins from Harmful Algal Blooms (HABs) include some of the most potent natural chemicals; these toxins can contaminate surface water used for recreation and drinking, as well as food sources. HABs pose a threat to

both humans and animals. Human and animal illnesses from environmental exposures to HABs in fresh and marine waters have been documented in the United States. Animal illness may be an indicator of bloom toxicity; thus, it is necessary to provide a One Health approach for reporting HAB-associated illnesses and events.

HABs are an emerging public health concern. Several outbreaks related to HABs in freshwater settings have occurred in the United States. In 2009–2010, 11 HAB-associated outbreaks in fresh water settings were reported to the CDC Waterborne Disease and Outbreak Surveillance System (WBDOSS). These 11 outbreaks represent 46% of the outbreaks associated with untreated recreational water reported in 2009–2010 and 79% of HAB-associated outbreak s reported to WBDOSS since 1978. At least 61 persons experienced health effects such as dermatologic, gastrointestinal, respiratory, or neurologic symptoms. In August 2014, detectable levels of microcystin, a potent HAB toxin, were detected in drinking water supply in Toledo, Ohio, resulting in a ''do not drink'' water advisory and an extensive emergency response.

Known adverse health effects from HABs in marine waters include respiratory illness and seafood poisoning. In 2007, 15 persons were affected with respiratory illness from exposures to brevetoxins, an algal toxin, during a Florida red tide. From 2007–2011, HAB-associated foodborne exposures were identified for 273 case reports of human illness through a separate five-year data collection effort with a subset of states. Of these reports, 248 reported ciguatera fish poisoning or poisoning by other toxins in seafood, including saxitoxin and brevetoxin. A review of national outbreak data reported to CDC for the time period 1998–2015 identified outbreaks of ciguatera fish poisoning as the second most common cause of fish-associated foodborne disease outbreaks in the United States.

The purpose of OHHABS is (1) to provide a database for routine data collection at the state/territorial and national level to identify and characterize HAB events, HAB-associated illnesses, and HAB exposures in the United States and (2) to better inform and improve our understanding of HAB-associated illnesses and exposures through routine surveillance to inform public health policy and illness prevention efforts. OHHABS (electronic, year-round collection) includes questions about HAB events and HAB-associated-illness for human and animal cases. OHHABS, a web-based reporting system, is nationally available for state and territorial health departments to voluntarily report information about HAB-associated human and animal cases and HAB events.

States and territories lacking a database to collect information on HAB events and HAB-associated illnesses may use OHHABS as a repository to track and review HAB events and HAB-associated illnesses within their state or territory. OHHABS data may help states and territories characterize the baseline frequency of HAB events and HAB-associated illnesses. Data from states and territories will be assessed by CDC to determine and characterize HAB events and HAB-associated illnesses nationally.

As with all routine public health surveillance conducted by CDC, participation by states and territorial health departments with OHHABS is voluntary. Participating states and territories will remain responsible for the collection and interpretation of these data elements at the state level and will voluntarily submit them to CDC. HAB event, and HAB-associated human and animal case definitions, which were created for OHHABS with input from state and federal partners, are available online to assist states and territories. States and territories that lack state-specific case and event definitions may use the HAB-associated human and animal case and HAB event definitions to identify suspect, probable, and confirmed HAB-associated cases and HAB events, respectively, to report to OHHABS.

There is no cost to respondents other than the time to participate. The estimated annual burden is 57 hours. Authorizing legislation comes from Section 301 of the Public Health Service Act (42 U.S.C. 241).

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State/territorial epidemiologists	One Health Harmful Algal Bloom System (OHHABS)	57	3	20/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01329 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–19–0604; Docket No. CDC–2018–0119]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''School-Associated Violent Deaths Surveillance System (SAVD.'' The U.S. Department of Education (DOE) requested assistance from the Centers for Disease Control and Prevention (CDC)/National Center for Injury Prevention and Control (NCIPC) to establishing an ongoing surveillance

system of school-associated violent deaths (SAVD) in the United States in order to track and monitor school-associated violence, particularly homicides and suicides that occur in schools on an ongoing basis.

DATES: CDC must receive written comments on or before April 8, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0119 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

School Associated Violent Death Surveillance System ((0920–0604, expiration 05/31/2019)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Division of Violence Prevention (DVP), National Center for Injury Prevention and Control (NCIPC) proposes to maintain a system for the surveillance of school-associated homicides and suicides. The system relies on existing public records and interviews with law enforcement officials and school officials. The purpose of the system is to (1) estimate the rate of school-associated violent death in the United States and (2) identify common features of school-associated violent deaths. The system will contribute to the understanding of fatal violence associated with schools, guide further research in the area, and help direct ongoing and future prevention programs.

Violence is the leading cause of death among young people, and increasingly recognized as an important public health and social issue. In 2016, over 3,600 school-aged children (5 to 18 years old) in the United States died of violent deaths due to suicide, homicide, and unintentional firearm injuries. The vast majority of these fatal injuries were not school associated. However, whenever a homicide or suicide occurs in or around school, it becomes a matter of particularly intense public interest and concern. NCIPC conducted the first scientific study of school-associated violent deaths (SAVD) during the 1992–99 academic years to establish the true extent of this highly visible problem. Despite the important role of schools as a setting for violence research and prevention interventions, relatively little scientific or systematic work has been done to describe the nature and level of fatal violence associated with schools. Until NCIPC conducted the first nationwide investigation of violent deaths associated with schools, public health and education officials had to rely on limited local studies and estimated numbers to describe the extent of school-associated violent death.

SAVD is an ongoing surveillance system that draws cases from the entire United States in an attempt to capture all cases of school-associated violent deaths that have occurred. Investigators review public records and published press reports concerning each school-associated violent death. For each identified case, investigators also contact the corresponding law enforcement agency and speak with an official in order to confirm or reject the case as an SAVD, and to request a copy of the official law enforcement report for confirmed SAVD cases. In past years, investigators would interview an investigating law enforcement official (defined as a police officer, police chief, or district attorney), and a school official (defined as a school principal, school superintendent, school counselor, school teacher, or school support staff) who were knowledgeable about the case in question; however, moving forward, the interviews with these respondents will be eliminated, and instead CDC study personnel will abstract data from law enforcement reports to enter using a Data Abstraction Tool. Data to be abstracted from the law enforcement report include the following: Information on both the victim and alleged offender(s)—including demographic data, their criminal records, and their relationship to one another; the time and location of the incident precipitating the fatality; the circumstances, motive, and method of the fatal injury; and the security and violence prevention activities in the school and community where the death occurred, before and after the fatal injury event. The revised data collection process eliminating the use of telephone interviews will reduce respondents' burden greatly.

All data are secured through the use of technical, physical, and administrative controls. Hard copies of data are kept under lock and key in secured offices, located in a secured facility that can be accessed only by presenting the appropriate credentials. Digital data are password protected and then stored (and backed up routinely) onto a secure Local Area Network that can only be accessed by individuals who have been appropriately authorized. Study data are reported in the aggregate, such that no individual case can be identified from the reports.

There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours (in hours)
Law Enforcement Officer	Law Enforcement Case Confirmation Script.	50	1	5/60	4
	Letter to Local Law Enforcement Officials.	50	1	15/60	13
Total					17

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01334 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–19–1061]

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 Behavioral Risk Factor Surveillance System (BRFSS) 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 September 18, 2018 to obtain comments from the public and affected agencies. CDC received three 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

Behavioral Risk Factor Surveillance System (BRFSS)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is requesting OMB approval to revise information collection for the Behavioral Risk Factor Surveillance System (BRFSS) for the period of 2019–2022. The BRFSS is a nationwide system of cross-sectional telephone health surveys administered by health departments in states, territories, and the District of Columbia (collectively referred to here as states) in collaboration with CDC. The BRFSS produces state-level information primarily on health risk behaviors, health conditions, and preventive health practices that are associated with chronic diseases, infectious diseases, and injury. Designed to meet the data needs of individual states and territories, the CDC sponsors the BRFSS information collection project under a cooperative agreement with states and territories. Under this partnership, BRFSS state coordinators determine questionnaire content with technical and methodological assistance provided by CDC. For most states and territories, the BRFSS provides the only sources of data amenable to state and local level health and health risk indicator uses. Over time, it has also developed into an important data collection system that federal agencies rely on for state and local health information and to track national health objectives such as Healthy People.

CDC bases the BRFSS questionnaire on modular design principles to accommodate a variety of state-specific needs within a common framework. All participating states are required to administer a standardized core questionnaire, which provides a set of shared health indicators for all BRFSS partners. The BRFSS core questionnaire consists of fixed core, rotating core, and emerging core questions. Fixed core questions are asked every year. Rotating core questions cycle on and off the core questionnaire during even or odd years, depending on the question. Emerging core questions are included in the core questionnaire as needed to collect data on urgent or emerging health topics such as influenza. In addition, the BRFSS includes a series of optional modules on a variety of topics. In off years, when the rotating questions are not included in the core questionnaire, they are offered to states as optional modules. This framework allows each state to produce a customized BRFSS survey by appending selected optional modules to the core survey. States may select which, if any, optional modules to administer. As needed, CDC provides technical and methodological assistance to state BRFSS coordinators in the

construction of their state-specific surveys. Each state administers its BRFSS questionnaire throughout the calendar year.

CDC periodically updates the BRFSS core survey and optional modules. The purpose of this Revision request is to add the following topics to the questionnaires: Myalgic encephalomyelitis/chronic fatigue syndrome; hepatitis treatment; adverse childhood experiences; food stamps; and opioid use and misuse. In addition, this request seeks approval for reinstating topics which have been included in BRFSS in the past, dependent upon state interest and funding. Participation is voluntary and there is no cost to participate. The total time burden across all respondents will be approximately 241,519 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
U.S. General Population	Landline Screener	375,000	1	1/60
	Cell Phone Screener	292,682	1	1/60
	Field Test Screener	900	1	1/60
Annual Survey Respondents (Adults >18 Years)	BRFSS Core Survey	480,000	1	15/60
	BRFSS Optional Modules	440,000	1	15/60
Field Test Respondents (Adults >18 Years)	Field Test Survey	500	1	45/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01328 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–19–19LI; Docket No. CDC–2018–0120]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Long-term sequela of Rocky Mountain spotted fever (RMSF). This project will look back at hospitalized cases of RMSF to see if they fully recovered from their illness, or if they still experience long-term neurological effects potentially tied to their RMSF episode.

DATES: CDC must receive written comments on or before April 8, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0120 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

Long-term sequela of Rocky Mountain spotted fever (RMSF)—New ICR—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Data collection for this investigation was initiated in July 2018 following OMB approval on 7/22/2018, with a second approval on 11/15/2018 under the Emergency Epidemic Investigations

(EEI) Generic ICR (OMB Control Number 0920–1011, exp 1/31/2020). A full OMB package is being submitted to allow for continuation of the project.

Rocky Mountain spotted fever (RMSF), a life-threatening and rapidly progressive tickborne disease, is caused by infection with the bacterium Rickettsia rickettsii. Infection begins with non-specific symptoms like fever, headache, and muscle pain, but when left untreated the bacteria can cause damage to blood vessels throughout the body leading to organ and tissue damage. Delay in recognition and treatment of RMSF can result in irreparable damage leading to amputation of extremities, neurological deficits (such as hearing loss, paralysis, and encephalopathy), and death.

Case series in the peer-reviewed literature document long term sequelae (LTS) from RMSF in anywhere from 3–55% of cases, yet characterization of the long-term impacts is still not well understood, and only a handful of studies have examined them in detail. Results of neurologic damage caused during acute RMSF illness may include symptoms ranging from paresthesia, insomnia and behavioral concerns to loss of hearing, motor or language dysfunction, and chronic pain.

This study will gather information related to neurologic sequela following RMSF illness. Information for this study will come from three sources: Medical charts, patient interviews, and neurological exams with a cognitive/developmental assessment for children. Resulting data will provide information to healthcare providers, patients, and policy makers about the long term consequences of severe RMSF, including time to recovery, self-reported impact to daily function, and will look to identify risk factors during acute illness which may be associated with long term impairment.

There is no cost to respondents other than the time to participate. Total estimated burden is 126 hours. Authorizing Legislation comes from Section 301 of the Public Health Service Act (42 U.S.C. 241).

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
General Public	Patient screening questionnaire	250	1	10/60	42
	Neurological exam form	125	1	40/60	84
Total					126

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01333 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–19–18AXG]

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 *Maritime Illness Database and Reporting System (MIDRS).* CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on September 25, 2018 to obtain comments from the public and affected agencies. CDC did not receive public comment 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

Maritime Illness Database and Reporting System (MIDRS)—NEW—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this new information collection request (ICR) is to request a three-year Paperwork Reduction Act (PRA) clearance for CDC's Maritime Illness Database and Reporting System (MIDRS). MIDRS is currently approved under *Foreign Quarantine Regulations (42 CFR part 71)* (OMB Control No. 0920–0134, Expiration Date: 05/31/2019), sponsored by the National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Operationally, CDC has divided the responsibilities for enforcing foreign quarantine regulations between the Vessel Sanitation Program (VSP) and the Division of Global Migration and Quarantine (DGMQ). VSP takes the lead on overseeing acute gastroenteritis (AGE) illness surveillance and outbreak investigation activities on passenger

ships, while DGMQ monitors all non-AGE illnesses and deaths on passenger vessels as well as all diseases of public health concern on all other conveyances with international itineraries bound for the United States. From 2012 to 2014 all ships submitted their AGE, non-AGE, and death reports to MIDRS using a common web portal; however program and reporting needs changed and dictated a need to move non-AGE illness and death reporting to a separate system. As of June 10, 2014, DGMQ has changed its routing method for receiving reports from ships. It no longer accepts non-AGE illness and death reports via MIDRS.

To complete the separation of shipboard quarantine and inspection functions across the two CDC national centers, the VSP seeks to transition all federally mandated AGE illness reporting activities to a new ICR housed within its own Center, since MIDRS is housed in and used exclusively by VSP. DGMQ will continue to surveil non-AGE illnesses on cruise ships and all illnesses on other foreign to U.S. conveyances under *Foreign Quarantine Regulations (42 CFR part 71)* (OMB Control No. 0920–0134, expiration date 05/31/2019).

The MIDRS data collection system consists of a surveillance system that receives information electronically through a web-based reporting portal; data can also be submitted by phone, email or fax and entered into MIDRS by VSP. AGE cases reported to MIDRS are totals for the entire voyage and do not represent the number of active AGE cases at any given port of call or at disembarkation. The AGE log, 72-hour food/activity history and other required documentation are completed and maintained on the ship.

Data collected will allow VSP to quickly detect AGE outbreaks, provide epidemiologic and sanitation guidance to stop the outbreak, craft public health recommendations to prevent future outbreaks, and monitor AGE illness trends to identify important changes over time.

There are two types of respondents for this data collection: Cruise ship medical staff or other designated personnel who report AGE cases, and AGE cases who provide information for the 72-hour food/activity histories. Of note, VSP will not receive any information from or about the AGE cases; this information is collected and owned by the cruise line and maintained on the ship as part of the AGE case's medical record. VSP reviews these records during operational inspections to confirm they are available if needed, and if there is an AGE outbreak or report of unusual AGE illness for a particular voyage.

CDC estimates the total annualized time burden is 1,537 hours. A summary of the estimated annualized burden hours is shown in the table below.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Cruise ship medical staff or other designated personnel.	71.21(c) Gastrointestinal Illnesses reports 24 and 4 hours before arrival (MIDRS).	250	10	3/60
	71.21(c) Recordkeeping—Gastrointestinal Illnesses reports 24 and 4 hours before arrival (MIDRS).	250	1	1/60
	71.21(c) AGE Logs	250	10	10/60
	71.21 (c) Recordkeeping—medical records (AGE Logs).	250	1	1/60
	71.21(c) Interviews with AGE crew case cabin mates and immediate contacts to determine AGE illness status and documentation of interview dates/times.	250	3	5/60
	71.21(c) Recordkeeping—medical records (Interviews with AGE crew case cabin mates and immediate contacts to determine AGE illness status and documentation of interview dates/times).	250	1	1/60
	71.21(c) Documentation of 3-day pre-embarkation AGE illness assessment for all crew members.	250	5	3/60
	71.21(c) Recordkeeping—medical records (Documentation of 3-day pre-embarkation AGE illness assessment for all crew members).	250	1	1/60
	71.21(c) Documentation of date/time of last symptom and clearance to return to work for food and nonfood employees.	250	1	3/60
	71.21(c) Recordkeeping—medical records (Documentation of date/time of last symptom and clearance to return to work for food and nonfood employees).	250	1	1/60
	71.21(c) Recordkeeping—medical records (72 hour food/activity histories).	250	1	1/60
AGE passenger and crew cases	71.21(c) 72-hour food/activity history	5,000	1	10/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01324 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–19–19GH; Docket No. CDC–2018–0116]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Evaluating the implementation and impact of a fall prevention program, including opioid medication management, in a hospital discharge setting.'' This study will evaluate the implementation and impact of a fall prevention program in a hospital discharge setting. Components of the program will target opioid medication management in the acute and post-acute settings, and referral to clinically effective programs to reduce the risk of falls and opioid misuse.

DATES: CDC must receive written comments on or before April 8, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0116 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

Evaluating the implementation and impact of a fall prevention program, including opioid medication management, in a hospital discharge setting—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Falls are the leading cause of injury, and injuries leading to death in older adults. Medications which affect the central nervous system can cause side effects that increase the chances of falling, such as dizziness, sedation, confusion, blurred vision, and orthostatic hypotension. Opioids are strongly associated with increased fall risk in older adults. When opioids are taken with other medications, like benzodiazepines, there can be a synergistic effect on cognition and physical function, potentially leading to a more pronounced injury or unintentional overdose.

A key intervention in the Centers for Disease Control and Prevention (CDC)'s fall prevention program STEADI (Stopping Elderly Accidents, Deaths, and Injuries) initiative is medication management to reduce the fall risk. Medication review and management, especially upon care transitions, can reduce inappropriate opioid use, the risk of injury, and improve patient health. This data collection will evaluate the implementation and impact of a fall prevention program, including opioid medication management, in a hospital discharge setting. Components of the program will target opioid medication management in the acute and post-acute settings and referral to clinically effective programs to reduce the risk of falls and opioid misuse. This data collected will be used to: (1) Examine post-discharge use of opioids or alternative therapies for pain management among older adult patients, (2) examine post-discharge compliance and follow up by older adults with primary care doctors and/or specialist referrals for pain management and fall prevention efforts, (3) identify rate of readmission for a fall by level of patient compliance and follow-up post-discharge, (4) evaluate the uptake of the program by clinical staff, and (5) identify opportunities for program and process improvement.

The study population will be limited to older adults (65 years and older) considered high risk due to opioid use identified during discharge at a specific Medical Center inpatient. The study population for the clinical staff evaluation questionnaire will be limited to the same Medical Center clinical staff (*i.e.,* nurses, pharmacists, physicians) involved in older-adult patient pain management and post-discharge planning that work in hospital units where this program has been

implemented. The study population for the primary care provider post-discharge questionnaire will be Primary Care Providers (PCP) associated with the same Medical Center who care for older adult study patients discharged each month. Four questionnaires will be administered. (1) The Pre-discharge patient questionnaire will be used to survey older adults in the hospital (before discharge). (2) The Post-discharge patient questionnaire will be used to survey the older adults that completed the pre-discharge survey three additional times (at 14, 30 and 60 days) after being discharged from the Medical Center. (3) The Clinical staff evaluation questionnaire will be used to survey clinical staff at the Medical Center. (4) The Primary Care Provider (PCP) post-discharge questionnaire will be used to survey primary care providers involved in the care of patients discharged. The open-ended questions will be analyzed to identify themes, and results will be presented by theme. Frequencies, cross-tabs, and regression analysis will be used for categorical questions.

The total estimated annualized burden hours is 622. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours (in hours)
Older adult Patients	Survey correspondence to patients and consent form for patients.	2,299	1	2/60	77
	Pre-discharge Patient	800	1	10/60	133
	Post-discharge Patient	800	3	10/60	400
Clinical staff (Pharmacists, nurses, physicians)	Survey correspondence to clinical staff.	100	1	1/60	2
	Clinical staff evaluation Questionnaire.	50	1	5/60	4
Primary care providers (PCP)	Survey correspondence to primary care providers.	100	1	1/60	2
	PCP post discharge survey	50	1	5/60	4
Total					622

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01331 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–19–19IJ; Docket No. CDC–2018–0118]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS)

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Improving Performance Measurement and Monitoring by CDC programs. The purpose of this project is to evaluate the progress of CDC partners that receive awards distributed via cooperative agreements from the Office of Grants Services (OGS)

DATES: CDC must receive written comments on or before April 8, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0118 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Improving Performance Measurement and Monitoring by CDC programs—New—Office of Grant Services (OGS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Each year, 75% of CDC funding goes to extramural organizations, including state and local partners, via contracts, grants, and, most commonly, cooperative agreements. A cooperative agreement is an award mechanism used when there will be substantial Federal programmatic involvement, meaning that the CDC program staff will collaborate or participate in project or program activities. These funds are distributed from the Office of Grant Services (OGS) to partners throughout the world to promote health, prevent disease, injury and disability and prepare for new health threats. OGS is responsible for the stewardship of these funds while providing excellent, professional services to our partners and stakeholders.

Currently, CDC uses the PPMR (OMB Control Number- 0920–1132, Expiration Date: 08/31/2019), a progress report form adapted from an information collection owned by the Administration for Children and Families (ACF). This tool may be used to collect information periodically from recipients of CDC funds regarding the progress made on CDC funded projects.

The Improving Performance Measurement and Monitoring by CDC Programs project will work with up to 25 CDC programs developing cooperative agreements to address the challenges they face with performance planning, measurement and monitoring. Each cooperative agreement will provide funding to an average of 35 local entities, for a total of up to 875 locally funded entities.

Through participation in this Project, CDC programs and recipients of cooperative agreement funds will: (1) Develop strong performance measurement systems and practices; (2) define and operationalize priority performance measures tailored to a specific cooperative agreement; and (3) establish common data collection and reporting expectations across all recipients for a specific cooperative agreement. The Project focuses on addressing these issues during the early stages of cooperative agreement development and implementation.

The Project proposes a generic clearance adapted from a previously approved generic clearance (OMB approval number: 0970–0490, expiration date 1/31/2020) owned by ACF. This ACF generic clearance replaces the information collection that is the basis of CDC's current PPMR. Project participants will customize a sample information collection to meet program-specific needs.

The information collected will enable the accurate, reliable, uniform and timely submission to CDC of each recipient's progress and performance measures. The information collected by the generic information collection is designed to align with, and support the goals outlined for each of the CDC recipients. Collection and reporting of the information will occur in an efficient, standardized, and user-friendly manner that will generate a variety of routine and customizable reports. The generic information collection will allow each recipient to summarize activities and progress towards meeting performance measures and goals over a specified time period specific to each award. CDC will also have the capacity to generate reports that describe activities across multiple recipients. In addition, CDC will use the information collected to respond to inquiries from HHS, Congress and other stakeholder inquiries about program activities and their impact. CDC requests OMB approval for three years. The total estimated burden is 35,000 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent per year	Average burden per response (in hours)	Total burden (in hours)
CDC Award Recipients ..	Performance Measuring and Monitoring Project Information Collection Tool.	875	1	40	35,000
Total	.....	.....	.....	.....	35,000

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01332 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–19–18AVU]

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 Assessment of Outcomes Associated with the Preventive Health and Health Services Block Grant 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 September 6, 2018 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

Assessment of Outcomes Associated with the Preventive Health and Health Services Block Grant—New—Office for State, Tribal, Local and Territorial Support (OSTLTS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Preventive Health and Health Services Block Grant (PHHS Block Grant) has provided flexible funding for all 50 states, the District of Columbia, two American Indian tribes, five U.S. territories, and three freely associated states to address the unique public health needs of their jurisdictions in innovative and locally defined ways. First authorized by Congress in 1981 through the Public Health Service Act (Pub. L. 102–531), the fundamental and enduring purpose of the grant has been to provide grantees with flexibility and control to address their priority public health needs. In 1992, Congress amended the law to align PHHS Block Grant funding priorities with the 22 chapters specified in Healthy People (HP) 2000, a set of national objectives designed to guide health promotion and disease prevention efforts. Additional amendments included set-aside funds specifically dedicated to sex offense prevention and victim services, thus requiring grantees receiving this support to include related HP objectives and activities as part of their PHHS Block Grant-funded local programs.

CDC is establishing a comprehensive, standardized method to collect data to describe select outputs and outcomes and ensure the accountability of the PHHS Block Grant. The CDC PHHS Block Grant Measurement Framework is an innovative approach to collecting data on public health infrastructure improved (*i.e.,* information systems improved and quality improved—efficiency and effectiveness improvements achieved in programs, services, and operations), emerging public health needs addressed, and evidence-based public health interventions implemented.

The purpose of this information collection request (ICR) is to collect data that assess select cross-cutting outputs and outcomes of the grant (as defined by the framework measures) and that demonstrate the utility of the grant on a national level. This data collection will describe the outcomes of the PHHS Block Grant as a whole—not individual grantee activities or outcomes.

The respondent universe consists of 61 PHHS Block Grant coordinators, or their designees, across 61 health departments (50 states, the District of Columbia, two tribes, five US territories, and three freely associated states). The assessment will be administered to PHHS Block Grant coordinators electronically via a web-based questionnaire. A link to the assessment will be provided by email invitation. The survey will be completed once every two years. The total annualized estimated burden is 46 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
PHHS Block Grant Coordinator or Designees	PHHS Block Grant Assessment	61	1	45/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01323 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 83 FR 50379, dated October 5, 2018) is amended to reflect the reorganization of Office of the Director, National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Office of Infectious Diseases, Centers for Disease Control and Prevention. This reorganization was driven by both functional necessity and the need to mitigate risk of cross-channel communication inefficiencies.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the title and functional statement for the *Office of Program Planning and Policy*

Coordination (CVJ16) and insert the following:

Office of Policy, Planning and Partnerships (CVJ16). (1) Identifies program priorities through strategic planning and other processes as appropriate; (2) oversees the development of the center's performance plan and performance reports to ensure accountability and improve programs and activities; (3) coordinates with the center director, deputy director and management officer on the formulation of the NCHHSTP budget; (4) liaises with the CDC Business Services Offices on congressional, legislative, and other inquiries; (5) maintains liaison with Congress on matters including appropriations, legislative bill tracking, and legislative requests, testimony for hearings, congressional inquiries, etc.; (6) develops policy- and program-related materials for internal and external stakeholders; (7) oversees the preparation and routing of controlled correspondence; (8) maintains liaison with key CDC offices and individuals working on public health policies and legislative issues; (9) serves as liaison to governmental and nongovernmental partners on policy-related issues; (10) oversees coordination of CDC OD engagement requests, executive or legislative branch issues, and management efforts; (11) conducts analysis related to short- and long-term CIO priorities; (12) develops and manages partnership activities, including non-governmental and private sector organizations; (13) develops long-term partnership and policy development plans across CIO divisions and in coordination with center OD offices; (14) disseminates information to CIO leadership and staff, as appropriate, on policy, planning and partner engagement situation analyses; (15) coordinates the completion of Freedom of Information Act requests, supporting CIO Divisions; (16) coordinates with Health Communication Science Office to disseminate information to partner organizations; (17) manages two federal advisory committees for CIO; and (18) coordinates risk mitigation activities across CIO.

After the functional statement for the *Office of Program Planning and Policy Coordination (CVJ16),* insert the following:

Health Communication Science Office (CVJ17). (1) Serves as the principal advisor to NCHHSTP on communication and marketing practice, research, and science; (2) provides oversight to ensure the quality of health communication and marketing campaigns and products created by NCHHSTP and its divisions; (3) serves as NCHHSTP clearance office for health communication campaigns and products; develops and manages clearance systems; (4) provides strategic planning and coordination for NCHHSTP strategic communication and social marketing programs in collaboration with OD and division-level staff; (5) collaborates with NCHHSTP divisions and center policy staff to ensure consistent and timely translation of center-specific scientific findings and recommendations for messages and materials effective for the news media, social media, partner, and other communication channels; (6) coordinates and provides center input on communication activities; (7) coordinates CDC and NCHHSTP brand management and logo licensing; (8) provides oversight and consultation on partner/stakeholder communication; (9) provides oversight, consultation, and strategic coordination on partnership development and relationships in collaboration with NCHHSTP divisions and CDC CIOs for the National Prevention Information Network; (10) manages communication infrastructure for NCHHSTP partnerships; (11) oversees management, policy guidance, and governance of NCHHSTP digital channels and websites per HHS and CDC policy for the use of communication platforms; (12) provides coordination and conducts activities to support NCHHSTP's presence on networked media, including social, mobile, and traditional media; (13) collects/analyzes user data/metrics from communication channels and technologies to assess system performance, usability, accessibility, and usefulness; (14) formulates strategic communication objectives for advancing program priorities and addressing identified long-range issues through news media, partner, and other communication strategies; (15) oversees the implementation of strategic communication plans through several functional areas; (16) develops and implements all proactive media outreach and reactive media responses for the center; (17) provides media training and technical assistance, as appropriate; and (18) serves as liaison to key offices for obtaining CDC and HHS media clearance on products/activities.

Sherri A. Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–01321 Filed 2–6–19; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–19–18AAE]

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 Barriers and Facilitators to Expanding the NHBS to Conduct HIV Behavioral Surveillance Among Transgender Women (NHBS-Trans) 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 May 29, 2018 to obtain comments from the public and affected agencies. The notice was entitled National HIV Behavioral Surveillance System Among Transgender Women (NHBS-Trans). CDC did not receive comments related to the previous notice. The current notice serves to allow an additional 30 days for public and affected agency comments. The project title has been revised to clarify project goals.

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

Barriers and Facilitators to Expanding the NHBS to Conduct HIV Behavioral Surveillance Among Transgender Women (NHBS-Trans)—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National HIV Behavioral Surveillance System (NHBS, OMB No. 0920–0770, exp. 5/31/2020) is CDC's ongoing surveillance system to assess HIV prevalence and factors associated with HIV among populations at high risk for HIV. NHBS has a 15-year record of successfully reaching and recruiting hidden populations, with a focus on men who have sex with men, injection drug users, and heterosexuals at high risk of HIV infection.

CDC requests OMB approval to conduct a two-year pilot study to examine the feasibility of extending the NHBS's proven surveillance framework to include transgender (TG) women, a hidden subpopulation with a disproportionately high burden of HIV. Information will be collected in nine geographically diverse U.S. Metropolitan Statistical Areas (MSAs) with high HIV prevalence: Atlanta, GA, Dallas, TX, Los Angeles, CA, New Orleans, LA, New York, NY, Philadelphia, PA, San Francisco, CA, Seattle, WA, and Washington, DC. Together these sites accounted for over 33% of all persons living with HIV at year end 2014 in large (>500,000 residents) MSAs. All NHBS-Trans sites currently participate in the NHBS and are familiar with its protocols for respondent recruitment, information collection, HIV testing, and referral to services.

The NHBS-Trans pilot study will use customized NHBS instruments, sampling and recruitment methods to assess barriers to, and best strategies for, conducting HIV-related bio-behavioral surveys among transgender women. Information will be collected on HIV risk behaviors, gaps in services, barriers to service, and other experiences of transgender women from racial and ethnic minority populations. Potential participants will be identified through respondent-driven recruitment methods, also called peer-based recruitment.

During the two-year information collection period, each NHBS-Trans site will recruit 200 respondents for a computer-assisted personal interview. The proposed respondents are adult minority transgender women. After completing the 40-minute interview, each respondent will be offered a free, rapid HIV test. Respondents will also be asked to participate in short debriefing interviews about their experiences with recruiting additional participants. The debriefing interviews will help CDC understand the reasons why eligible transgender women choose not to participate in the NHBS-Trans pilot study.

Over the two-year pilot period, the target number of completed interviews for all sites is 1,800 (200 per site). CDC estimates that 1,980 individuals must be screened in order to identify 1,800 individuals who meet eligibility criteria and consent to participation.

Quantitative analysis of 1,800 interviews will be conducted using SAS. Findings of the NHBS-Trans pilot study will be used by CDC and local health department staff to assess the feasibility of using NHBS infrastructure to monitor the prevalence of HIV among transgender women of color and to strengthen understanding of the behavioral and environmental HIV risk factors that contribute to the disproportionately high prevalence of HIV within this population. Improved surveillance of transgender women is necessary to help CDC and health departments identify areas for community-level interventions, track the progress of communities in implementing change, and evaluate interventions that seek to reduce HIV risk factors and increase engagement in HIV prevention and care.

Participation in the NHBS-Trans study is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden hours are 713.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Transgender Women >18 years old	Eligibility Screener	990	1	5/60
Eligible and consenting participants	NHBS-Trans Interview	900	1	40/60
Peer Recruiters	Recruiter Debriefing Form	900	1	2/60

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01322 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–19–0210]

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 List of Ingredients Added to Tobacco in the Manufacture of Cigarette Products 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 August 21, 2018 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

List of Ingredients Added to Tobacco in the Manufacture of Cigarette Products (OMB No. 0920–0210, Expiration Date 12/31/2018)—Reinstatement with Change—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Cigarette smoking is the leading preventable cause of premature death and disability in our Nation. Each year more than 480,000 deaths occur as the result of cigarette smoking–related diseases. The CDC, Office on Smoking and Health (OSH), has the primary responsibility for the HHS smoking and health program. Since 1986, as required by the Comprehensive Smoking Education Act of 1984, which amended the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1335a, CDC has collected information about the ingredients used in cigarette products. Respondents are commercial cigarette manufacturers, packagers, or importers (or their representatives), who are required by the CSEA to submit ingredient reports to HHS on an annual basis. Respondents are not required to submit specific forms; however, they are required to submit a list of all ingredients used in their products. CDC requires the ingredient report to be submitted by chemical name and Chemical Abstract Service (CAS) Registration Number, consistent with accepted reporting practices for other companies currently required to report ingredients added to other consumer products.

Ingredient reports are due annually on March 31. Information is submitted to CDC by mailing or faxing a written report on the respondent's letterhead. All faxed lists should be followed up with a mailed original. Data may also be submitted to CDC by CD, three-inch floppy disk, or thumb drive. Electronic mail submissions are not accepted. Mail Annual Ingredient Submissions to Attention: FCLAA Program Manager, Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway NE, MS S107–7, Atlanta, GA 30341–3717.

Upon receipt and verification of the annual ingredient report, OSH issues a Certificate of Compliance to the respondent. CDC also uses the information to report to Congress (as deemed appropriate) discussing the health effects of these ingredients. There are no costs to respondents other than their time. The total estimated annualized burden hours are 358. OMB approval is requested for three years.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Business Entities	N/A	55	1	6.5

Jeffrey M. Zirger,

Acting Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–01326 Filed 2–6–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Survey of Head Start Grantees on Training and Technical Assistance (New Collection)

AGENCY: Office of Planning, Research, and Evaluation; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) seeks approval to conduct a statistically representative survey of directors and managers/coordinators from Head Start grantee organizations regarding their access to and use of training and technical assistance (T/TA) from multiple sources, including ACF's Early Childhood Training and Technical Assistance system. The purpose of the data collection is to inform ACF on three aspects of grantee directors and managers/coordinators T/TA experience: (1) Search and selection of T/TA; (2) receipt of T/TA; (3) and potential relationships between T/TA received and perceived change in practice.

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 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. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The Head Start Directors Wave 1 survey addresses the grantee's organizational characteristics, how the organization defines and diffuses T/TA, T/TA received and requested in the prior program year, and overall organizational goals and reflections on T/TA efforts for the current year. The Head Start Managers/Coordinators Wave 2 survey addresses four distinct domains of Head Start activity: (1) Program management and fiscal operations; (2) education; (3) parent and family engagement; and (4) health and wellness. The Wave 2 survey addresses how these activity domains are structured and staffed with the grantee organization, the types of T/TA and resources sought and used to improve practice in each domain, perceptions of usefulness of recent T/TA received, and T/TA priorities for the next program year.

Respondents: Head Start Directors, Head Start Managers/Coordinators.

ANNUAL BURDEN ESTIMATES

Instrument	Total/annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Wave 1 Head Start Director Survey	1,200	1	.75	900
Wave 2 Head Start Managers/Coordinator Survey	800	1	.75	600

Estimated Total Annual Burden Hours: 1,500.

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: The Statutory Authority for this data collection is: Section 640(a)(2)(D) and section 649 of the Improving Head Start for School Readiness Act of 2007.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–01428 Filed 2–6–19; 8:45 am]

BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1334]

Opioid Use Disorder: Developing Depot Buprenorphine Products for Treatment; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Opioid Use Disorder: Developing Depot Buprenorphine Products for Treatment.'' This guidance reflects the Agency's current thinking regarding drug product development and trial design issues relevant to the study of depot buprenorphine products (*i.e.,* modified-release products for injection or implantation) for the treatment of opioid use disorder. Passive-compliance formulations such as sustained-release injectable depots and implants can provide effective treatment of opioid use disorder in a treatment paradigm that may be less subject to misuse, abuse, or accidental exposure compared to self-administered formulations such as transmucosal tablets and films. This guidance finalizes the draft guidance entitled ''Opioid Dependence: Developing Depot Buprenorphine Products for Treatment'' issued in April 2018.

DATES: The announcement of the guidance is published in the **Federal Register** on February 7, 2019.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–1334 for ''Opioid Use Disorder: Developing Depot Buprenorphine Products for Treatment.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Silvana Borges, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 3200, Silver Spring, MD 20993–0002, 301–796–0963.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Opioid Use Disorder: Developing Depot Buprenorphine Products for Treatment.'' This guidance reflects the Agency's current thinking regarding drug product development and trial design issues relevant to the study of depot buprenorphine products (*i.e.,* modified-release products for injection or implantation) for the treatment of opioid use disorder. Passive-compliance formulations such as sustained-release injectable depots and implants can provide effective treatment of opioid use disorder in a treatment paradigm that may be less subject to misuse, abuse, or accidental exposure compared to self-administered formulations such as transmucosal tablets and films. This finalizes the draft guidance entitled ''Opioid Dependence: Developing Depot Buprenorphine Products for Treatment'' issued on April 23, 2018 (83 FR 17666). In addition to editorial changes made primarily for clarification, changes from the draft to the final guidance include replacement of *opioid dependence* with *opioid use disorder,* the addition of language noting that patients with moderate-severe opioid use disorder should be enrolled in clinical trials, and clarification of the cumulative responder curve efficacy analysis.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Opioid Use Disorder: Developing Depot Buprenorphine Products for Treatment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively. The collection of information in 21 CFR parts 50 and 56 have been approved under OMB control numbers 0910–0755 and 0910–0130.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: January 24, 2019.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2019–01517 Filed 2–6–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0032]

Agency Information Collection Activities; Proposed Collection; Comment Request; Food Labeling; Notification Procedures for Statements on Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of the regulation

requiring the manufacturer, packer, or distributor of a dietary supplement to notify us that it is marketing a dietary supplement product that bears on its label or in its labeling a statement provided for in the Federal Food, Drug, and Cosmetic Act (the FD&C Act).

DATES: Submit either electronic or written comments on the collection of information by April 8, 2019.

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 April 8, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 8, 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–2013–N–0032 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Food Labeling; Notification Procedures for Statements on Dietary Supplements.'' 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: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, we invite comment on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Food Labeling; Notification Procedures for Statements on Dietary Supplements—21 CFR 101.93

OMB Control Number 0910–0331—Extension

Section 403(r)(6) of the FD&C Act (21 U.S.C. 343(r)(6)) and § 101.93 (21 CFR 101.93) of our regulations require that, no later than 30 days after the first marketing, we be notified by the manufacturer, packer, or distributor of a dietary supplement that it is marketing a dietary supplement product that bears on its label or in its labeling a statement provided for in section 403(r)(6) of the FD&C Act. In accordance with these

requirements, submissions must include: (1) The name and address of the manufacturer, packer, or distributor of the dietary supplement product; (2) the text of the statement that is being made; (3) the name of the dietary ingredient or supplement that is the subject of the statement; (4) the name of the dietary supplement (including the brand name); and (5) the signature of a responsible individual or the person who can certify the accuracy of the information presented, and who must certify that the information contained in the notice is complete and accurate, and that the notifying firm has substantiation that the statement is truthful and not misleading.

Our electronic form (Form FDA 3955) allows respondents to the information collection to electronically submit notifications to FDA via the FDA Unified Registration Listing System (FURLS.) Firms that prefer to submit a paper notification in a format of their own choosing will still have the option to do so; however, Form FDA 3955 prompts respondents to include certain elements in their structure/function claim notification (SFCN) described in § 101.93 in a standard electronic format and helps respondents organize their SFCN to include only the information needed for our review of the claim. Note that the SFCN, whether electronic or paper, is used for all claims made pursuant to section 403(r)(6) of the FD&C Act, including nutrient deficiency claims and general well-being claims in addition to structure/function claims. The electronic form, and any optional elements prepared as attachments to the form (*e.g.,* label), can be submitted in electronic format via FURLS. Submissions of SFCNs will continue to be allowed in paper format. We use this information to evaluate whether statements made for dietary ingredients or dietary supplements are permissible under section 403(r)(6) of the FD&C Act.

Description of Respondents: Respondents to this collection of information include manufacturers, packers, or distributors of dietary supplements that bear section 403(r)(6) of the FD&C Act statements on their labels or labeling.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
101.93	3,690	1	3,690	0.75 (45 minutes)	2,767.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Our burden estimate reflects an overall increase of 1,117.5 hours (from 1,650 hours) and a corresponding increase of 1,490 responses (from 2,200 responses). We attribute this adjustment to an increase in the average number of notification submissions we received over the preceding 12 months, which we expect will continue over the next 3 years. We believe gathering information to satisfy the notification requirements of section 403(r)(6) of the FD&C Act by submitting information regarding section 403(r)(6) of the FD&C Act statements on labels or in labeling of dietary supplements imposes minimal burden on respondents. We expect the information needed is immediately available to the manufacturer, packer, or distributor of the dietary supplement that bears such a statement on its label or in its labeling. We believe also that submission via FURLS will facilitate reporting for respondents. We estimate that, each year, approximately 3,690 firms will submit the information required by section 403(r)(6) of the FD&C Act. Assuming firms require 0.75 hours to gather the information needed and prepare a communication, we calculate a total of 2,767.5 hours (3,690 total annual responses × 0.75 hours).

Dated: February 1, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–01380 Filed 2–6–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–0125]

Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Oncologic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on February 26, 2019, from 12:30 p.m. to 5 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2019–N–0125. The docket will close on February 25, 2019. Submit either electronic or written comments on this public meeting by February 25, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before February 25, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of February 25, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before February 22, 2019, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically,

including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–N–0125 for ''Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see the **ADDRESSES** section), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lauren D. Tesh, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *ODAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will discuss new drug application (NDA) 212306 for selinexor tablets, application submitted by Karyopharm Therapeutics Inc. The proposed indication (use) for this product is in combination with dexamethasone, for the treatment of patients with relapsed refractory multiple myeloma who have received at least three prior therapies and whose disease is refractory to at least one proteasome inhibitor, at least one immunomodulatory agent, and an anti-CD38 monoclonal antibody.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see the **ADDRESSES** section) on or before February 22, 2019, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 3 p.m. to 4 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 19, 2019. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 20, 2019.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Lauren D. Tesh (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee

meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 1, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–01481 Filed 2–6–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3404]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Generic Drug User Fee Cover Sheet

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by March 11, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0727. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Generic Drug User Fee Coversheet

OMB Control Number 0910–0727—Extension

On July 9, 2012, the President signed the Generic Drug User Fee Amendments (GDUFA) (Pub. L. 112–144, Title III) into law. GDUFA is designed to speed the delivery of safe and effective generic drugs to the public and reduce costs to the industry. Section 744B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f, *et seq.*), as added by GDUFA, authorized FDA to assess and collect the fees related to generic drugs, beginning fiscal year (FY) 2013 and expiring at the close of FY 2017 on September 30, 2017. GDUFA was reauthorized on August 18, 2017 (GDUFA II), and is effective beginning October 1, 2017, through September 30, 2022. GDUFA II enables FDA to assess industry user fees to bring greater predictability and timeliness to the review of generic drug applications.

Form FDA 3794, the Generic Drug User Fee Cover Sheet available at *https://www.ipqpubs.com/wp-content/uploads/2012/09/GDUFA-cover-sheet.pdf,* requests the minimum necessary information from applicants to account for and track user fees and to determine the amount of the fee required. Applicants complete the cover sheets to accompany payments. While applicants may submit payment through multiple means, all cover sheets are prepared using FDA's web-based electronic User Fee System. Upon submitting the completed cover sheet, the User Fee System generates a user fee identification number, which is provided to applicants at the bottom of the cover sheet. It also notes the correct FY user fee assessment that is due for the submission/program. FDA requests that applicants submit a copy of this completed cover sheet along with the abbreviated new drug application, and other GDUFA fees, so FDA can verify that the applicant has paid the correct user fee.

Respondents to the collection of information are potential or actual generic drug application holders or related Active Pharmaceutical Ingredient and Finished Dosage Form manufacturers. Companies with multiple user fee obligations will submit a cover sheet for each user fee obligation.

In the **Federal Register** of September 25, 2018 (83 FR 48430), we published a 60-day notice requesting public comment on the proposed collection of information. One comment was received asking whether the information was ''essential for FDA to conduct its duties,'' and whether ''there is a way to reduce burden'' on respondents. We appreciate this feedback. As discussed in both the 60-day notice and this notice, the information collection implements statutory provisions FDA must fulfill under GDUFA II. The information requested from respondents on Form FDA 3794 represents what we consider to be the minimum necessary for us to efficiently and electronically assess, collect, and track user fees associated with generic drug applications.

We estimate the burden of the collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Form FDA 3794	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Generic Drug User Fee Cover Sheet	500	7.616	3,808	0.5 (30 minutes)	1,904

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated burden for the information collection reflects an increase since last OMB approval. This adjustment corresponds with an increase in submissions received by the Agency.

Dated: February 4, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–01477 Filed 2–6–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Children's Graduate Medical Education Quality Bonus System (QBS) Initiative Response Form, OMB No. 0906–xxxx–New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than March 11, 2019.

ADDRESSES: Submit your comments, including the ICR Title, to the desk officer for HRSA either by email to *OIRA_submission@omb.eop.gov* or by fax to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Quality Bonus System Initiative Response Form OMB No. 0906–xxxx [New].

Abstract: The Children's Hospitals Graduate Medical Education (CHGME) Payment Program provides federal funds to the nation's freestanding children's hospitals to help them maintain their graduate medical education programs that train resident physicians and dentists. CHGME Support Reauthorization Act of 2013 states that the Secretary may establish a Quality Bonus System (QBS), whereby the Secretary distributes bonus payments to hospitals participating in the CHGME Payment Program that meet standards specified by the Secretary. In order to qualify for the QBS payment in Fiscal Year (FY) 2019, CHGME award recipients must submit documentation as an attachment in the FY 2019 reconciliation application released in April 2019, describing the hospital's initiatives, resident curriculum, and direct resident involvement in the following areas:

a. Integrated care models (*e.g.,* integrated behavioral and mental health, care coordination across providers and settings);

b. Telehealth and/or Health Information Technology;

c. Population health;

d. Social determinants of health; and

e. Additional initiatives to improve access and quality of care to rural and/or underserved communities.

A 60-day notice was published in the **Federal Register** on October 23, 2018, Vol. 83, No. 205.

Need and Proposed Use of the Information: As specified in the CHGME statute, the QBS payment shall be remitted to qualified hospitals participating in the CHGME program that meet standards set forth by the Secretary of HHS. To demonstrate the fulfillment of such standards, it will be necessary for applicants to complete the QBS Response Initiative form and submit it as an attachment to the FY 2019 reconciliation application released in April of 2019. This form will be used to gather information relating to the hospitals' engagement in quality initiatives.

Likely Respondents: CHGME Program award recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
QBS Response Initiative Form	58	1	58	32.41	1,880
Total	58		58		1,880

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2019–01434 Filed 2–6–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Bioengineering Sciences and Technologies.

Date: February 20, 2019.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7760, Bethesda, MD 20892, (301) 404–7419, *rosenzweign@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01406 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; R13 Conference Grant Review.

Date: February 22, 2019.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ipolia R. Ramadan, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 95509529, Bethesda, MD 20892, *ramadanir@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01453 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Immune Mechanisms at the Maternal Fetal Interface (Clinical Trial Optional; single project R01 applications).

Date: March 4–5, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Nancy Vazquez-Maldonado, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F52B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5044, *nvazquez@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01451 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

Date: June 5, 2019.

Open: 8:30 a.m. to 12:30 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Natcher Building, Room E1/E2, 45 Center Drive, Bethesda, MD 20892.

Closed: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Natcher Building, Room E1/E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Melinda Nelson Acting Director, Division of Extramural Research Activities, National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Blvd., Room 838, Bethesda, MD 20892, (301) 435–5278, *nelsonm@mail.nih.gov.*

Name of Committee: National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

Date: September 10, 2019.

Open: 8:30 a.m. to 12:30 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health Natcher Building, Room E1/E2, 45 Center Drive, Bethesda, MD 20892.

Closed: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Natcher Building, Room E1/E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Melinda Nelson Acting Director, Division of Extramural Research Activities, National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Blvd., Room 838, Bethesda, MD 20892, (301) 435–5278, *nelsonm@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 1, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01357 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Cancer Molecular Pathobiology Study Section.

Date: February 21–22, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Manzoor Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01402 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Drug Detection and Deactivation Technology (1224).

Date: February 27, 2019.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Julia Berzhanskaya, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 20892, 301–827–5840, *julia.berzhanskaya@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; CTN Data, Statistics, and Clinical Trial Support Center (2250).

Date: April 9, 2019.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 827–5702, *lf33c.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01455 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Immunology Integrated Review Group; Immunity and Host Defense Study Section.

Date: February 21–22, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

Contact Person: Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301–435–1506, *jakesse@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01460 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Cancer, Heart, and Sleep Epidemiology A Study Section.

Date: February 21–22, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7770, Bethesda, MD 20892, (301) 437–3478, *wieschd@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01403 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the ZAT1 AJT (10) meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; NCCIH Training and Education Review Panel (CT).

Date: March 26, 2019.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ashlee Tipton, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Center for Complementary and Integrative Health, 6707 Democracy Boulevard, Room 401, Bethesda, MD 20892, 301–451–3849, *ashlee.tipton@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: February 1, 2019.

Ron Livingston,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01410 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Improving Implementation of Seek, Test, Treat & Retain Strategies among People Who Inject Drugs in Low to Middle Income Countries (R01—Clinical Trial Required).

Date: February 19, 2019.

Time: 10:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–827–5820, *hiromi.ono@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and

Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01412 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Development and Commercialization of Cell Therapies for Cancer

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the **SUPPLEMENTARY INFORMATION** section of this Notice to Ziopharm Oncology, Inc. (''Ziopharm''), headquartered in Boston, MA.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before February 22, 2019 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Andrew Burke, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, Rm. 1E530, MSC 9702, Bethesda, MD 20892–9702 (for business mail), Rockville, MD 20850–9702; Telephone: (240)–276–5484; Facsimile: (240)–276–5504; Email: *andy.burke@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

Group A

E–028–2015: Anti-Mutated KRAS T Cell Receptors

1. US Provisional Patent Application 62/084,654, filed November 26, 2014 (E–028–2015–0–US–01);
2. International Patent Application PCT/US2015/062269, filed November 24, 2015 (E–028–2015–1–PCT–01);
3. Australian Patent Application 2015353720, filed May 18, 2017 (E–028–2015–1–AU–02);
4. Canadian Patent Application 2968399, filed May 18, 2017 (E–028–2015–1–CA–03);
5. Chinese Patent Application 201580070673.7, filed June 23, 2017 (E–028–2015–1–CN–04);
6. European Patent Application 15807756.0 filed June 23, 2017 (E–028–2015–1–EP–05);
7. Israeli Patent Application 252258, filed May 14, 2017 (E–028–2015–1–IL–06);
8. Japanese Patent Application 527874/2017, filed May 24, 2017 (E–028–2015–1–JP–07);
9. Korean Patent Application 2017–7017289, filed June 23, 2017 (E–028–2015–1–KR–08);
10. Mexican Patent Application MX/a/2017/006865, filed May 25, 2017 (E–028–2015–1–MX–09);
11. New Zealand Patent Application 732045, filed May 18, 2017 (E–028–2015–1–NZ–10);
12. Saudi Arabian Patent Application 517381608, filed May 25, 2017 (E–028–2015–1–SA–11);
13. Singapore Patent Application 11201704155U, filed May 23, 2017 (E–028–2015–1–SG–12);
14. United States Utility Patent Application 15/528,813, filed May 23, 2017 (E–028–2015–1–US–13); and
15. Hong Kong Patent Application 18103250.9, filed March 7, 2018 (E–028–2015–1–HK–14).

E–180–2015: Anti-Mutated KRAS T Cell Receptors

1. US Provisional Patent Application 62/171,321, filed June 5, 2015 (E–180–2015–0–US–01).

E–265–2015: T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS

1. US Provisional Patent Application 62/218,688, filed September 15, 2015 (E–265–2015–0–US–01);
2. International Patent Application PCT/US2016/050875, filed September 9, 2016 (E–265–2015–0–PCT–02);
3. Australian Patent Application 2016323017, filed March 6, 2018 (E–265–2015–0–AU–03);
4. Canadian Patent Application 2998869, filed March 15, 2018 (E–265–2015–0–CA–04);
5. Chinese Patent Application 201680058891.3, filed April 3, 2018 (E–265–2015–0–CN–05);
6. European Patent Application 16770408.9 filed March 7, 2018 (E–265–2015–0–EP–06);
7. Israeli Patent Application 257840, filed March 4, 2018 (E–265–2018–0–IL–07);
8. Japanese Patent Application 513423/2018, filed March 13, 2018 (E–265–2015–0–JP–08);
9. Korean Patent Application 2018–7010326, filed April 12, 2018 (E–265–2015–0–KR–09);
10. Mexican Patent Application MX/a/2018/003062, filed March 12, 2018 (E–265–2015–0–MX–10);
11. New Zealand Patent Application 740714, filed March 14, 2018 (E–265–2015–0–NZ–11);
12. Saudi Arabian Patent Application 518391109, filed March 13, 2018 (E–265–2015–0–SA–12);
13. Singapore Patent Application 11201802069U, filed March 13, 2018 (E–265–2015–0–SG–13); and
14. United States Utility Patent Application 15/758,954, filed March 9, 2018 (E–265–2015–0–US–14).

E–175–2016: Anti-KRAS G12D T Cell Receptors

1. US Provisional Patent Application 62/369,883, filed August 2, 2016 (E–175–2016–0–US–01); and
2. International Patent Application PCT/US2017/044615, filed July 31, 2017 (E–175–2016–0–PCT–02).

E–181–2017: HLA Class II-Restricted T Cell Receptors Against Mutated RAS

1. US Provisional Patent Application 62/560,930, filed September 20, 2017 (E–181–2017–0–US–01);
2. International Patent Application PCT/US2018/051641, filed September 19, 2018 (E–181–2017–0–PCT–02);
3. Argentine Patent Application P180102695, filed September 20, 2018 (E–181–2017–0–AR–03);
4. Taiwan Patent Application 107133221, filed September 20, 2018 (E–181–2017–0–TW–05); and
5. United States Utility Patent Application 16/135,231, filed September 19, 2018 (E–181–2017–0–US–06).

E–239–2017: HLA Class I-Restricted T Cell Receptors Against Mutated RAS

1. US Provisional Patent Application 62/594,244, filed December 4, 2017 (E–239–2017–0–US–01); and
2. International Patent Application PCT/US2018/063581, filed December 3, 2018 (E–239–2017–0–PCT–02).

E–166–2018: HLA–A3-Restricted T Cell Receptors Against Mutated RAS

1. US Provisional Patent Application 62/749,750, filed October 24, 2018 (E–166–2018–0–US–01).

Group B

E–237–2017–0: T Cell Receptors Recognizing Mutated P53

1. US Provisional Patent Application 62/565,383, filed September 29, 2017 (E–237–2017–0–US–01); and
2. International Patent Application PCT/US2018/051285, filed September 17, 2018 (E–237–2017–2–PCT–01).

Group C

E–098–2018: T Cell Receptors Which Recognize Mutated EGFR

1. US Provisional Patent Application 62/665,234, filed May 01, 2018 (E–098–2018–0–US–01).

Group D

E–237–2017–1: Methods of Isolating T Cells Having Antigenic Specificity for a P53 Cancer-Specific Mutation

1. US Provisional Patent Application 62/565,464, filed September 29, 2017 (E–237–2017–1–US–01); and
2. International Patent Application PCT/US2018/051280, filed September 17, 2018 (E–237–2017–1–PCT–02).

Group E

E–182–2017: Methods for Selectively Expanding Cells Expressing a TCR with a Murine Constant Region

1. US Provisional Patent Application 62/568,339, filed October 5, 2017 (E–182–2017–0–US–01); and
2. International Patent Application PCT/US2018/052432, filed September 24, 2018 (E–182–2017–0–PCT–02).

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and the fields of use may be limited to the following:

Fields of Use Applying to Intellectual Property Group A

''Development, manufacture and commercialization of autologous, peripheral blood T cell therapy products engineered by transposon-mediated gene transfer to express T cell receptors reactive to mutated KRAS, as claimed in the Licensed Patent Rights, for the treatment of human cancers. Specifically excluded from this field of use are, a) retrovirally-engineered peripheral blood T cell therapy products for the treatment of human cancers, and b) CRISPR-engineered peripheral blood T cell therapy products for the treatment of human cancers.

Development, manufacture and commercialization of companion diagnostics approved or cleared by the FDA or equivalent foreign regulatory agency for Licensee-proprietary T cell therapy products.''

Fields of Use Applying to Intellectual Property Group B

''Development, manufacture and commercialization of autologous, peripheral blood T cell therapy products engineered by transposon-mediated gene transfer to express T cell receptors reactive to mutated P53, as claimed in the Licensed Patent Rights, for the treatment of human cancers. Specifically excluded from this field of use are CRISPR-engineered peripheral blood T cell therapy products for the treatment of human cancers.

Development, manufacture and commercialization of companion diagnostics approved or cleared by the FDA or equivalent foreign regulatory agency for Licensee-proprietary T cell therapy products.''

Fields of Use Applying to Intellectual Property Group C

''Development, manufacture and commercialization of autologous, peripheral blood T cell therapy products engineered by transposon-mediated gene transfer to express T cell receptors reactive to mutated EGFR, as claimed in the Licensed Patent Rights, for the treatment of human cancers.

Development, manufacture and commercialization of companion diagnostics approved or cleared by the FDA or equivalent foreign regulatory agency for Licensee-proprietary T cell therapy products.''

Fields of Use Applying to Intellectual Property Group D

''Development, manufacture and commercialization of autologous, peripheral blood T cell therapy products engineered by transposon-mediated gene transfer to express T cell receptors reactive to mutated P53, isolated as claimed in the Licensed Patent Rights, for the treatment of human cancers. Specifically excluded from this field of use are CRISPR-engineered peripheral blood T cell therapy products for the treatment of human cancers.

Development, manufacture and commercialization of companion diagnostics approved or cleared by the FDA or equivalent foreign regulatory agency for Licensee-proprietary T cell therapy products.''

Fields of Use Applying to Intellectual Property Group E

''Development, manufacture and commercialization of autologous, peripheral blood T-cell therapy products engineered by non-viral gene transfer to express tumor-reactive T cell receptors, as claimed in the Licensed Patent Rights, for the treatment of human cancers.

Development, manufacture and commercialization of companion diagnostics approved or cleared by the FDA or equivalent foreign regulatory agency for Licensee-proprietary T cell therapy products.''

Intellectual Property Group A is primarily directed to isolated T cell receptors (TCRs) reactive to mutated Kirsten rat sarcoma viral oncogene homolog (KRAS), within the context of several human leukocyte antigens (HLAs). Mutated KRAS, which plays a well-defined driver role in oncogenesis, is expressed by a variety of human cancers, including: pancreatic, lung, endometrial, ovarian and prostate. Due to its restricted expression in precancerous and cancerous cells, this antigen may be targeted on mutant KRAS-expressing tumors with minimal normal tissue toxicity.

Intellectual Property Group B is primarily directed to isolated TCRs reactive to mutated tumor protein 53 (TP53 or P53), within the context of several HLAs. *P53* is the archetypal tumor suppressor gene and the most frequently mutated gene in cancer. Contemporary estimates suggest that >50% of all tumors carry mutations in *P53.* Because of its prevalence in cancer and its restricted expression to precancerous and cancerous cells, this antigen may be targeted on mutant P53-expressing tumors with minimal normal tissue toxicity.

Intellectual Property Group C is primarily directed to isolated TCRs reactive to mutated epidermal growth factor receptor (EGFR), within the context of HLA DPA1*02:01 and HLA DPB1*01:01. EGFR is a transmembrane protein involved in cell growth and proliferation signaling. Mutations in the gene encoding EGFR can lead to its overexpression, causing several types of cancer (*e.g.,* non-small cell lung cancer (NSCLC)). Because of its prevalence in certain cancers and its restricted expression to precancerous and cancerous tissues, this antigen may be targeted on mutant EGFR-expressing tumors with minimal normal tissue toxicity.

Intellectual Property Group D is primarily directed to methods of isolating T cells which are reactive to mutated P53 antigens. Briefly, pools of 25-mer peptides covering known P53 ''hotspot'' mutations have been generated. These peptides may be pulsed into autologous antigen presenting cells which are subsequently co-cultured with the patient's isolated T

cells. Reactive T cells are then purified and may be used as source material for the further isolation of mutant P53-targeting TCRs.

Intellectual Property Group E is primarily directed to a method of selectively sorting and expanding T cells which have been engineered to stably express a murine-human hybrid TCR; a TCR wherein the human constant region has been replaced with the corresponding murine constant region sequences. Unlike typical OKT3 antibody-mediated cell expansion protocols, which operate in a non-specific manner to stimulate all T cells via the CD3 complex, the H57 antibody utilized in the claimed method(s) binds specifically to the mouse constant region domain of the hybrid TCR, leading to selective expansion of T cells expressing the desired exogenous receptor.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published Notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: January 30, 2019.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2019–01431 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Psychosocial Risks and Disease Prevention.

Date: February 21, 2019.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100, MSC 7808, Bethesda, MD 20892, 301–594–3292, *niw@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01444 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Mechanisms of Emotion, Stress and Health.

Date: February 21, 2019.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, BBBP IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, 301–500–5829, *sechu@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01459 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Traceback Testing: Increasing Identification and Genetic Counseling of Mutation Carriers through Family-based Outreach (U01).

Date: March 6, 2019.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W242 Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Zhiqiang Zou, MD, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities,

National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W242, Bethesda, MD 20892–9750, 240–276–6372, *zouzhiq@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01347 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative and Clinical Endocrinology and Reproduction Study Section.

Date: February 21, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: JW Marriott New Orleans, 614 Canal Street, New Orleans, LA 70130.

Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov.*

(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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01445 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. to achieve expeditious commercialization of results of federally-funded research and development.

FOR FURTHER INFORMATION CONTACT: Licensing information may be obtained by emailing the indicated licensing contact: Michael Shmilovich; National Heart, Lung, and Blood, Office of Technology Transfer and Development Office of Technology Transfer, 31 Center Drive Room 4A29, MSC2479, Bethesda, MD 20892–2479; telephone: 301–402–5579. A signed Confidential Disclosure Agreement may be required to receive any unpublished information.

SUPPLEMENTARY INFORMATION: Technology description follows.

Sickle Cell Anemia Treatment Through RIOK3 Inhibition

Beta-globinopathy is a common inherited single-gene disorder of beta-globin synthesis that results in an abnormal structure of one globin chain of the hemoglobin molecule. Common hemoglobinopathies include sickle-cell disease and beta-thalassemia. The efficacy of bone marrow transplantation is limited due to high cost and the requirement for HLA-matched donors. Increasing fetal hemoglobin expression above a certain threshold is potentially curative in the beta-globinopathies. The inventors identified Rio-Kinase 3 (RIOK3) as a key negative regulator of fetal hemoglobin expression in primary human erythroid progenitor cells. Their work shows that lentiviral mediated shRNA knockdown of RIOK3 in primary human erythroid progenitor cells increased fetal hemoglobin expression above 55% of total b-like globin expression, thus, RIOK3 is a promising novel therapeutic target to increase fetal hemoglobin expression.

Potential Commercial Applications: Inhibition of RIOK3 through genetic manipulation or by using orally administered kinase inhibitors will be a novel and cost-effective treatment strategy in beta-globinopathies.

Development Stage: The potential clinical use of this novel invention will depend on collaborating with interested companies for efficiently inhibiting RIOK3 through (1) designing lentiviral vectors encoding shRNA to RIOK3, (2) gene editing using endonucleases such as CRISPR/Cas9 and (3) by developing orally administered RIOK3 specific kinase inhibitor drugs.

Inventors: Bjorg Gudmundsdottir, Laxminath Tumburu, John Tisdale (all of NHLBI).

Intellectual Property: HHS Reference No. E–200–2018; U.S. Provisional Patent Application 62/756,497 filed November 6, 2018.

Licensing Contact: Michael Shmilovich, Esq., CLP; 301–435–5019; *shmilovm@mail.nih.gov.*

Dated: December 26, 2018.

Michael A. Shmilovich,

Senior Licensing and Patenting Manager, National Heart, Lung, and Blood Institute, Office of Technology Transfer and Development.

[FR Doc. 2019–01496 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; HEALing Communities Study: Developing and Testing an Integrated Approach To Address the Opioid Crisis (Data Coordinating Center) (UM1-Clinical Trials Not Allowed).

Date: February 19–20, 2019.

Time: 7:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–827–5819, *gm145a@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01413 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP–10: SBIR Contract Review.

Date: March 12, 2019.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W234, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Adriana Stoica, Ph.D. Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–9750, 240–276–6368 *Stoicaa2@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01352 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cellular Aspects of Diabetes and Obesity.

Date: February 20, 2019.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW, Washington, DC 20008.

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, EMNR IRG, 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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01407 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Mechanisms of Emotion, Stress and Health Study Section.

Date: February 19–20, 2019.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Le Meridien Delfina, 530 Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Benjamin Greenberg Shapero, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, Bethesda, MD 20892, *shaperobg@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01417 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Modeling HIV Neuropathology Using Microglia from Human iPSC and Cerebral Organoids.

Date: March 7, 2019.

Time: 11:00 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 (Telephone Conference Call).

Contact Person: Ipolia R. Ramadan, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 9550, Bethesda, MD 20892, 301–827–5842, *ramadanir@mail.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA Research ''Center of Excellence'' Grant Program (P50).

Date: March 12–14, 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: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–827–5819, *gm145a@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA Core Center of Excellence Grant Program (P30).

Date: March 12–14, 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: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–827–5819, *gm145a@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Phase II interview: Avenir Award Program for Research on Substance Abuse and HIV/AIDS (DP2) Applications.

Date: March 14, 2019.

Time: 9:00 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: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–827–5820, *hiromi.ono@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; The National Drug Abuse Treatment Clinical Trials Network (UG1) Clinical Trial Optional.

Date: March 18, 2019.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–827–5819, *gm145a@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Avenir Award Program for Genetics or Epigenetics of Substance Use Disorders (DP1).

Date: March 22, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4242, MSC 9550, Bethesda, MD 20892, 301–827–5833, *ivan.navarro@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Cutting-Edge Basic Research Awards (CEBRA) (R21).

Date: March 27, 2019.

Time: 8:00 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: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; 2019 NIDA Loan Repayment.

Date: April 8, 2019.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate loan repayment.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 827–5702, *lf33c.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01454 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Societal and Ethical Issues in Research.

Date: February 20, 2019.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Karin F. Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, 301–254–9975, *helmersk@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01448 Filed 2–6–19; 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 Initial Review Group; Neurological Sciences and Disorders B.

Date: February 21, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Alexandrian, 480 King Street, Alexandria, VA 22314.

Contact Person: Joel Saydoff, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Blvd., Suite 3205, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, *Joel.saydoff@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders A.

Date: February 25–26, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bourbon Orleans Hotel, 717 Orleans St., New Orleans, LA 70116.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 402–0288, *natalia.strunnikova@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; NST–2 Subcommittee.

Date: March 11–12, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Argonaut Hotel, 495 Jefferson Street, San Francisco, CA 94109.

Contact Person: Elizabeth Webber, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 496–1917, *Webbere@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders K.

Date: March 12, 2019.

Time: 8:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 453–6033, *Rajarams@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; NST–1 Subcommittee.

Date: June 3–4, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Edgewater Hotel, 2411 Alaskan Way Pier 67, Seattle, WA 98121.

Contact Person: William Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 496–0660, *Benzingw@ninds.nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; NST–2 Subcommittee.

Date: June 17–18, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Alexandrian, 480 King Street, Alexandria, VA 22314.

Contact Person: Elizabeth Webber, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 496–1917, *Webbere@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders A.

Date: June 24–25, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St Francis San Francisco on Union Square, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 402–0288, *natalia.strunnikova@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders B.

Date: June 27–28, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 E Wacker, Chicago, IL 60601.

Contact Person: Joel Saydoff, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Blvd., Suite 3205, MSC 9529, Bethesda, MD 20892–9529, (301) 496–9223, *Joel.saydoff@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; NST–2 Subcommittee.

Date: October 10–11, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Crystal City, 2399 Jefferson H, Arlington, VA 22202.

Contact Person: Elizabeth Webber, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 496–1917, *Webbere@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders A.

Date: October 24–25, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Georgetown Hotel, 2430 Pennsylvania Avenue NW, Washington, DC 20037.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH/DHHS, NSC, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 402–0288, *natalia.strunnikova@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: February 1, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01343 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Development of Medications to Prevent and Treat Opioid Use Disorders and Overdose.

Date: February 21, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4242, MSC 9550, Bethesda, MD 20892, 301–827–5833, *ivan.navarro@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01411 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular Neuropharmacology and Signaling Study Section.

Date: February 21–22, 2019.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Darcy Washington DC, 1515 Rhode Island Avenue, Washington, DC 20005.

Contact Person: Vanessa S. Boyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4016F, MSC 7812, Bethesda, MD 20892, (301) 435–0908, *boycevs@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01443 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Epidemiology and Population Sciences.

Date: February 20, 2019.

Time: 8:00 a.m. to 6:00 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., MPH, 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.*

(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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01463 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Pre-clinical NHP Support Services Contract Review.

Date: February 27, 2019.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Audrey O. Lau, Ph.D., MPH, Scientific Review Officer, AIDS Review Branch, SRP, Rm. 3E70, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9834, Rockville, MD 20852–9834, 240–669–2081, *audrey.lau@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01450 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: The blood-brain barrier, neurovascular systems and CNS therapeutics.

Date: February 21, 2019.

Time: 10:30 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–537–9986, *macarthurlh@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01457 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Immunology Integrated Review Group; Innate Immunity and Inflammation Study Section.

Date: February 21–22, 2019.

Time: 8:00 a.m. to 6:00 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: Tina McIntyre, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–594–6375, *mcintyrt@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01462 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Psychopathology and At-Risk Development.

Date: February 19, 2019.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jane A Doussard-Roosevelt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01404 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Arthritis, Connective Tissue and Skin Study Section.

Date: February 19–20, 2019.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Courtyard Gaithersburg Washingtonian Ctr, 204 Boardwalk Place, Gaithersburg, MD 20878.

Contact Person: Aruna K Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–435–6809, *beheraak@csr.nih.gov.*

This meeting notice is being published less than 15 days in advance of the meeting due to the partial Government shutdown of December 2018.

(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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01416 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Archiving and Documenting Child Health and Human Development (R03).

Date: March 1, 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: Minki Chatterji, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121D, Bethesda, MD 20892–7501, 301–827–5435, *minki.chatterji@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: January 31, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01359 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Virology—B Study Section.

Date: February 21–22, 2019.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn San Diego-Bayside, 4875 N. Harbor St., San Diego, CA 92106.

Contact Person: John C. Pugh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1206, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01418 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Large Scale T Cell Epitope Discovery.

Date: March 13–14, 2019.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Jennifer Hartt Meyers, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823, Rockville, MD 20852, 301–761–6602, *jennifer.meyers@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01449 Filed 2–6–19; 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; Member Conflict: Pulmonary Diseases.
Date: February 28–March 1, 2019.
Time: 9:00 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: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7814, Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Clinical Neuroscience and Disease.
Date: February 28, 2019.
Time: 2:30 p.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Skeletal, Oral, Skin Pathobiology.
Date: March 1, 2019.
Time: 12:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Srikanth Ranganathan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7802, Bethesda, MD 20892, 301–435–1787, *srikanth.ranganathan@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Virology.
Date: March 5–6, 2019.
Time: 9:30 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–2306, *kaushikbasun@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Computational, Modeling and Biodata Management.
Date: March 5, 2019.
Time: 10:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301–379–9351, *allen.richon@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Bioengineering, Surgery, Anesthesiology and Trauma.
Date: March 5, 2019.
Time: 10:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301–435–0484, *mohsenim@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Community and Health Services Research.
Date: March 5, 2019.
Time: 11:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Martha L. Hare, Ph.D., RN, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, MSC 7770, Bethesda, MD 20892, (301) 451–8504, *harem@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurodegenerative Diseases, Addiction and Behavior Regulation.
Date: March 5, 2019.
Time: 11:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Paula Elyse Schauwecker, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5211, Bethesda, MD 20892, 301–760–8207, *schauweckerpe@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: GI Mucosal Immunology and Pathology.
Date: March 5, 2019.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Meenakshisundar Ananthanarayanan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, Bethesda, MD 20892, 301–827–6281, *meena.ananthanarayanan@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Acute Brain Injury.
Date: March 5, 2019.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20816 (Telephone Conference Call).
Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892–7846, 301–435–1254, *yakovleva@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Investigations on Primary Immunodeficiency Diseases.
Date: March 5, 2019.
Time: 1:00 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01446 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–18–853: Drug transport across the Testis and Epididymal blood barriers.

Date: February 21, 2019.

Time: 8:00 a.m. to 12:00 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: Gary Hunnicutt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, 301–435–0229, *gary.hunnicutt@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01461 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Science-Based Quality Measurement and Management Development for Opioid Use Disorder Treatment (R61/R33 Clinical Trial Required).

Date: February 21, 2019.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01452 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group, Instrumentation and Systems Development Study Section.

Date: February 20–21, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kee Forbes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7806, Bethesda, MD 20892, 301–272–4865, *pyonkh2@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01399 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental and Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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: NIDCR Special Grants Review Committee; NIDCR Special Grant Review (DSR).

Date: February 21–22, 2019.

Time: 8:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Blvd., Bethesda, MD 20817.

Contact Person: Latarsha J. Carithers, Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, Bethesda, MD 20892, 301–594–4859, *latarsha.carithers@nih.gov.*

This meeting notice is being published less than 15 days in advance of the meeting due to the partial Government shutdown of December 2018.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01415 Filed 2–6–19; 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 meetings of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

The meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: June 23–25, 2019.

Time: 6:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Avindra Nath, M.D., Chief, Clinical and Acting Scientific Director, National Institute of Neurological Disorders and Stroke, NIH, 10 Center Drive, Room 7C–103, Bethesda, MD 20892, (301) 451–3486, *natha@ninds.nih.gov.*

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: October 27–29, 2019.

Time: 6:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Avindra Nath, M.D., Chief, Clinical and Acting Scientific Director, National Institute of Neurological Disorders and Stroke, NIH, 10 Center Drive, Room 7C–103, Bethesda, MD 20892, (301) 451–3486, *natha@ninds.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: February 1, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01344 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group, Subcommittee I—Transition to Independence.

Date: March 7, 2019.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W602, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Delia Tang, MD, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W602, Bethesda, MD 20892–9750, 240–276–6456, *tangd@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01349 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Systemic Injury and Environmental Exposure.

Date: February 20, 2019.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Terez Shea-Donohue, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, *sheadonohuept@mail.nih.gov.*

(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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01409 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mechanisms of Emotion, Stress, and Health.

Date: February 19, 2019.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Le Meridien Delfina Santa Monica, 530 Pico Boulevard, Santa Monica, CA 80495.

Contact Person: Maribeth Champoux, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7759, Bethesda, MD 20892, 301–594–3163, *champoum@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01405 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

Date: February 21–22, 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: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301–827–4417, *jianxinh@csr.nih.gov.*

(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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01440 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Somatosensory and Pain Systems Study Section.

Date: February 20–21, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

Contact Person: M. Catherine Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, 301–435–1766, *bennettc3@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01401 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Deafness and Other Communication Disorders Advisory Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 Deafness and Other Communication Disorders Advisory Council.

Date: May 17, 2019.

Closed: 8:30 a.m. to 9:40 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Porter Neuroscience Research Center, Room 620/630, Building 35A Convent Drive, Bethesda, MD 20892.

Open: 9:40 a.m. to 2:00 p.m.

Agenda: Staff reports on divisional, programmatical, and special activities.

Place: National Institutes of Health, Porter Neuroscience Research Center, Room 620/630, Building 35A Convent Drive Bethesda, MD 20892.

Contact Person: Craig A. Jordan, Ph.D., Director, Division of Extramural Activities NIDCD, NIH, Room 8345, MSC 9670, 6001 Executive Blvd., Bethesda, MD 20892–9670, 301–496–8693, *jordanc@nidcd.nih.gov.*

Name of Committee: National Deafness and Other Communication Disorders Advisory Council.

Date: September 13, 2019.

Closed: 8:30 a.m. to 9:50 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center Building (NSC), Room C and D, 6001 Executive Boulevard, Rockville, MD 20852.

Open: 9:50 a.m. to 2:00 p.m.

Agenda: Staff reports on divisional, programmatical, and special activities.

Place: National Institutes of Health, Neuroscience Center Building (NSC), Room C and D, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Craig A. Jordan, Ph.D., Director, Division of Extramural Activities NIDCD, NIH, Room 8345, MSC 9670, 6001 Executive Blvd., Bethesda, MD 20892–9670, 301–496–8693, *jordanc@nidcd.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *https://www.nidcd.nih.gov/about/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 1, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01342 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed 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 Arthritis and Musculoskeletal and Skin, Diseases Special Emphasis Panel; AMS Member Conflict Review.

Date: February 28, 2019.

Time: 10:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health/NIAMS, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Nakia C. Brown, Ph.D., Scientific Review Officer, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Blvd. RM 816, Bethesda, MD 20892, 301–827–4905, *brownnac@mail.nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; NIAMS Ancillary Studies Review.

Date: March 7, 2019.

Time: 9:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health/NIAMS, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Yin Liu, Ph.D., MD, Scientific Review Branch, National Institute of Health, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 824, Bethesda, MD 20892, 301–594–8919, *liuy@mail.nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; NIAMS Loan Repayment Program Review.

Date: March 29, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health/NIAMS, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 820, Bethesda, MD 20892, 301–827–7835, *yasuko.furumoto@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 1, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01356 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HHS, NIH, and CDC Small Business Innovation Research (SBIR) Program Solicitation PHS 2019–1 (Topic 069: BCR and TCR Repertoire Computational Tools).

Date: February 22, 2019.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Julio C. Aliberti, Ph.D., Scientific Review Officer, Immunology Review Branch, DEA/SRP RM 3G53A, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD 20892–9823, 301–761–7322, *julio.aliberti@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01447 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group, Myocardial Ischemia and Metabolism Study Section.

Date: February 21–22, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW, Washington, DC 20037.

Contact Person: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, 301–435–5575, *hamannkj@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01464 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Dental and Craniofacial Research Special Emphasis Panel; NIDCR Award for Sustaining Outstanding Achievement in Research (SOAR) SEP.

Date: February 20, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Crina Frincu, Ph.D., Scientific Review Office, Scientific Review Branch, NIDCR, 6701 Demecracy Boulevard, Bethesda, MD 20817 *Crina.frincu@nih.gov.*

This meeting notice is being published less than 15 days in advance of the meeting due to the partial Government shutdown of December 2018.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01414 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Clinical Neuroscience and Neurodegeneration.

Date: February 20, 2019.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Zoe, 425 North Point Street, San Francisco, CA 94133.

Contact Person: Samuel C Edwards, Ph.D., Chief, BDCN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01408 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Services Organization and Delivery Study Section.

Date: February 21–22, 2019.

Time: 8:30 a.m. to 5:00 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: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, *brontetinkewjm@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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01441 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.

Date: February 21–22, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The St. Regis Washington DC, 923 16th Street NW, Washington, DC 20006.

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.*

(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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01442 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP–14: SBIR Contract Review.

Date: March 14, 2019.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Byeong-Chel Lee, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Bethesda, MD 20892–9750, 240–276–7755, *choe@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01355 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genomics, Computational Biology and Technology Study Section.

Date: February 20–21, 2019.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Baishali Maskeri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–2864, *maskerib@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01398 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Core Infrastructure and Methodological Research for Cancer Epidemiology Cohorts.

Date: March 13, 2019.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W624, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Tushar Deb, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Bethesda, MD 20892–9750, 240–276–6132, *tushar.deb@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01353 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP–13: Cancer Disparities.

Date: March 13, 2019.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 2W030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W114, Bethesda, MD 20892–9750, 240–276–6371, *decluej@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01354 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–4: NCI Clinical and Translational R21 and Omnibus R03.

Date: March 12, 2019.

Time: 11:00 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W618, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Mukesh Kumar, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W618, Bethesda, MD 20892–9750, 240–276–6611, *mukesh.kumar3@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01351 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group Cellular Aspects of Diabetes and Obesity Study Section.

Date: February 20–21, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW, Washington, DC 20008.

Contact Person: Antonello Pileggi, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, Bethesda, MD 20892–7892, (301) 402–6297, *pileggia@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01397 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Respiratory Integrative Biology and Translational Research Study Section.

Date: February 20–21, 2019.

Time: 7:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7814, Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov.*

(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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01400 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Outstanding Investigator Award (OIA).

Date: March 7–8, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Klaus B. Piontek, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W116, Bethesda, MD 20892–9750, 240–276–5413 *klaus.piontek@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 1, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01348 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Virus-Like Particles Vaccines Against Human Polyomaviruses, BK Virus (BKV) and JC Virus (JCV)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the U.S. and foreign Patents and Patent Applications listed in the Supplementary Information section of this notice to BioE Holdings Inc. (parent company, Biological E Ltd.) located in Los Altos, California.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before February 22, 2019 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Kevin W. Chang, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, Rm. 1E530 MSC 9702, Bethesda, MD 20892–9702 (for business mail), Rockville, MD 20850–9702, Telephone: (240)–276–5530; Facsimile: (240)–276–5504, Email: *changke@mail.nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

United States Provisional Patent Application No. 61/508,897 filed July 18, 2011 and entitled, ''Methods and Compositions for Inhibiting Polyomavirus-Associated Pathology'' [HHS Reference No. E–168–2011–0–US–01]; PCT Patent Application No. PCT/US2012/047069 filed July 17, 2012, and entitled, ''Methods and Compositions for Inhibiting Polyomavirus-Associated Pathology'' [HHS Reference No. E–168–2011–0–PCT–02]; Australian Patent No. 2012284122 issued September 14, 2017, and entitled, ''Methods and Compositions for Inhibiting Polyomavirus-Associated Pathology'' [HHS Reference No. E–168–2011–0–AU–03]; Canadian Patent Application No. 2842180 filed July 17, 2012 and entitled, ''Methods and Compositions for Inhibiting Polyomavirus-Associated Pathology'' [HHS Ref. No. E–168–2011–0–CA–04]; European Patent Application No. 12741191.6 filed July 17, 2012 and entitled, ''Methods and Compositions for Inhibiting Polyomavirus-Associated Pathology'' [HHS Ref. No. E–168–2011–0–EP–05]; Japanese Patent No. 6030650 issued October 28, 2016 and entitled, ''Methods and Compositions for Inhibiting Polyomavirus-Associated Pathology'' [HHS Ref. No. E–168–2011–0–JP–06]; United States Patent No. 9,764,022 issued September 19, 2017 and entitled, ''Methods and Compositions for Inhibiting Polyomavirus-Associated Pathology'' [HHS Ref. No. E–168–2011–0–US–07]; United States Patent Application No. 15/694,567 filed September 1, 2017 and entitled, ''Methods and Compositions for Inhibiting Polyomavirus-Associated Pathology'' [HHS Ref. No. E–168–2011–0–US–08]; United States Provisional Patent Application No. 61/919,043 filed December 20, 2013 and entitled,

''Immunogenic JC Polyomavirus Compositions and Methods of Use'' [HHS Reference No. E–549–2013–0–US–01]; PCT Patent Application No. PCT/US2014/071621 filed December 19, 2014, and entitled, ''Immunogenic JC Polyomavirus Compositions and Methods of Use'' [HHS Reference No. E–549–2013–0–PCT–02]; United States Patent No. 9,931,393 issued April 3, 2018, and entitled, ''Immunogenic JC Polyomavirus Compositions and Methods of Use'' [HHS Reference No. E–549–2013–0–US–03]; and U.S. and foreign patent applications claiming priority to the aforementioned applications.

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be world-wide, and the field of use may be limited to the use of Licensed Patent Rights for the following: ''Virus-Like Particle (VLP) BKV and JCV polyomavirus vaccine(s) for the prevention and/or treatment of BKV and/or JCV associated diseases in organ/kidney transplantation, bone marrow transplantation, and progressive multifocal leukoencephalopathy (PML).''

This technology discloses vaccine compositions and methods for eliciting immune responses to prevent or treat infections by two human polyomaviruses, BK virus (BKV) and JC virus (JCV), and their associated diseases using the vaccine compositions, which employ the capsid protein of certain serotypes of BKV and JCV as the immunogen. In particular, the vaccine is composed of virus-like particles that are formed from the capsid proteins of the viruses.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: January 31, 2019.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2019–01430 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–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; Maintain and Enrich Resource Infrastructure for Existing Environmental Epidemiology Cohorts.

Date: March 6, 2019.

Time: 8:15 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View Hotel, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Linda K. Bass, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, Research Triangle Park, NC 27709, (919) 541–1307, *bass@niehs.nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Maintain and Enrich Resource Infrastructure for Existing Environmental Epidemiology Cohorts R24.

Date: March 6, 2019.

Time: 3:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Varsha Shukla, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, Research Triangle Park, NC 27709, (984) 287–3288, *varsha.shukla@nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Human Health Exposure Analysis Resource: Coordinating Center.

Date: March 6, 2019.

Time: 4:30 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View Hotel, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Linda K. Bass, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, Research Triangle Park, NC 27709, (919) 541–1307, *bass@niehs.nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Human Health Exposure Analysis Resource: Data Repository Center.

Date: March 7, 2019.

Time: 8:00 a.m. to 11:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View Hotel, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Alfonso R. Latoni, Ph.D., Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, 919–541–7571, *alfonso.latoni@nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Human Health Exposure Analysis Resource: Targeted Exposure Analysis Laboratories.

Date: March 7–8, 2019.

Time: 12:00 p.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View Hotel, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Human Health Exposure Analysis Resource: UnTargeted Exposure Analysis Laboratories.

Date: March 8, 2019.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View Hotel, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special

Emphasis Panel; Human Health Exposure Analysis Resource: Environmental Monitoring Laboratories U2C.

Date: March 9, 2019.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View Hotel, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Varsha Shukla, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, Research Triangle Park, NC 27709, (984) 287–3288, *varsha.shukla@nih.gov.*

(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: February 2, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01456 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Immunology Integrated Review Group; Vaccines Against Microbial Diseases Study Section.

Date: February 21–22, 2019.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Argonaut Hotel, 495 Jefferson Street, San Francisco, CA 94109.

Contact Person: Jian Wang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7812, Bethesda, MD 20892, (301) 435–2778, *wangjia@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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01395 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Vector Biology Study Section.

Date: February 19, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marines' Memorial Club & Hotel, 609 Sutter Street, San Francisco, CA 94102.

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.*

(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: February 1, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01396 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Biomedical Imaging and Bioengineering.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/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 Advisory Council for Biomedical Imaging and Bioengineering.

Date: May 21, 2019.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: Report from the Institute Director, other Institute Staff and Scientific Presentations.

Place: The William F. Bolger Center, Franklin Building, Classroom 1, 9600 Newbridge Drive, Potomac, MD 20854.

Closed: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: The William F. Bolger Center, Franklin Building, Classroom 1, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: David T. George, Ph.D., Acting Associate Director, Office of Research Administration, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 239, Bethesda, MD 20892.

Name of Committee: National Advisory Council for Biomedical Imaging and Bioengineering.

Date: September 11, 2019.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: Report from the Institute Director, other Institute Staff and Scientific Presentations.

Place: The William F. Bolger Center, Franklin Building, Classroom 1, 9600 Newbridge Drive, Potomac, MD 20854.

Closed: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: The William F. Bolger Center, Franklin Building, Classroom 1, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: David T. George, Ph.D., Acting Associate Director, Office of Research Administration, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 239, Bethesda, MD 20892.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.nibib1.nih.gov/about/NACBIB/NACBIB.htm,* where an agenda and any additional information for the meeting will be posted when available.

Dated: February 1, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01358 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Pediatrics Subcommittee.

Date: March 4, 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: Rita Anand, Ph.D., Scientific Review Officer, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2125B, Bethesda, MD 20817, (301) 496–1487, *anandr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: January 31, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–01360 Filed 2–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0787]

National Offshore Safety Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee charter renewal.

SUMMARY: Under the Federal Advisory Committee Act, the Secretary of the Department of Homeland Security renewed the charter for the National Offshore Safety Advisory Committee on November 9, 2018. The charter will expire on November 9, 2020. The National Offshore Safety Advisory Committee provides advice and recommendations to the Department of Homeland Security on matters relating to activities directly involved with or in support of the exploration of offshore mineral and energy resources insofar as they relate to matters within Coast Guard jurisdiction. A copy of the charter can be found at *https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzmiAAA.*

FOR FURTHER INFORMATION CONTACT: Commander Jose Perez, Designated Federal Officer of the National Offshore Safety Advisory Committee, Commandant (CG–OES–2), U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Stop 7509, Washington, DC 20593–7509; telephone (202) 372–1410, fax (202) 372–8382 or email *jose.a.perez3@uscg.mil,* or Mr. Patrick Clark, telephone (202) 372–1358, fax (202) 372–8382 or email *Patrick.w.clark@uscg.mil.*

Alternate Designated Federal Officer of the National Offshore Safety Advisory Committee, Commandant (CG–OES–2), U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Stop 7509, Washington, DC 20593–7509.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standard.

[FR Doc. 2019–01424 Filed 2–6–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0068]

Chemical Security Assessment Tool (CSAT)

AGENCY: Infrastructure Security Division (ISD), Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; Revision of Information Collection.

SUMMARY: DHS CISA ISD will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. This notice solicits comments on the information collection during a 60-day public comment period prior to the submission of this ICR to OMB. The submission proposes to renew the information collection for an additional three years and update the burden estimates associated with collecting information in the Chemical Security Assessment Tool (CSAT) for the Chemical Facility Anti-Terrorism Standards (CFATS).

DATES: Comments are encouraged and will be accepted until April 8, 2019.

ADDRESSES: You may send comments, identified by docket number through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for sending comments.

Instructions: All submissions received must include the agency name ''CISA'' and docket number DHS–2018–0068. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Comments that include trade secrets, confidential commercial or financial information, Chemical-terrorism

Vulnerability Information (CVI),[1] Sensitive Security Information (SSI),[2] or Protected Critical Infrastructure Information (PCII)[3] should not be submitted to the public docket. Comments containing trade secrets, confidential commercial or financial information, CVI, SSI, or PCII should be appropriately marked and packaged in accordance with applicable requirements and submitted by mail to the DHS/CISA/Infrastructure Security Division, CFATS Program Manager at CISA, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610. Comments must be identified by docket number DHS–2018–0068.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Craig Conklin, 703–235–5263, *cfats@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: The CFATS Program identifies and regulates the security of high-risk chemical facilities using a risk-based approach. Congress initially authorized the CFATS Program under Section 550 of the Department of Homeland Security Appropriations Act of 2007, Public Law 109–295 (2006) and reauthorized it under the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, as amended.[4] The Department implemented the CFATS Program through rulemaking and issued an Interim Final Rule (IFR) on April 9, 2007 and a final rule on November 20, 2007. See 72 FR 17688 and 72 FR 65396.

CISA[5] collects the core regulatory data necessary to implement CFATS through the Chemical Security Assessment Tool (CSAT) covered under this collection. For more information about CFATS and CSAT, please visit *www.dhs.gov/chemicalsecurity.* This information collection (OMB Control No. 1670–0007) will expire on July 31, 2019.[6]

In an effort to reduce burden, the most recently approved version of this information collection proposed a significantly revised version of the Top-Screen instrument and other instruments in this package (''CSAT 2.0'').[7] CISA began implementing CSAT 2.0 in October 2016 and concluded this effort in September 2018. As part of the implementation, the Department required all chemical facilities of interest that had chemical holdings at or above the screening threshold quantities on Appendix A of the CFATS regulation to complete the Top-Screen, even if the facility had previously completed a Top-Screen and been determined not to be high-risk. The Top-Screen submissions were then analyzed by the Department using an enhanced methodology designed to more accurately and appropriately tier high-risk chemical facilities. After completing this process, certain chemical facilities received a new or revised tier and were required to submit a new or revised Security Vulnerability Assessment (SVA) and Site Security Plan (SSP).

Because the CSAT 2.0 implementation was a one-time requirement for all chemical facilities of interest, CISA believes using the most recent data on the number of respondents collected between FY17 and FY18 to estimate future burden requirements is generally inappropriate. In most cases, relying on this data would result in substantial over estimation of the burden for the instruments in this collection. However, in some cases CISA believes using the most recent data available accurately reflects the future burden for specific instruments. CISA indicates in this notice when it is using the data collected during the implementation of CSAT 2.0 for future burden estimates and when it is relying on other assumptions.

Below, CISA estimates the burden to respondents for the: (1) Top-Screen, (2) Security Vulnerability Assessment (SVA) and ASP submitted in lieu of an SVA, (3) SSP and ASP submitted in lieu of an SSP, (4) CFATS Help Desk, (5) CSAT User Registration, and (6) Identification of Facilities and Assets at Risk.[8]

1. CISA's Methodology in Estimating the Burden for the Top-Screen

Number of Respondents

The current information collection estimated that 1,000 first-time respondents will submit a Top-Screen annually. For this ICR, CISA estimates the annual number of respondents will be 2,332, which is based on the average number of Top-Screen submissions prior to the implementation of CSAT 2.0 (*i.e.,* between FY14 and FY16). CISA believes using the timeframe immediately prior to the implementation of CSAT 2.0 is more representative of the anticipated number of respondents because the implementation of CSAT 2.0 temporarily resulted in an above-average number of Top-Screens during FY17 and FY18. The estimate of 2,332 is the sum of the average number of 759 first-time Top-Screen submissions and the average number of 1,573 Top-Screen resubmissions per year.

In the current information collection, CISA accounted for resubmissions using a different methodology than described above.[9] CISA is now counting each resubmission as a separate respondent and therefore, the average number of responses per respondent decreased from 1.5 to 1. CISA determined that this methodology would result in a more accurate annual burden because the time per respondent for a first time submission is different than for a resubmission.

Estimated Time per Respondent

In the current information collection, the estimated time per respondent to prepare and submit a Top-Screen is 6 hours.[10] In October 2016, CISA implemented CSAT 2.0, which reduced the amount of time a respondent needs to be logged into CSAT to complete and submit a Top-Screen.

Using the data collected since the implementation of CSAT 2.0 (*i.e.,* between FY17 and FY19), CISA determined that on average respondents who submitted initial Top-Screens were logged into the Top-Screen application for 0.50 hours (30 minutes) and the median duration respondents were logged in for resubmitted Top-Screens was 0.08 hours (5 minutes). CISA calculated the average amount of time

[1] For more information about CVI see 6 CFR 27.400 and the CVI Procedural Manual at *www.dhs.gov/publication/safeguarding-cvi-manual.*

[2] For more information about SSI see 49 CFR part 1520 and the SSI Program web page at *www.tsa.gov/for-industry/sensitive-security-information.*

[3] For more information about PCII see 6 CFR part 29 and the PCII Program web page at *www.dhs.gov/pcii-program.*

[4] The CFATS Act of 2014 codified the CFATS program into the Homeland Security Act of 2002. See 6 U.S.C. 621 *et seq.,* as amended by H.R. 251, 116th Cong. (2019) (enacted).

[5] Pursuant to the Cybersecurity and Infrastructure Security Agency Act of 2018, the National Protection and Program Directorate (NPPD) was re-designated as CISA. See 6 U.S.C. 652.

[6] The currently approved version of this information collection (OMB Control No. 1670–0007) can be viewed at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201604-1670-001.*

[7] The previous 60-Day notice and request for comments to revise Information Collection 1670–0007 was published in the **Federal Register** on November 18, 2015 at 80 FR 72086 and may be viewed at *https://www.federalregister.gov/d/2015-29457.*

[8] Throughout this analysis, CISA presents rounded hourly time burden estimates and hourly compensation rates to assist in reproducing the results. However, CISA's actual calculations use unrounded figures; consequently, some reproduced results may not exactly match the reported results.

[9] In the current information collection, CISA estimated that the average number of Top-Screens submissions was 1.5. This would imply that on average, 50 percent of respondents would submit two Top Screens per year, with all others submitting once.

[10] 6 hours is composed of 1.2 hours logged into CSAT and 4 hours for every hour logged into CSAT (*i.e.,* 6 hours = [1.2 hours logged into CSAT + (1.2 hours × 4) for preparation]).

respondents were logged into the Top-Screen application weighted by the number of respondents that submitted first-time Top-Screens and Top-Screen resubmissions between FY14 and FY16, which was 0.22 hours (13 minutes) [= (759 first-time submissions × 0.50 hours + 1,573 resubmissions × 0.08 hours) ÷ 2,332 total submissions].

For this ICR, CISA maintains its assumption, based on previous public comments on this information collection, that for every hour a respondent is logged into the Top-Screen application, the respondent spends an average of 4 hours in preparation.[11] Therefore, CISA's estimated time per respondent to submit a Top-Screen is 1.09 hours [= 0.22 hours logged into CSAT + (0.22 hours × 4) for preparation].

CISA no longer accounts for the burden related to collecting supporting documentation for Top-Screens because this burden is already accounted for under a separate information collection.[12]

Annual Burden Hours

The annual burden hours for the Top-Screen is 2,553 hours [= 2,332 respondents × 1 response per respondent × 1.09 hours per response].

Total Annual Burden Cost

The 2007 CFATS Regulatory Assessment[13] assumes that Site Security Officers (SSOs) are responsible for submitting Top-Screens. For this ICR, CISA maintains this assumption.

The SSO's average hourly compensation rate of $79.69 is based on an average hourly wage rate of $54.41[14] with a benefits multiplier of 1.4647.[15] Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 2,553 hours by the average hourly compensation rate of SSOs. The total annual burden cost for the Top-Screen is $203,450 [= 2,553 annual burden hours × $79.69 per hour].

Total Burden Cost (Capital/Startup)

CISA provides access to CSAT free of charge and CISA assumes that each respondent already has access to the internet for basic business needs.

The current information collection estimated a one-time capital/startup cost would be incurred by 36,930 respondents required to submit a new Top-Screen following the implementation of CSAT 2.0. CISA proposes to remove this one-time cost from this ICR because CSAT 2.0 has been fully implemented. Therefore, CISA estimates that no capital/startup costs are associated with this instrument.

Total Recordkeeping Burden

A respondent that has submitted a Top-Screen may or may not be determined by CISA to present a high level of security risk. Only respondents that present a high level of security risk are required to keep records mandated by CFATS.

For respondents that are determined to present a high level of security risk, the Top-Screen recordkeeping burden is accounted for within the recordkeeping burden estimate for the ''Site Security Plan (SSP) and Alternative Security Program (ASP) submitted in lieu of an SSP'' instrument discussed later in this notice in subsection 3, hereafter, referred to as the ''SSP/ASP.'' The recordkeeping burden estimate for the SSP/ASP instrument accounts for all records respondents are required to maintain under CFATS because CISA assumes that respondents maintain their Top-Screen records in the same manners, formats, and locations as they maintain their other required records. Therefore, CISA estimates that no recordkeeping burden is associated with this instrument.

2. CISA's Methodology in Estimating the Burden for the Security Vulnerability Assessment (SVA) & Alternative Security Program (ASP) Submitted In Lieu of an SVA

Number of Respondents

The current information collection estimated that each year 211 respondents would complete an SVA or ASP in lieu of an SVA, hereafter, referred to as an ''SVA/ASP.'' For this ICR, CISA estimates that the annual number of respondents will be 1,683, which is based on the average number of SVA/ASP submission prior to the implementation of CSAT 2.0 (*i.e.,* between FY14 and FY16). CISA believes using the timeframe immediately prior to the implementation of CSAT 2.0 is more representative of the anticipated number of respondents because the implementation of CSAT 2.0 temporarily resulted in an above-average number of SVAs/ASPs between FY17 and FY18. This consists of an average of 215 first-time SVA/ASPs and 1,468 resubmitted SVA/ASPs per year.

In the current information collection, CISA accounted for resubmissions using a different methodology than described above.[16] CISA is now counting each resubmission as a separate respondent and therefore, the average number of responses per respondent decreased from 1.5 to 1. CISA determined that this methodology would result in a more accurate annual burden because the time per respondent for a first time submission is different than for a resubmission.[17]

Estimated Time per Respondent

The current information collection estimated the time per respondent for preparing and submitting an SVA/ASP to be 2.65 hours.[18] As mentioned previously in this notice CISA implemented CSAT 2.0, which among other improvements projected a reduction of 90 percent in the amount

[11] CISA's adoption of the assumption that for every hour a respondent is logged into the Top-Screen application, SVA/ASP application, and SSP/ASP application, the respondent spends an average of 4 hours in preparation is described in the 30-day notice the Department published for this information collection in March 2013 at 78 FR 16694, which may be viewed at *https://www.federalregister.gov/d/2013-06095.*

[12] Under Information Collection 1670–0014, CISA collects supporting documentation from facilities under the ''Request for Redetermination'' instrument. Additional information about Information Collection 1670–0014 may be found at *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201704-1670-001.*

[13] The 2007 Regulatory Assessment was published to docket DHS–2006–0073 on April 1, 2007 and may be viewed at *https://www.regulations.gov/document?D=DHS-2006-0073-0116.*

[14] Bureau of Labor Statistics (BLS). Occupational Employment Statistics. May 2017. Managers, All Others (SOC 11–9199). *https://www.bls.gov/oes/2017/may/oes119199.htm.*

[15] BLS. Employer Costs for Employee Compensation—December 2017. Table 1. Employer Costs per Hour Worked for Employee Compensation and Costs as a Percent of Total Compensation: Civilian Workers, by Major Occupational and Industry Group, December 2017. *https://www.bls.gov/news.release/archives/ecec_03202018.pdf.* The compensation factor (1.4647) is estimated by dividing total compensation ($35.87) by wages and salaries ($24.49).

[16] In the current information collection, CISA estimated that the average number of SVA/ASP submissions was 1.5. This would imply that on average, 50 percent of respondents would submit two SVAs/ASPs per year, with all others submitting once.

[17] Historically, CISA estimated the expected number of SVAs/ASPs using an historical tiering determination rate that was derived by multiplying: (a) The estimated number of Top-Screens, by (2) the percentage of Top-Screens that resulted in a determination by CISA that an SVA/ASP must be submitted by a respondent (*i.e.,* a covered chemical facility).

[18] 2.65 hours is composed of 10% of 5.3 hours logged into CSAT and 4 hours for every hour logged into CSAT (*i.e.,* 2.65 hours = [(0.10 × 5.3 hours logged into CSAT) + (0.10 × 5.3 hours logged into CSAT × 4) for preparation]).

of time a respondent spends logged into the CSAT SVA/ASP application.

Using the data collected since the implementation of CSAT 2.0 (*i.e.,* between FY17 and FY19), CISA determined that the median duration respondents were logged into the CSAT SVA/ASP application for an initial SVA/ASP and an SVA/ASP resubmission was 0.80 hours (48 minutes) and 0.17 hours (10 minutes), respectively. CISA calculated the average amount of time respondents were logged into the SVA/ASP application weighted by the number of respondents that submitted first-time SVAs/ASPs and SVA/ASP resubmissions between FY14 and FY16, which was 0.25 hours (15 minutes) [= (215 first-time submissions × 0.80 hours + 1,468 resubmissions × 0.17 hours) ÷ 1,683 total submissions].

For this ICR, CISA maintains its assumption, based on previous public comments on this information collection, that for every hour a respondent is logged into the SVA/ASP application, the respondent spends an average of 4 hours in preparation. Therefore, CISA's estimated time per respondent to prepare and submit an SVA/ASP is 1.24 hours [= 0.25 hours logged into CSAT + (0.25 hours × 4) for preparation].

CISA no longer accounts for the burden related to collecting supporting documentation for SVAs/ASPs, because the standard business processes associated with the SVA/ASP instrument do not include the collection of additional documentation.

Annual Burden Hours

The annual burden hours for an SVA/ASP is 2,083 hours [= 1,683 respondents × 1 response per respondent × 1.24 hours per response].

Total Annual Burden Cost

The 2007 CFATS Regulatory Assessment assumes that SSOs will be responsible for submitting SVAs/ASPs. For this ICR, CISA maintains this assumption. Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 2,083 hours by the average hourly compensation rate of SSOs. The total annual burden cost for the SVA/ASP is $166,028 [= 2,083 annual burden hours × $79.69 per hour].

Total Burden Cost (Capital/Startup)

CISA provides access to CSAT free of charge and CISA assumes that each respondent already has access to the internet for basic business needs. Therefore, CISA estimates that there are no capital/startup costs for this instrument.

Total Recordkeeping Burden

For respondents that are determined by CISA to present a high level of security risk, the SVA/ASP recordkeeping burden is accounted for within the recordkeeping burden estimate for the SSP/ASP discussed below in Subsection 3 of this section. Therefore, CISA estimates that no recordkeeping burden is associated with this instrument.

3. CISA's Methodology in Estimating the Burden for the Site Security Plan (SSP) & Alternative Security Program (ASP) Submitted In Lieu of an SSP

Number of Respondents

The current information collection estimated 211 SSP/ASP respondents. For this ICR, the Department maintains the assumption that all respondents to the SVA/ASP will be a respondent of the SSP/ASP. Therefore, CISA estimates that the annual number of respondents will be 1,683, which is based on the average number of all respondents to the SVA/ASP. This number breaks down to, on average, 215 initial submissions and 1,468 resubmissions.

Estimated Time per Respondent

The current information collection estimated the time per respondent for preparing and submitting an SSP/ASP to be 18.75 hours.[19] As mentioned previously in this notice CISA implemented CSAT 2.0, which among other improvements projected a reduction of 70 percent in the amount of time a respondent spends logged into the CSAT SSP/ASP application. Using the data collected since the implementation of CSAT 2.0 (*i.e.,* between FY17 and FY19), CISA determined that the median duration respondents were logged into the SSP/ASP application for initial and resubmitted SSPs/ASPs was 2.10 hours (126 minutes) and 0.32 hours (19 minutes), respectively. CISA calculated the average amount of time respondents were logged into the SSP/ASP application weighted by the number of respondents that submitted first-time SSPs/ASPs and SSP/ASP resubmissions between FY14 and FY16, which was 0.54 hours (33 minutes) [= (215 first-time submissions × 2.10 hours + 1,468 resubmissions × 0.32 hours) ÷ 1,683 total submissions].

For this ICR, CISA maintains its assumption, based on previous public comments on this information collection, that for every hour a respondent is logged into the SSP/ASP application, the respondent spends an average of 4 hours in preparation. Therefore, CISA's estimated time per respondent to prepare and submit an SSP/ASP is 2.72 hours [= 0.54 hours logged into CSAT + (0.54 hours × 4) for preparation].

CISA no longer accounts for the burden related to collecting supporting documentation for SSPs/ASPs, because the standard business processes associated with the SSP/ASP instrument do not include the collection of additional documentation.

Annual Burden Hours

The annual burden hours for SSPs/ASPs is 4,582 hours [= 1,683 respondents × 1 response per respondent × 2.72 hours per response].

Total Annual Burden Cost

The 2007 CFATS Regulatory Assessment assumes that SSOs will be responsible for submitting SSPs/ASPs. For this ICR, CISA maintains this assumption. Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 4,582 hours by the average hourly compensation rate of SSOs. The total annual burden cost for the SSPs/ASPs is $365,141 [= 4,582 annual burden hours × $79.69 per hour].

Total Burden Cost (Capital/Startup)

CISA provides access to CSAT free of charge and CISA assumes that each respondent already has access to the internet for basic business needs. Therefore, CISA estimates that there are no capital/startup costs.

Total Recordkeeping Burden

The current information collection estimated a recordkeeping burden of approximately $440,000. CISA maintained the methodology and assumptions described in the current information collection, but increased the current estimate to account for: (1) The increase in the number of initial SSP/ASP respondents from 211 to 215, (2) updating the hourly compensation rates to 2017 dollars, and (3) inflating the capital/startup costs by an inflation factor of 1.03.[20] Therefore, CISA's

[19] 18.75 hours is composed of 30% of 12.5 hours logged into CSAT and 4 hours for every hour logged into CSAT (*i.e.,* 18.75 hours = [(0.30 × 12.5 hours logged into CSAT) + (0.30 × 12.5 hours logged into CSAT × 4) for preparation]).

[20] CISA inflated the capital/startup costs from the current information collection to 2017 dollars using an inflation factor of 1.03. The inflation factor was calculated by dividing the Gross Domestic Product (GDP) implicit price deflator index from 2017 (103.02) by the index from 2015 (100). (Federal Reserve Economic Data. GDP Implicit Price Deflator in United States, Index 2015=100, Annual, Not Seasonally Adjusted. *https://fred.stlouisfed.org/series/GDPDEF*).

estimated recordkeeping burden will be $516,825.

For this ICR, CISA maintains its approach of accounting for the entire recordkeeping burden imposed on covered chemical facilities under CFATS within the SSP/ASP instrument, because: (1) Only covered chemical facilities are required to maintain records; (2) no changes to the recordkeeping requirements have occurred since the approval of the current information collection; and (3) CISA's historical assumption that respondents maintain any other required records in the same manners, formats, and locations as they maintain their SSP/ASP records.

4. CISA'S Methodology in Estimating the Burden for the CFATS Help Desk

Number of Respondents

The current information collection estimated that CISA receives 15,000 requests annually for CFATS Help Desk support (*i.e.,* 15,000 respondents via phone calls, emails, and web-based help request forms). CISA has determined that maintaining the current estimate would be more accurate than relying on the number of requests for CFATS Help Desk support received between FY17 and FY18 because the implementation of CSAT 2.0 temporarily resulted in an above-average number of CFATS Help Desk requests.[21] CISA evaluated historical data to determine if the estimated number of CFATS Help Desk requests (*i.e.,* 15,000) was still appropriate. Between FY14 and FY16, the average annual number of CFATS Help Desk requests was 14,881. Therefore, CISA believes that the existing estimate of 15,000 respondents continues to be a reasonable estimate of future CFATS Help Desk requests.

Estimated Time per Respondent

CISA evaluated historical data to determine if the estimated time per respondent of 0.17 hours (10 minutes) was still appropriate. Since the implementation of CSAT 2.0 (*i.e.,* between FY17 and FY18) the average duration for a CFATS Help Desk call was 6 minutes and 48 seconds, which represented a slight decrease in the actual duration reported by CISA in previous years. CISA does not have any information on the average amount of time it took respondents to type and send emails to the CFATS Help Desk.

Therefore, CISA has maintained the estimated time per respondent of 0.17 hours (10 minutes).

Annual Burden Hours

The average annual burden hours for the CFATS Help Desk will be 2,500 hours [= 15,000 respondents × 0.17 hours per respondent].

Total Annual Burden Cost

The 2007 CFATS Regulatory Assessment assumes that SSOs will be responsible for contacting the CFATS Help Desk. For this ICR, CISA maintains this assumption. Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 2,500 hours by the average hourly compensation rate of SSOs. The total annual burden for the CFATS Help Desk is $199,233 [= 2,500 annual burden hours × $79.69 per hour].

Total Burden Cost (Capital/Startup)

Contacting the CFATS Help Desk is free and CISA assumes that each respondent already has a phone or access to the internet for basic business needs. Therefore, CISA estimates that there are no capital/startup costs.

Total Recordkeeping Burden

There is no recordkeeping burden for this instrument.

5. CISA'S Methodology in Estimating the Burden for the CSAT User Registration

Number of Respondents

The current information collection estimated 1,000 respondents would complete the user registration process annually. For this ICR, CISA maintains this estimate.

Historically, CISA's estimate in the current information collection was primarily based on the number of individuals expected to register as a CSAT Authorizer, Submitter, and/or Preparer. However, the scope of the CSAT User Registration instrument in the current information collection was intended to allow for the creation of additional CSAT user roles such as the Administrator and Personnel Surety (PS) Submitter user roles. Because the estimate has always been very conservative, for example, between FY14 and FY16 the average annual number of individuals registered was 604. Thus CISA believes that maintaining the current estimate of 1,000 respondents annually is a reasonable estimate that reflects the user registration activity for all types of CSAT users.

Estimated Time per Respondent

In the current information collection, the estimated time per respondent is 2 hours. In this ICR, CISA increases the estimated time per respondent to 2.5 hours. The revised estimate is based on two factors: (1) Following the implementation of CSAT 2.0 (*i.e.,* between FY16 and FY18), the actual time needed to complete the CSAT User Registration process was approximately 0.5 hours (30 minutes); and (2) CISA expects that CSAT Authorizers need additional time to manage the CSAT user accounts for which they are responsible.

The ongoing management of the CSAT user accounts includes activities such as, but not limited to: (1) Assigning Submitters and Preparers to facilities; (2) updating the facilities with which a Submitter or Preparer is associated as his or her duties change; (3) creating groups[22] to support the CFATS Personnel Surety (PS) Program; (4) assigning PS Submitters to groups; and (5) updating the PS Submitters' access to groups as their duties change. Furthermore, in response to comments submitted to CISA for information collection (OMB Control No. 1670–0029),[23] CISA clarified that certain burdens were accounted for under this information collection (*i.e.,* OMB Control No. 1670–0007).[24]

For this ICR, CISA is applying the assumption based on previous public comments on this information collection (*i.e.,* OMB Control No. 1670–0007) that for every hour a respondent is logged into the CSAT application, the respondent spends an average of 4 hours in preparation (*e.g.,* coordinating with CFATS-facility stakeholders, including Human Resources, Procurement, or Contract Administration to explain the PS Program requirements and determine how best to gather the data from different populations). Therefore, CISA's estimated time per respondent is

[21] On average, between FY17 and FY19, there were 31,212 calls and emails per year (*i.e.,* 22,369 calls and 8,843 emails per year) to the CFATS Helpdesk, most of which were in response to CSAT 2.0 implementation.

[22] ''Groups'' is a technical term used by CISA to describe how a covered chemical facility may manage the access to records about affected individuals in the CSAT Personnel Surety application. CISA describes the term ''groups'' and provides additional information about how to create and manage groups in section 9.5 of the CSAT User Manual, which may be viewed at *https://www.dhs.gov/sites/default/files/publications/csat-portal-user-manual-508-2.pdf.*

[23] 1670–0029 was approved by OMB in August 2015. The approved information collection may be viewed at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201312-1670-001.*

[24] CISA's summary of the comments and its response to those comments are contained within the 30-day notice for the CFATS Personnel Surety Program at 83 FR 28249. The 30-day notice was published in the **Federal Register** on July 18, 2018 at 83 FR 28244 and may be viewed at *https://www.federalregister.gov/d/2018-12523.*

2.5 hours [= 0.50 hours logged into CSAT + (0.50 hours × 4) for preparation].

Annual Burden Hours

The annual burden estimate for CSAT User Registration is 2,500 hours [= 1,000 respondents × 1 response per respondent × 2.5 hours per respondent].

Total Annual Burden Cost

The 2007 CFATS Regulatory Assessment assumes that SSOs will be responsible for CSAT User Registration. For this ICR, CISA maintains this assumption. Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 2,500 hours by the average hourly compensation rate of SSOs. The total annual burden for CFATS User Registration is $199,233 [= 2,500 annual burden hours × $79.69 per hour].

Total Burden Cost (Capital/Startup)

The current information collection estimated that a one-time capital cost would be incurred by 24,630 respondents required to submit a CSAT User Registration as part of the CSAT 2.0 implementation. These capital costs were one-time costs and have been removed from this information collection.

CISA provides access to CSAT free of charge and CISA assumes that each respondent already has access to the internet for basic business needs. Therefore, for this ICR CISA estimates that there are no capital/startup costs for this instrument.

Total Recordkeeping Burden

There is no recordkeeping burden for this instrument.

6. CISA'S Methodology in Estimating the Burden for Identification of Additional Facilities and Assets at Risk

Number of Respondents

The current information collection estimated that each year 211 respondents would respond to this instrument. For this ICR, CISA estimates that the annual number of respondents will be 845, because CISA only requests this information from covered chemical facilities that undergo compliance inspections and ship chemicals of interest (COI). CISA completes approximately 1,920 compliance inspections per year. Of these, approximately 44 percent of the covered chemical facilities inspected ship COI. Therefore, CISA estimates 845 respondents for this instrument [= 1,920 facilities inspected × 44 percent of facilities ship COI].

Estimated Time per Respondent

In the current information collection, the estimated time per respondent is 0.17 hours (10 minutes). In this ICR, CISA maintains this estimate.

Annual Burden Hours

The annual burden estimate is 140.83 hours [= 845 respondents × 1 response per respondent × 0.17 hours per respondent].

Total Annual Burden Cost

CISA assumes that SSOs will be responsible for providing this information. Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 140.83 hours by the average hourly compensation rate of SSOs. The total annual burden for the Identification of Additional Facilities and Assets at Risk is $11,223 [= 140.83 annual burden hours × $79.69 per hour].

Total Burden Cost (Capital/Startup)

In the current information collection, CISA estimated a one-time capital cost would be incurred by 3,000 respondents as a result of the CSAT 2.0 implementation. These capital costs were one-time costs for respondents and therefore have been removed from this information collection.

Total Recordkeeping Burden

There is no recordkeeping burden for this instrument.

Public Participation

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Analysis

Title of Collection: Chemical Security Assessment Tool
OMB Control Number: 1670–0007
Instrument: Top-Screen
Frequency: ''On occasion'' and ''Other''
Affected Public: Business or other for-profit
Number of Respondents: 2,332 respondents (estimate)
Estimated Time per Respondent: 1.09 hours
Total Annual Burden Hours: 2,553 hours
Total Annual Burden Cost: $203,450
Total Annual Burden Cost (capital/startup): $0
Total Recordkeeping Burden: $0

Instrument: Security Vulnerability Assessment and Alternative Security Program submitted in lieu of a Security Vulnerability Assessment
Frequency: ''On occasion'' and ''Other''
Affected Public: Business or other for-profit
Number of Respondents: 1,683 respondents (estimate)
Estimated Time per Respondent: 1.24 hours
Total Annual Burden Hours: 2,083 hours
Total Annual Burden Cost: $166,028
Total Annual Burden Cost (capital/startup): $0
Total Recordkeeping Burden: $0

Instrument: Site Security Plan and Alternative Security Program submitted in lieu of a Site Security Plan
Frequency: ''On occasion'' and ''Other''
Affected Public: Business or other for-profit
Number of Respondents: 1,683 respondents (estimate)
Estimated Time per Respondent: 2.72 hours
Total Annual Burden Hours: 4,582 hours
Total Annual Burden Cost: $365,141
Total Annual Burden Cost (capital/startup): $0
Total Recordkeeping Burden: $516,825

Instrument: CFATS Help Desk
Frequency: ''On occasion'' and ''Other''
Affected Public: Business or other for-profit
Number of Respondents: 15,000 respondents (estimate)
Estimated Time per Respondent: 0.17 hours
Total Annual Burden Hours: 2,500 hours
Total Annual Burden Cost: $199,233
Total Annual Burden Cost (capital/startup): $0
Total Recordkeeping Burden: $0

Instrument: User Registration
Frequency: ''On occasion'' and ''Other''
Affected Public: Business or other for-profit
Number of Respondents: 1,000 respondents (estimate)

Estimated Time per Respondent: 2.5 hours
Total Annual Burden Hours: 2,500 hours
Total Annual Burden Cost: $199,233
Total Annual Burden Cost (capital/startup): $0
Total Recordkeeping Burden: $0

Instrument: Identification of Facilities and Assets at Risk
Frequency: ''On occasion'' and ''Other''
Affected Public: Business or other for-profit
Number of Respondents: 845 respondents (estimate)
Estimated Time per Respondent: 0.17 hours
Total Annual Burden Hours: 140.83 hours
Total Annual Burden Cost: $11,223
Total Annual Burden Cost (capital/startup): $0
Total Recordkeeping Burden: $0

Scott Libby,
Deputy Chief Information Officer.

[FR Doc. 2019–01378 Filed 2–6–19; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0052]

Assessing the Risk-Mitigation Value of TWIC® at Maritime Facilities

AGENCY: Science and Technology Directorate (S&T), Department of Homeland Security (DHS).

ACTION: 60-Day Notice of Information Collection; New request for comment.

SUMMARY: By law, the Secretary of Homeland Security is required to commission an assessment of how effective the transportation security card program is at enhancing security and reducing security risks for regulated maritime facilities and vessels. Through the transportation security card program, the Department issues the Transportation Worker Identification Credential (TWIC®). Legislation passed August 2, 2018 restricts the U.S. Coast Guard (USCG) from implementing any rule requiring the use of biometric readers for TWIC® until after submission to Congress of the results of this effectiveness assessment.

The Homeland Security Operational Analysis Center (HSOAC), a federally funded research and development center operated by the RAND Corporation, will collect information from those involved in maritime security on behalf of the DHS S&T Research and Development Partnerships (RDP) Federally Funded Research and Development Center (FFRDC) Program Management Office. HSOAC will visit regulated maritime facilities and terminals and conduct interviews using a semi-structured interview method to collect information. HSOAC will analyze this information and use it to produce a public report with its research findings.

DATES: Comments are encouraged and accepted until April 8, 2019.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0052, at:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.

• *Mail and hand delivery or commercial delivery:* Science and Technology Directorate, ATTN: Chief Information Office—Mary Cantey, 245 Murray Drive, Mail Stop 0202, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number DHS–2018–0052. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: DHS/S&T/RDP/FFRDC Program Manager: Scott Randels, *Scott.Randels@hq.dhs.gov* or 202–254–6053 (Not a toll free number).

SUPPLEMENTARY INFORMATION: The Secretary of Homeland Security, according to Public Law 114–278, is required to commission an assessment of how effective the transportation security card program is at enhancing security and reducing security risks for regulated maritime facilities and vessels. Through the transportation security card program, the Department issues the Transportation Worker Identification Credential (TWIC®). In addition, Public Law 115–230 restricts the USCG from implementing any rule requiring the use of biometric readers for TWIC® until submitting the results of this assessment to Congress.

DHS, in accordance with the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. DHS is soliciting comments on the proposed information collection request (ICR) that is described below. DHS is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology? Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Assessing the Risk-Mitigation Value of TWIC® at Maritime Facilities.

Type of Review: New.

Affected Public: Port security subject matter experts such as Port Authority Security Managers, Facility Security Managers, Industry Security Managers, and local law enforcement; Labor, Other Industry Operation and Technology Managers.

Frequency of Collection: Once, Annually.

Average Burden per Response: 60 minutes.

Estimated Number of Annual Responses: 400.

Total Annual Burden Hours: 400.

Dated: November 26, 2018.

Rick Stevens,
Chief Information Officer, Science and Technology Directorate.

[FR Doc. 2019–01377 Filed 2–6–19; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/A0A501010.999900 253G]

Rate Adjustments for Indian Irrigation Projects

Correction

In notice document 2018–27726 appearing on pages 65714–65719 in the issue of Friday, December 21, 2018, make the following corrections:

1. On page 65717, the table ''Northwest Region Rate Table'' should appear as set forth below:

NORTHWEST REGION RATE TABLE

Project name	Rate category	Final 2018 rate	Final 2019 rate	Proposed 2020 rate
Flathead Irrigation Project	Basic per acre—A	$29.00	$33.50	$33.50
	Basic per acre—B	14.50	16.75	16.75
	Minimum Charge per tract	75.00	75.00	75.00

Project name	Rate category	Final 2018 rate	Proposed 2019 rate	Proposed 2020 rate
Fort Hall Irrigation Project (See Note #1)	Basic per acre*	$56.00	$57.00	$58.50
	Minimum Charge per tract	39.00	39.00	39.00
Fort Hall Irrigation Project—Minor Units (See Note #1)	Basic per acre*	35.00	37.00	38.00
	Minimum Charge per tract	39.00	39.00	39.00
Fort Hall Irrigation Project—Michaud Unit (See Note #1)	Basic per acre*	59.50	62.00	63.50
	Pressure per acre*	92.50	96.00	98.50
	Minimum Charge per tract	39.00	39.00	39.00

Project name	Rate category	Final 2018 rate	Final 2019 rate	Proposed 2020 rate
Wapato Irrigation Project—Toppenish/Simcoe Units	Minimum Charge per bill	$25.00	$25.00	$25.00
	Basic per acre	25.00	25.00	25.00
Wapato Irrigation Project—Ahtanum Units	Minimum Charge per bill	30.00	30.00	30.00
	Basic per acre	30.00	30.00	30.00
Wapato Irrigation Project—Satus Unit	Minimum Charge per bill	79.00	79.00	79.00
	"A" Basic per acre	79.00	79.00	79.00
	"B" Basic per acre	85.00	85.00	85.00
Wapato Irrigation Project—Additional Works	Minimum Charge per bill	80.00	80.00	80.00
	Basic per acre	80.00	80.00	80.00
Wapato Irrigation Project—Water Rental	Minimum Charge per bill	86.00	86.00	86.00
	Basic per acre	86.00	86.00	86.00

2. On page 65718, the table ''Southwest Region Rate Table'' should appear as set forth below:

SOUTHWEST REGION RATE TABLE

Project name	Rate category	Final 2018 rate	Final 2019 rate	Proposed 2020 rate
Pine River Irrigation Project	Minimum Charge per tract	$50.00	$50.00	$50.00
	Basic-per acre*	20.00	21.00	21.50

3. On page 65718, the table heading ''Northwest Region Rate Table'' should read ''Western Region Rate Table''.

[FR Doc. C1–2018–27726 Filed 2–6–19; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–27232; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before December 22, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by February 22, 2019.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before December 22, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

ALASKA

Anchorage Borough

Kulis Hangar 1, Building 3, 5005 Raspberry Rd., Anchorage, SG100003385

FLORIDA

Broward County

Fort Lauderdale Woman's Club, (Clubhouses of Florida's Woman's Clubs MPS), 20 S Andrews Ave., Fort Lauderdale, MP100003404

Dade County

Richmond Heights Pioneer Historic District, 14520–14960 Monroe St., Miami, SG100003405

Flagler County

Bunnell City Hall (Florida's New Deal Resources MPS), 200 S Church Street, Bunnell, MP100003406
Bunnell Water Tower, 100 Utility St., Bunnell, SG100003407

Gadsden County

Northside High School, (Florida's Historic Black Public Schools MPS), 264 Carver Ave., Havana, MP10000340

Manatee County

Bradenton Woman's Club, (Clubhouses of Florida's Woman's Clubs MPS), 1705 Manatee Ave. W, Bradenton, MP100003409

Orange County

Lake Lawsona Historic District, Bounded by South & Robinson Sts., Summerlin & Hampton Aves., Orlando, SG100003410
Goldman, Siegmund and Marilyn, House, 1670 Huron Trail, Maitland, SG100003411

Sarasota County

Leigh, Charles E, House, 139 S Washington Dr., Sarasota, SG100003412
Umbrella House, 1300 Westway Dr., Sarasota, SG100003417

GEORGIA

Bibb County

Porter, James and Olive, House, 231 Tucker Rd., Macon, SG100003381

IOWA

Muscatine County

Muscatine County Home Dairy Barn, 3210 Harmony Ln., Muscatine, SG100003365

LOUISIANA

Acadia Parish

May, David L. and Jeanette Ross, House, 576 N Western Ave., Crowley, SG100003380

East Baton Rouge Parish

Laurel Street Fire Station, 1801 Laurel St., Baton Rouge, SG100003377

Ouachita Parish

West Monroe Historic District, Parts of Commerce, Cotton, Cypress, Natchitoches, Pine, N. Riverfront, Trenton & Wood Sts., West Monroe, SG100003414

St. Bernard Parish

1939 St. Bernard Parish Courthouse, 1101 W. St. Bernard Hwy., Chalmette, SG100003376

St. Tammany Parish

St. Scholastica Priory and Cemetery, 20264 Terra Mariae Blvd., Covington, SG100003378

Washington Parish

Bogalusa Coca Cola Bottling Plant, 213 Shenandoah St., Bogalusa, SG100003379

NEW JERSEY

Camden County

Building 2, RCA Victor Complex, 201 N. Front St., Camden, SG100003402

Ocean County

Force, Elizabeth Sculthorp, House, 26 Hadley Ave., Toms River Township, SG100003403

NEW YORK

Cortland County

Glenwood Cemetery, 51 S. West St., Homer, SG100003395

Kings County

German Evangelical Lutheran St. John's Church, 195 Maujer St., Brooklyn, SG100003399

Onondaga County

St. Anthony Convent and Convent School, 1024 Court St., Syracuse, SG100003398

Queens County

Triboro Hospital for Tuberculosis, 82–41 Parsons Blvd., Queens, SG100003397

Schenectady County

Yates House, 133 Maple Ave., Schenectady, SG100003396

PENNSYLVANIA

Lancaster County

Locust Grove Archaeological District, Address Restricted, Bainbridge vicinity, SG100003391

RHODE ISLAND

Washington County

Clarke, Samuel, Farm, 106 Lewiston Ave., Richmond, SG100003413

SOUTH CAROLINA

Greenville County

Dunean Mill Historic District, Bounded by Madden, Allen, Whitten & Hutchins Sts., Greenville vicinity, SG100003418

VERMONT

Chittenden County

Stannard House, 3 George St., Burlington, SG100003416

Franklin County

Quincy Hotel, 57 Depot St., Enosburgh, SG100003415

VIRGINIA

Fauquier County

Midland Historic District, Includes parts of Rouges, Midland, Catlett, Dowell, Germantown & Old Carolina Rds., Linden, Chestnut & 2nd Sts., Midland, SG100003392

Salem Independent City

North Broad Street Historic District, 200–500 blks. N Broad St., Salem (Independent City), SG100003393
Valleydale Packers Inc., 710 E 8th St., Salem (Independent City), SG100003394

WISCONSIN

Sheboygan County

Sheboygan Municipal Auditorium and Armory, 516 Broughton Dr., Sheboygan, SG100003364

A request for removal has been made for the following resources:

ARIZONA

Pinal County

Southern Pacific Railroad Depot (Casa Grande, Arizona MPS), 201 W Main St., Casa Grande, OT02000734
Fisher Memorial Home (Casa Grande MRA), 300 E 8th St., Casa Grande, OT85000884

LOUISIANA

Ascension Parish

Tezcuco, S of Burnside on River Rd., Burnside vicinity, OT83000485

Caddo Parish

Sprague Street Houses, 1100–1118 Sprague St., Shreveport, OT83003606

De Soto Parish

Kansas City Southern Depot, Polk St. on Kansas City Southern railroad tracks, Mansfield, OT88003198

East Baton Rouge Parish

Gracelane Plantation House, 14444 Perkins Rd., Baton Rouge, OT97000967

Iberia Parish

Darby Plantation, N of Iberia on Darby Ln., New Iberia vicinity, OT73000868

St. James Parish

Colomb House, NW of Convent on River Rd., Convent vicinity, OT80004250
Longview, LA 44, Lutcher, OT83000537

Tangipahoa Parish

Tangipahoa Parish Training School Dormitory, Off LA 38, Kentwood, OT79001091
Pass Machac Light, W end of Lake Pontchartrain, Ponchatoula vicinity, OT86001554

Winn Parish

St. Maurice Plantation, Off LA 477, St. Maurice, OT79001104

MINNESOTA

Itasca County

Itasca Lumber Company Superintendent's House (Itasca County MRA), 506 5th St., SE, Deer River, OT82002976

Pope County

Minnewaska Hospital (Pope County MRA), Wollan and 5th Sts., Starbuck, OT82003002

Redwood County

Commercial Hotel (Redwood County MRA), Front and Main Sts., Wabasso, OT80002146

Additional documentation has been received for the following resources:

ARIZONA

Pima County

Indian Ridge Historic District, 2648 N Indian Ridge Dr., Tucson, AD10000467

Yavapai County

Joslin and Whipple Historic District, 207 S Arizona Ave., Prescott vicinity, AD00001387

MINNESOTA

Ramsey County

Muskego Church, 2375 Como Ave. W, St. Paul, AD75001013

PENNSYLVANIA

Lancaster County

Locust Grove, S of Bainbridge off PA 441, Bainbridge vicinity, AD77001171

Nomination submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

CALIFORNIA

San Bernardino County

Kelso Depot, Restaurant and Employees Hotel (Boundary Increase), Kelso-Cima Rd., Kelso, BC100003401

Authority: Section 60.13 of 36 CFR part 60.

Dated: January 28, 2019.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2019–01427 Filed 2–6–19; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments; Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Dental and Orthodontic Scanners and Software, DN 3357.* Due to delays caused by the lapse in appropriations on December 22, 2018, the Commission has determined to extend the deadlines for comments on any public interest issues raised by the complaint or complainant's filing submitted pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Align Technology, Inc., on December 10, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dental and orthodontic scanners and software. The complaint names as respondents: 3Shape A/S of Denmark; 3Shape, Inc. of Warren, NJ; and 3Shape Trios A/S of Denmark. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond during the 60-day review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business on February 12, 2019. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business on February 13, 2019. Complainant may file a reply to any written submission no later than by close of business on February 15, 2019.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3357'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS. [3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 4, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–01475 Filed 2–6–19; 8:45 am]

BILLING CODE 7020–02–P

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments; Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Integrated Circuits and Products Containing the Same, DN 3358.* Due to delays caused by the lapse in appropriations on December 22, 2018, the Commission has determined to extend the deadlines for comments on any public interest issues raised by the complaint or complainant's filing submitted pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Tela Innovations, Inc. on December 19, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain integrated circuits and products containing the same. The complaint names as respondents: Acer, Inc. of Taiwan; Acer America Corporation of San Jose, CA; AsusTek Computer Inc. of Taiwan; Asus Computer International of Fremont, CA; Intel Corporation of Santa Clara, CA; Lenovo Group Ltd. of China; Lenovo (United States) Inc. of Morrisville, NC; Micro-Star International Co., Ltd. of Taiwan; and MSI Computer Corp. of City of Industry, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond during the 60-day review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business on February 12, 2019. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business on February 13, 2019. Complainant may file a reply to any written submission no later than by close of business on February 15, 2019.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)).

Submissions should refer to the docket number (''Docket No. 3358'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures. [1]) Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, [2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 4, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–01476 Filed 2–6–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on January 28, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Pistoia Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Clarity Genomics BVBA, Berse, BELGIUM; uFraction8 Ltd, Falkirk, UNITED KINGDOM; UniteLabs AG, Basel, SWITZERLAND; breastIT, Kampala, UGANDA; Kristiyan Georgiev (individual member), Jersey City, NJ; Adimab LLC, Lebanon, NH; Health Data Research UK, London, UNITED KINGDOM; Kinapse Limited, London, UNITED KINGDOM; Medicines Discovery Catapult Limited, Macclesfield, UNITED KINGDOM; and Glenn Proctor (individual member), Bury St Edmunds, UNITED KINGDOM, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on October 26, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 20, 2018 (83 FR 58595).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–01490 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—3D PDF Consortium, Inc.

Notice is hereby given that, on January 28, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), 3D PDF Consortium, Inc. (''3D PDF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Lauren Ross (individual member), Toronto, CANADA; Lucidi Piergiorgio (individual member), Roma, ITALY; and Amitabh Srivastav (individual member), Ottawa, CANADA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and 3D PDF intends to file additional written notifications disclosing all changes in membership.

On March 27, 2012, 3D PDF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 20, 2012 (77 FR 23754).

The last notification was filed with the Department on October 25, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 9, 2018 (83 FR 56102).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–01488 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Fire Protection Association

Notice is hereby given that, on December 21, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''),

National Fire Protection Association (''NFPA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, NFPA has provided an updated and current list of its standards development activities, related technical committee and conformity assessment activities. Information concerning NFPA regulations, technical committees, current standards, standards development and conformity assessment activities are publicly available at *nfpa.org*.

On September 20, 2004, NFPA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 21, 2004 (69 FR 61869).

The last notification was filed with the Department on October 10, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 22, 2018 (83 FR 53297).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–01489 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: IsoSciences, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 8, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on November 1, 2017, IsoSciences, LLC, 340 Mathers Road, Ambler, Pennsylvania 19002, applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Cathinone	1235	I
Methcathinone	1237	I
Lysergic acid diethylamide	7315	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
3,4-Methylenedioxyamphetamine	7400	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
5-Methoxy-N–N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
Dihydromorphine	9145	I
Heroin	9200	I
Nicocodeine	9309	I
Nicomorphine	9312	I
Normorphine	9313	I
Thebacon	9315	I
Normethadone	9635	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I

Controlled substance	Drug code	Schedule
Beta-hydroxythiofentanyl	9836	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Amphetamine	1100	II
Methamphetamine	1105	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Isomethadone	9226	II
Methadone	9250	II
Methadone intermediate	9254	II
Morphine	9300	II
Thebaine	9333	II
Levo-alphacetylmethadol	9648	II
Oxymorphone	9652	II
Thiafentanil	9729	II
Alfentanil	9737	II
Sufentanil	9740	II
Carfentanil	9743	II
Fentanyl	9801	II

The company plans to manufacture the listed controlled substances to make reference standards which will be distributed to their customers.

Dated: December 21, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01510 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrant listed below has applied for and been granted a registration by the Drug Enforcement Administration (DEA) as an importer of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION: The company listed below applied to be registered as an importer of various basic classes of controlled substances. Information on the previously published notice is listed in the table below. No comments or objections were submitted and no requests for hearing were submitted for this notice.

Company	FR Docket	Published
Sigma Aldrich Co., LLC	83 FR 60903	November 27, 2018.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrant to import the applicable basic classes of schedule I and II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security system, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I and II controlled substances to the above listed company.

Dated: January 3, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01521 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Research Triangle Institute

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 11, 2019. Such persons may also file a written request for a hearing on the application on or before March 11, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to

exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on May 2, 2016, Research Triangle Institute, 3040 East Cornwallis Road, Hermann Bldg., Room 106, Research Triangle Park, North Carolina 27709 has applied to be registered as an importer of the following basic classes of controlled substances.

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC)	1238	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole3-carboxamide)	7023	I
THJ-2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone	7024	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)1H-indazole-3-carboxamide	7031	I
MAB-CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7)	7348	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Parahexyl	7374	I
Mescaline	7381	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C-T-2)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
Peyote	7415	I
5-Methoxy-N-N-dimethyltryptamine	7431	I

Controlled substance	Drug code	Schedule
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Ethyl-3-piperidyl benzilate	7482	I
N-Methyl-3-piperidyl benzilate	7484	I
N-Benzylpiperazine	7493	I
4-Methyl-alphapyrrolidinopropiophenone (4-MePPP)	7498	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D)	7508	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C-E)	7509	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C-H)	7517	I
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C-I)	7518	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C)	7519	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N)	7521	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P)	7524	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C-T-4)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B-NBOMe)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe)	7537	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Cyprenorphine	9054	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphinol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Myrophine	9308	I
Nicocodeine	9309	I
Nicomorphine	9312	I
Normorphine	9313	I
Pholcodine	9314	I
Thebacon	9315	I
Acetorphine	9319	I
Drotebanol	9335	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Clonitazene	9612	I
Dextromoramide	9613	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimenoxadol	9617	I
Dimepheptanol	9618	I

Controlled substance	Drug code	Schedule
Dimethylthiambutene	9619	I
Dioxaphetyl butyrate	9621	I
Dipipanone	9622	I
Ethylmethylthiambutene	9623	I
Etonitazene	9624	I
Etoxeridine	9625	I
Furethidine	9626	I
Hydroxypethidine	9627	I
Ketobemidone	9628	I
Levomoramide	9629	I
Levophenacylmorphan	9631	I
Morpheridine	9632	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Norpipanone	9636	I
Phenadoxone	9637	I
Phenampromide	9638	I
Phenoperidine	9641	I
Piritramide	9642	I
Proheptazine	9643	I
Properidine	9644	I
Racemoramide	9645	I
Trimeperidine	9646	I
Phenomorphan	9647	I
Propiram	9649	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I
Tilidine	9750	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Thiofentanyl	9835	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Anileridine	9020	II
Coca Leaves	9040	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II

Controlled substance	Drug code	Schedule
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Methadone	9250	II
Methadone intermediate	9254	II
Metopon	9260	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Dihydroetorphine	9334	II
Opium, raw	9600	II
Opium extracts	9610	II
Opium fluid extract	9620	II
Opium tincture	9630	II
Opium, powdered	9639	II
Opium, granulated	9640	II
Levo-alphacetylmethadol	9648	II
Opium poppy	9650	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Poppy Straw Concentrate	9670	II
Phenazocine	9715	II
Piminodine	9730	II
Racemethorphan	9732	II
Racemorphan	9733	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Bezitramide	9800	II
Fentanyl	9801	II
Moramide-intermediate	9802	II

The company plans to import small quantities of the listed controlled substances for the National Institute on Drug Abuse (NIDA) for research activities. The company plans to import analytical reference standards for distribution to its customers for research and analytical purposes.

Dated: January 2, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01523 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Microgenics Corporation Thermo Fisher Scientific

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 11, 2019. Such persons may also file a written request for a hearing on the application on or before March 11, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on October 23, 2018, Microgenics Corporation/Thermo Fisher Scientific located at 46500 Kato Rd., Fremont, California 94538, applied to be registered as an importer of the below listed basic classes of controlled substance listed in schedules I and II.

Controlled substance	Drug code	Schedule
Cathinone	1235	I

Controlled substance	Drug code	Schedule
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3-methylbutanoate	7021	I
AB–PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
AB–CHMINACA (N-(1-amino-3-methyl-1-≤oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide	7031	I
MAB–CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F–AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
Lysergic acid diethylamide	7315	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
3,4-Methylenedioxyamphetamine	7400	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C–I)	7518	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I–NBOMe)	7538	I
Butylone	7541	I
Pentylone	7542	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
Normorphine	9313	I
AH–7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
Acetylmethadol	9601	I
Alphamethadol	9605	I
Ketobemidone	9628	I
Noracymethadol	9633	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
3-Methylthiofentanyl	9833	I
Cyclopropyl Fentanyl	9845	I
Fentanyl related-compounds as defined in 21 CFR 1308.11&h)	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Phencyclidine	7471	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Ecgonine	9180	II
Hydrocodone	9193	II
Levorphanol	9220	II
Meperidine	9230	II
Meperidine intermediate-B	9233	II
Methadone	9250	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Levo-alphacetylmethadol	9648	II
Oxymorphone	9652	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to import the listed controlled substances for feasibility studies for new products and cross reactivity studies for existing products. The products will serve as raw materials for InVitro Diagnostic quantitative assay.

Dated: December 21, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01513 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: Registrants listed below have applied for and been granted registration by-the Drug Enforcement Administration (DEA) as importers of various classes of schedule I or II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as importers of various basic classes of controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for hearing were submitted for these notices.

Company	FR docket	Published
Noramco Inc	83 FR 53107	October 19, 2018.
Catalent CTS, LLC	83 FR 54613	October 30, 2018.
United States Pharmacopeial Convention	83 FR 54611	October 30, 2018.
Fisher Clinical Services, Inc	83 FR 54612	October 30, 2018.
Cambrex High Point, Inc	83 FR 54610	October 30, 2018.
Sharp (Bethlehem), LLC	83 FR 54612	October 30, 2018.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable basic classes of schedule I or II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each company's maintenance of effective controls against diversion by inspecting and testing each of the company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I or II controlled substances to the above listed companies.

Dated: December 21, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01519 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrants listed below has applied for and has been granted registration by the Drug Enforcement Administration (DEA) as bulk manufacturer of various classes of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as bulk manufacturers of various basic classes of controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted for these notices.

Company	FR Docket	Published
AMPAC Fine Chemicals Virginia, LLC	83 FR 48334	September 24, 2018.
AMPAC Fine Chemicals, LLC	83 FR 49578	October 2, 2018.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of this registrant to manufacture the applicable basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing their physical security systems, verifying their compliance with state and local laws, and reviewing each of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the DEA has granted a registration as a bulk manufacturer to the above listed companies.

Dated: December 21, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01525 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 2018–43]

Kurt L. Pflieger, M.D.; Order Dismissing Order To Show Cause

On July 12, 2018, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause to Kurt L. Pflieger, M.D. (hereinafter, Respondent), of Rockwall, Texas. Order to Show Cause (hereinafter, OSC), at 1. The OSC proposes the revocation of Respondent's Certificate of Registration on the ground that he does not have authority to handle controlled substances in the State of Texas, the State in which he is registered with the DEA. *Id.*

After the Administrative Law Judge (hereinafter, ALJ) certified and transmitted the record to me along with his Recommended Decision, the Government submitted a ''Motion to Dismiss Order to Show Cause'' (hereinafter, Motion). According to the Motion, the Texas Medical Board held

a hearing after the ALJ granted the Government's Motion for Summary Disposition and recommended revocation of Respondent's registration. Motion, at 1. The Motion also states that, as a result of the hearing, the Texas Medical Board suspended Respondent's medical license, ordered that the suspension be stayed, and placed Respondent on five years' probation under various terms and conditions. *Id.*

The Motion concludes by stating that, ''Since . . . [Respondent] now has state authority to handle controlled substances, the DEA respectfully request[s] the Administrator to dismiss the pending Order to Show Cause and recommended ruling from the Administrative Law Judge.'' *Id.* at 2. Accordingly, I shall dismiss the Order to Show Cause.

Order

Pursuant to 28 CFR 0.100(b) and the authority thus vested in me by 21 U.S.C. 823(f) and 824(a), I order that the Order to Show Cause issued to Kurt L. Pflieger, M.D. be, and it hereby is, dismissed. This Order is effective March 11, 2019.

Dated: January 17, 2019.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2019–01528 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Chattem Chemicals

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 11, 2019. Such persons may also file a written request for a hearing on the application on or before March 11, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on October 31, 2018, Chattem Chemicals Inc., 3801 Saint Elmo Avenue, Chattanooga, Tennessee 37409–1237 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Methamphetamine	1105	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Phenylacetone	8501	II
Opium, raw	9600	II
Poppy Straw Concentrate	9670	II
Tapentadol	9780	II

The company plans to import the listed controlled substances to manufacture bulk controlled substances for sale to its customers.

The company plans to import an intermediate of tapentadol (9780), to bulk manufacture tapentadol for distribution to its customers.

Dated: December 21, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01512 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: Registrants listed below have applied for and been granted a registration by the Drug Enforcement Administration (DEA) as bulk manufacturers of various classes of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as bulk manufacturers of various basic classes of controlled substances. Information on previously published notices are listed in the table below. No comments or objections were submitted for these notices.

Company	FR Docket	Published
National Center for Natural Products Research NIDA MPROJECT	83 FR 48334	August 31, 2018.
Halo Pharmaceutical, Inc	83 FR 48334	September 24, 2018.
Nanosyn, Inc	83 FR 48867	September 27, 2018.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of these registrants to manufacture the applicable basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the DEA has granted a registration as a bulk manufacturer to the above listed companies.

Dated: December 21, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01501 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrant listed below has applied for and been granted registration by the Drug Enforcement Administration (DEA) as a bulk manufacturer of various classes of schedule II controlled substances.

SUPPLEMENTARY INFORMATION: The company listed below applied to be registered as a bulk manufacturer of various basic classes of controlled substances. Information on a previously published notice is listed below. No comments or objections were submitted for the notice.

Company	FR Docket	Published
Janssen Pharmaceuticals, Inc	83 FR 55205	November 2, 2018.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of this registrant to manufacture the applicable basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the DEA has granted a registration as a bulk manufacturer to the above listed company.

Dated: January 7, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01502 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Kinetochem, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 8, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on August 17, 2018, Kinetochem, LLC., 111 W Cooperative Way, Ste. 310–B, Georgetown, Texas 78626 applied to be registered as a bulk manufacturer for the basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols.	7370	I

The company plans to manufacture drug codes 7360 (marihuana) and 7370 (tetrahydrocannabinols), in bulk for distribution and sale to its customers.

The company plans to synthetically manufacture these drugs. No other activities for these drug codes are authorized for this registration.

Dated: December 21, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01509 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Johnson Matthey Pharmaceutical Materials, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 8, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701

Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on November 8, 2018, Johnson Matthey Pharmaceutical Materials, Inc., 25 Patton Road, Devens, Massachusetts 01434 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substances	Drug code	Schedule
Amphetamine	1100	II
Methylphenidate	1724	II
Nabilone	7379	II
Hydrocodone	9193	II
Levorphanol	9220	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II

The company plans to support its other manufacturing facilities located in West Deptford, New Jersey and Conshohocken, Pennsylvania with manufacturing and analytical testing.

Dated: December 21, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–01507 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0302]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, Without Change, of a Previously Approved Collection for Which Approval Has Expired: 2019 Supplemental Victimization Survey (SVS) to the National Crime Victimization Survey (NCVS)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 8, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer Truman or Rachel Morgan, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: *Jennifer.Truman@usdoj.gov;* telephone: 202–514–5083; email: *Rachel.Morgan@usdoj.gov;* telephone: 202–616–1707).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement of the Supplemental Victimization Survey (SVS), without changes, a previously approved collection for which approval has expired.

(2) *The Title of the Form/Collection:* 2019 Supplemental Victimization Survey (SVS) to the National Crime Victimization Survey (NCVS).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number for the questionnaire is SVS–1. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be persons 16 years or older living in households located throughout the United States sampled for the National Crime Victimization Survey (NCVS). The SVS will be conducted as a supplement to the NCVS in all sample households for a six (6) month period from July through December 2019. The SVS is primarily an effort to measure the prevalence of stalking victimization among persons, the types of stalking victimization experienced, the characteristics of stalking victims, the nature and consequences of stalking victimization, and patterns of reporting to the police. BJS plans to publish this information in reports and reference it when responding to queries from the U.S. Congress, Executive Office of the President, the U.S. Supreme Court, state officials, international organizations, researchers, students, the media, and others interested in criminal justices statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimate of the total number of respondents is 119,526 persons age 16 or older. About 98.6% (117,879) will have no stalking victimization and will complete the short interview with an average burden of three (3) minutes. Among the 1.4% of respondents (1,647) who experience stalking victimization, the time to ask the detailed questions regarding the aspects of their stalking victimization is estimated to take an average of 18

minutes. Respondents will be asked to respond to this survey only once during the six month period from July through December 2019. The burden estimates are based on data from the prior administration of the SVS.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 6,388 annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 4, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–01497 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0054]

Agency Information Collection Activities; Proposed eCollection; eComments Requested Monthly Return of Human Trafficking Offenses Known to Law Enforcement: Extension of a Currently Approved Collection

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day Notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 8, 2019.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection:

(1) Type of Information Collection: Extension of a currently approved collection.

(2) Title of the Form/Collection: Monthly Return of Human Trafficking Offenses Known to Law Enforcement.

(3) Agency form number, if any, and the applicable component of the Department sponsoring the collection: Form Number: 1110–0054 Sponsor: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: City, county, state, federal and tribal law enforcement agencies. Abstract: This collection is needed to collect information on human trafficking incidents committed throughout the United States.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: There are approximately 18,482 law enforcement agencies within the universe of potential respondents. Based on current reporting patterns, 10,675 law enforcement agencies would submit monthly resulting in 128,100 responses with an estimated response time of 14 minutes per response on this form. The remaining 7,807 agencies would provide responses through the National Incident-Based Reporting System covered under a different data collection

(6) An estimate of the total public burden (in hours) associated with the collection: There are approximately 29,890 hours annual burden associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: February 4, 2019.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2019–01458 Filed 2–6–19; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Benefit Rights and Experience Report

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL's), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Benefit Rights and Experience Report.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by April 8, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Kevin Stapleton by telephone at 202–693–3009, TTY 1–877–889–5627 (these are not toll-free numbers), or by email at *Stapleton.Kevin@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance Room S–

4520, 200 Constitution Avenue NW, Washington, DC 20210, by email: *Stapleton.Kevin@dol.gov,* or by Fax at (202) 693–3975.

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: As part of continuing efforts to reduce paperwork and respondent burden, DOL conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Eligibility for unemployment insurance benefits requires applicants demonstrate attachment to the labor force. This labor force attachment is generally measured through the amount of past wages earned. The data in the ETA 218, Benefit Rights and Experience Report, includes numbers of individuals who were and were not monetarily eligible, those eligible for the maximum benefits, those eligible based on classification by potential duration categories, and those exhausting their full entitlement as classified by actual duration categories. The National Office uses these data to conduct solvency studies, cost estimating and modeling, and in assessment of state benefit formulas. Section 303(a)(6) of the Social Security Act authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0177.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: Benefit Rights and Experience Report.

Form: ETA 218.

OMB Control Number: 1205–0177.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: Varies.

Total Estimated Annual Responses: 216.

Estimated Average Time per Response: 0.5 hours.

Estimated Total Annual Burden Hours: 108 hours.

Total Estimated Annual Other Cost Burden: $0.

Molly E. Conway,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2019–01370 Filed 2–6–19; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TUV SUD America, Inc.: Grant of Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to expand the scope of recognition for TUV SUD America, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on February 7, 2019.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3655, Washington, DC 20210; phone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of TUV SUD America, Inc. (TUVAM), as a NRTL. TUVAM's expansion covers the addition of two test standards to the scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by a NRTL for initial recognition, or for

expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding and, in the second notice, the Agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details the scope of recognition. These pages are available from the Agency's website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVAM submitted an application, dated June 12, 2017 (OSHA–2007–0043–0023), to expand the recognition to include two additional test standards. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing TUVAM's expansion application in the **Federal Register** on July 24, 2018 (83 FR 35022). The Agency requested comments by August 8, 2018, and received one comment (OSHA–2007–0043–0025) in support of the application. OSHA now is proceeding with this final notice to grant expansion of TUVAM's scope of recognition.

To obtain or review copies of all public documents pertaining to the TUVAM's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–2625, Washington, DC 20210. Docket No. OSHA–2007–0043 contains all materials in the record concerning TUVAM's recognition.

II. Final Decision and Order

OSHA staff examined TUVAM's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on a review of this evidence, OSHA finds that TUVAM meets the requirements of 29 CFR 1910.7 for expansion of recognition, subject to the limitation and conditions outlined in this notice. OSHA, therefore, is proceeding with this final notice to grant TUVAM's scope of recognition. OSHA limits the expansion of TUVAM's recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 924	Standard for Emergency Lighting and Power Equipment.
UL 2108	Standard for Low Voltage Lighting Systems.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, TUVAM must abide by the following conditions of the recognition:

1. TUVAM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in operations as a NRTL, and provide details of the change(s);

2. TUVAM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVAM must continue to meet the requirements for recognition, including all previously published conditions on TUVAM's scope of recognition, in all recognized areas.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVAM, subject to the limitation and conditions specified above.

III. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 1, 2019.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–01421 Filed 2–6–19; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0040]

SGS North America, Inc.: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of SGS North America, Inc. for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. Additionally, OSHA proposes to add fourteen test standards to the NRTL Program's List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before February 22, 2019.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments and attachments electronically at: *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No.

OSHA–2006–0040, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA–2006–0040). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Docket: To read or download comments or other material in the docket, go to *https://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office.

Extension of comment period: Submit requests for an extension of the comment period on or before February 22, 2019 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that SGS North America, Inc. (SGS) is applying for expansion of its current recognition as a NRTL. SGS requests the addition of sixty-three test standards to its NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including SGS, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

SGS currently has nine facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: SGS North America, Inc., 620 Old Peachtree Road, Suwanee, Georgia 30024. A complete list of SGS's scope of recognition is available at *https://www.osha.gov/dts/otpca/nrtl/sgs.html.*

II. General Background on the Application

SGS submitted eleven applications to OSHA to expand its recognition as an NRTL to include sixty-three additional test standards. These applications were consolidated into a single application and submitted to OSHA on October 4, 2018 (OSHA–2006–0040–0036). OSHA staff performed a detailed analysis of the application packets and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 below lists the appropriate test standards found in SGS's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN SGS'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 82	Standard for Electric Gardening Appliances.
UL 588	Standard for Seasonal and Holiday Decorative Products.
UL 1573	Standard for Stage and Studio Luminaires and Connector Strips.
UL 1598C	Standard for Light-Emitting Diode (LED) Retrofit Luminaire Conversion Kits.
UL 1838	Standard for Low Voltage Landscape Lighting Systems.
UL 2388	Standard for Flexible Lighting Products.
UL 496	Lampholders.
UL 924	Standard for Emergency Lighting and Power Equipment.
UL 935	Standard for Fluorescent-Lamp Ballasts.
UL 8752	Standard for Organic Light Emitting Diode (OLED) Panels.
UL 962	Standard for Household and Commercial Furnishings.
UL 1029	Standard for High-Intensity-Discharge Lamp Ballasts.
UL 1598A	Standard for Supplemental Requirements for Luminaries for Installation on Marine Vessels.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN SGS'S NRTL SCOPE OF RECOGNITION—Continued

Test standard	Test standard title
UL 234	Standard for Low Voltage Lighting Fixtures for Use in Recreational Vehicles.
UL 499	Standard for Electric Heating Appliances.
UL 2021	Standard for Fixed and Location-Dedicated Electric Room Heaters.
UL 1017	Vacuum Cleaners, Blower Cleaners, and Household Floor Finishing Machines.
UL 778	Standard for Motor-Operated Water Pumps.
UL 998	Humidifiers.
UL 859	Standard for Household Electric Personal Grooming Appliances.
UL 1082	Standard for Household Electric Coffee Makers and Brewing-Type Appliances.
UL 1083	Household Electric Skillets and Frying-Type Appliances.
UL 1647	Standard for Motor-Operated Massage and Exercise Machines.
UL 1278	Standard for Movable and Wall- or Ceiling-Hung Electric Room Heaters.
UL 471	Standard for Commercial Refrigerators and Freezers.
UL 197	Standard for Commercial Electric Cooking Appliances.
UL 541	Standard for Refrigerated Vending Machines.
UL 563	Standard for Ice Makers.
UL 858	Standard for Household Electric Ranges.
UL 561	Standard for Floor-Finishing Machines.
UL 867	Standard for Electrostatic Air Cleaners.
UL 2157	Electric Clothes Washing Machines and Extractors.
UL 2158	Electric Clothes Dryers.
UL 174	Standard for Household Electric Storage Tank Water Heaters.
UL 621	Standard for Ice Cream Makers.
UL 923	Standard for Microwave Cooking Appliances.
UL 62109–1	Standard for Safety of Power Converters for use in Photovoltaic Power Systems—Part 1: General Requirements.
UL 61010–2–10	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–010: Particular Requirements for Laboratory Equipment for the Heating of Materials.
UL 61010–2–30	Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2–030: Particular Requirements for Testing and Measuring Circuits.
UL 583	Standard for Electric-Battery-Powered Industrial Trucks.
UL 749	Household Dishwashers.
UL 921	Commercial Dishwashers.
UL 979	Standard for Water Treatment Appliances.
UL 1206	Standard for Electric Commercial Clothes-Washing Equipment.
UL 1240	Standard for Electric Commercial Clothes-Drying Equipment.
UL 1450	Standard for Motor-Operated Air Compressors, Vacuum Pumps, and Painting Equipment.
UL 1995	Heating and Cooling Equipment.
UL 674	Electric Motors and Generators for Use in Hazardous (Classified) Locations.
UL 698A	Standard for Industrial Control Panels Relating to Hazardous (Classified) Locations.
UL 6141 *	Standard for Wind Turbines Permitting Entry of Personnel.
UL 61010–2–020 *	Standard for Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2–020: Particular Requirements for Laboratory Centrifuges.
UL 1004–9 *	Standard for Form Wound and Medium Voltage Rotating Electrical Machines.
UL 3703 *	Standard for Solar Trackers.
UL 9540 *	Standard for Energy Storage Systems and Equipment.
UL 62841–1 *	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 1: General Requirements.
UL 62841–2–2 *	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–2: Particular Requirements for Hand-Held Screwdrivers and Impact Wrenches.
UL 62841–2–4 *	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–4: Particular Requirements for Hand-Held Sanders and Polishers Other Than Disc Type.
UL 62841–2–5 *	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–5: Particular Requirements for Hand-Held Circular Saws.
UL 62841–2–9 *	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–9: Particular Requirements for Hand-Held Tappers and Threaders.
UL 62841–2–14 *	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–14: Particular Requirements for Hand-Held Planers.
UL 62841–3–1 *	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–1: Particular Requirements for Transportable Table Saws.
UL 62841–3–9 *	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–9: Particular Requirements for Transportable Mitre Saws.
UL 62841–3–10 *	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–10: Particular Requirements For Transportable Cut-Off Machines.

* Represents the standards that OSHA proposes to add to the NRTL Program's List of Appropriate Test Standards.

III. Proposal To Add New Test Standards to the NRTL Program's List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the agency evaluates the document to (1) verify it represents a product category for which OSHA requires certification by a NRTL, (2) verify the document represents an end product and not a component, and (3) verify the document defines safety test specifications (not installation or operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) Monitoring notifications issued by certain Standards Development Organizations; (2) reviewing applications by NRTLs or applicants seeking recognition to include new test standard in their scopes of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if the test standard is for a particular type of product that another test standard also covers or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add fourteen new test standards to the NRTL Program's List of Appropriate Test Standards. Table 2, below, lists the test standards that are new to the NRTL Program. OSHA preliminarily determined that these test standards are appropriate test standards and proposes to include them in the NRTL Program's List of Appropriate Test Standards. OSHA seeks public comment on this preliminary determination.

TABLE 2—TEST STANDARDS OSHA IS PROPOSING TO ADD TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 6141	Standard for Wind Turbines Permitting Entry of Personnel.
UL 61010–2–020	Standard for Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–020: Particular Requirements for Laboratory Centrifuges.
UL 1004–9	Standard for Form Wound and Medium Voltage Rotating Electrical Machines.
UL 3703	Standard for Solar Trackers.
UL 9540	Standard for Energy Storage Systems and Equipment.
UL 62841–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 1: General Requirements.
UL 62841–2–2	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–2: Particular Requirements For Hand-Held Screwdrivers and Impact Wrenches.
UL 62841–2–4	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–4: Particular Requirements for Hand-Held Sanders and Polishers Other Than Disc Type.
UL 62841–2–5	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–5: Particular Requirements for Hand-Held Circular Saws.
UL 62841–2–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–9: Particular Requirements for Hand-Held Tappers and Threaders.
UL 62841–2–14	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–14: Particular Requirements for Hand-Held Planers.
UL 62841–3–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–1: Particular Requirements for Transportable Table Saws.
UL 62841–3–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–9: Particular Requirements for Transportable Mitre Saws.
UL 62841–3–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–10: Particular Requirements for Transportable Cut-Off Machines.

III. Preliminary Findings on the Application

SGS submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application files, and pertinent documentation, indicate that SGS can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of these sixty-three test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of SGS's application.

OSHA welcomes public comment as to whether SGS meets the requirements of 29 CFR 1910.7 for expansion of the recognition as a NRTL. OSHA additionally welcomes comments on the proposal to add fourteen additional test standards to the NRTL Program's List of Appropriate Test Standards. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Room N–3653, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. These materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2006–0040.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health whether to grant SGS's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of its final decision in the **Federal Register**.

IV. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational

Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 1, 2018.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–01422 Filed 2–6–19; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0012]

Proposed Modification to the List of Appropriate NRTL Program Test Standards and the Scopes of Recognition of Several NRTLs

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

ACTION: Notice.

SUMMARY: In this notice, OSHA proposes to: (1) Remove and replace a test standard from the NRTL Program's list of appropriate test standards; and (2) update the scopes of recognition of several NRTLs.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 11, 2019. All submissions must bear a postmark or provide other evidence of the submission date.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at: *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2013–0012, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., E.T.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Kevin Robinson at the address below.

Instructions: All submissions must include the Agency name and OSHA docket number (OSHA–2013–0012). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov*. For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Extension of comment period: Submit requests for an extension of the comment period on or before March 11, 2019 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone (202) 693–1999; email: *meilinger.francis2@dol.gov*.

General and technical information: Contact Mr. Kevin Robinson, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor by phone (202) 693–2110. OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov*).

*Copies of this **Federal Register** notice:* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov*. This **Federal Register** notice, as well as other relevant information, is also available on OSHA's web page at *http://www.osha.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The NRTL Program recognizes organizations that provide product safety testing and certification services to manufacturers. These organizations perform testing and certification, for purposes of the Program, to U.S. consensus-based product safety test standards. The products covered by the NRTL Program consist of those items for which OSHA safety standards require ''certification'' by a NRTL. The requirements affect electrical products and 38 other types of products. OSHA does not develop or issue these test standards, but generally relies on standards development organizations (SDOs) which develop and maintain the standards using a method that provides input and consideration of views of industry groups, experts, users, consumers, governmental authorities and others having broad experience in the safety field involved.

Removal of Test Standards From the NRTL List of Appropriate Test Standards

OSHA may propose to remove a test standard from the NRTL list of appropriate test standards based on an internal review in which NRTL Program staff review the NRTL list of appropriate test standards to determine if the test standard conforms to the definition of appropriate test standard defined in NRTL Program regulations and policy. There are several reasons for removing a test standard based on this review. First, a document that provides the methodology for a single test is a test method rather than an appropriate test standard. A test standard must specify the safety requirements for a specific type of product(s) (29 CFR 1910.7(c)). A test method, however, is a ''specified technical procedure for performing a test'' (CPL 1–0.3, App. B). As such, a test method is not an appropriate test standard. While a NRTL may use a test method to determine if certain safety requirements are met, a test method is not itself a safety requirement for a specific product category.

Second, a document that focuses primarily on usage, installation, or maintenance requirements would also not be considered an appropriate test standard (CPL 1–0.3, App. D.IV.B). In some cases, however, a document may also provide safety test specifications in addition to usage, installation, and maintenance requirements. In such cases, the document would be retained as an appropriate test standard based on the safety test specifications.

Finally, a document may not be considered an appropriate test standard

if the document covers products for which OSHA does not require testing and certification (CPL 1–0.3, App. D.IV.A).

Similarly, a document that covers electrical product components would not be considered an appropriate test standard. These documents apply to types of components that have limitation(s) or condition(s) on their use, in that they are not appropriate for use as end-use products. These documents also specify that these types of components are for use only as part of an end-use product. NRTLs, however, evaluate such components only in the context of evaluating whether end-use products requiring NRTL approval are safe for use in the workplace. Testing such components alone would not indicate that the end-use products containing the components are safe for use. Accordingly, as a matter of policy, OSHA considers that documents covering such components are not appropriate test standards under the NRTL Program. OSHA notes, however, that it is not proposing to remove from NRTLs' scopes of recognition any test standards covering end-use products that contain such components.

II. Proposal To Remove and Replace Test Standards From the NRTL Program's List of Appropriate Test Standards

In this notice, OSHA proposes to remove one test standard from the NRTL Program's list of appropriate test standards that has been withdrawn by a standards development organization. Additionally, OSHA is proposing to add a new test standard to replace the withdrawn test standard.

Table 1 lists the test standard that OSHA proposes to remove from the NRTL Program's list of appropriate test standards, as well as an abbreviated rationale for OSHA's proposed actions. For a full discussion of the rationale, see, above, Section I of this notice.

TABLE 1—TEST STANDARD OSHA PROPOSES TO REMOVE FROM NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Proposed test standard to be removed	Reason for proposed removal	Proposed replacement test standard(s) (if applicable)
UL 61010A–2–020—Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for Laboratory Centrifuges.	Standard withdrawn by Standards Organization.	UL 61010–2–020—Standard for Safety Requirements for Electrical Equipment for Laboratory Use; Part 2–020: Particular Requirements for Laboratory Equipment for Laboratory Centrifuges

III. Proposed Modifications to Affected NRTLs' Scopes of Recognition

In this notice, OSHA additionally proposes to update the scopes of recognition of several NRTLs with a replacement for the test standard OSHA proposes to remove. The tables in this section (Table 2 thru Table 5) list, for each affected NRTL, the test standard(s) that OSHA proposes to remove from the scope of recognition of the NRTL along with the proposed replacement test standard.

OSHA seeks comment on whether its proposed deletion and replacement are appropriate, and whether individual tables omit any appropriate replacement test standard that is comparable to the withdrawn test standard. If OSHA determines that it omitted any appropriate replacement test standard that is comparable to the withdrawn test standard, it will, in its final determination, incorporate the ommitted replacement test standard into the scope of recognition of each affected NRTL.

Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request, by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

TABLE 2—TEST STANDARD OSHA PROPOSES TO REMOVE FROM THE SCOPE OF RECOGNITION OF THE CANADIAN STANDARDS ASSOCIATION

Proposed test standard to be removed	Reason for proposed removal	Proposed replacement test standard(s) (if applicable)
UL 61010A–2–020—Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for Laboratory Centrifuges.	Standard withdrawn by Standards Organization.	UL 61010–2–020—Standard for Safety Requirements for Electrical Equipment for Laboratory Use; Part 2–020: Particular Requirements for Laboratory Equipment for Laboratory Centrifuges

TABLE 3—TEST STANDARD OSHA PROPOSES TO REMOVE FROM THE SCOPE OF RECOGNITION OF INTERTEK TESTING SERVICES, NA

Proposed test standard to be removed	Reason for proposed removal	Proposed replacement test standard(s) (if applicable)
UL 61010A–2–020—Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for Laboratory Centrifuges.	Standard withdrawn by Standards Organization.	UL 61010–2–020—Standard for Safety Requirements for Electrical Equipment for Laboratory Use; Part 2–020: Particular Requirements for Laboratory Equipment for Laboratory Centrifuges

TABLE 4—TEST STANDARD OSHA PROPOSES TO REMOVE FROM THE SCOPE OF RECOGNITION OF TUV SUD AMERICA, INC.

Proposed test standard to be removed	Reason for proposed removal	Proposed replacement test standard(s) (if applicable)
UL 61010A–2–020—Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for Laboratory Centrifuges.	Standard withdrawn by Standards Organization.	UL 61010–2–020—Standard for Safety Requirements for Electrical Equipment for Laboratory Use; Part 2–020: Particular Requirements for Laboratory Equipment for Laboratory Centrifuges

TABLE 5—TEST STANDARD OSHA PROPOSES TO REMOVE FROM THE SCOPE OF RECOGNITION OF UNDERWRITERS LABORATORY, INC.

Proposed test standard to be removed	Reason for proposed removal	Proposed replacement test standard(s) (if applicable)
UL 61010A–2–020—Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for Laboratory Centrifuges.	Standard withdrawn by Standards Organization.	UL 61010–2–020—Standard for Safety Requirements for Electrical Equipment for Laboratory Use; Part 2–020: Particular Requirements for Laboratory Equipment for Laboratory Centrifuges

To obtain or review copies of comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. These materials will also be available online at *http://www.regulations.gov* under Docket No. OSHA–2013–0012.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health regarding the removal of one test standard from the NRTL Program's List of Appropriate Test Standards and to update the scopes of recognition of several NRTLs. The Assistant Secretary will make the final decision. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2)), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 1, 2019.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–01423 Filed 2–6–19; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. These meetings will primarily take place at NSF's headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF website: *https://www.nsf.gov/events/advisory.jsp*. This information may also be requested by telephoning, 703/292–8687.

Dated: February 4, 2019.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2019–01433 Filed 2–6–19; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Extend an Information Collection

ACTION: Notice and request for comments; correction.

SUMMARY: The National Science Foundation (NSF) published a document in the **Federal Register** of November 15, 2018, concerning request for public comment on its submission to the Office of Management and Budget for their review of the 2019 National Survey of College Graduates. The notice was published with the incorrect name of the requested information collection.

Correction

In the **Federal Register** published November 15, 2018, in FR Doc. 2018–24928 (Filed 11–14–18), on page 57509, second column, Summary Section, first paragraph, please change the name of the information collection request from Evaluation of the Centers for Chemical Innovation (CCI) Program to 2019 National Survey of College Graduates.

For further information, please contact Suzanne Plimpton at *splimpto@nsf.gov* or via telephone at 703–292–7556.

Dated: February 4, 2019.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2019–01494 Filed 2–6–19; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Alan T. Waterman Award Committee (#1172) (Virtual Panel).

Date and Time: February 15, 2019; 10:00 a.m. to 2:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Suite W19000, Alexandria, Virginia 22314 (Virtual Panel).

Type of Meeting: Closed.

Contact Person: Sherrie B. Green, Program Manager, OD/OIA, Suite W17126, National Science Foundation, 2415 Eisenhower Ave., Alexandria, VA 22314; Telephone: (703) 292–8040.

Purpose of Meeting: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards.

Reason for Late Notice: Scheduling complications resulting from the recent lapse in appropriations.

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c), (6) of the Government in the Sunshine Act.

Dated: February 1, 2019.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2019–01369 Filed 2–6–19; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019–76 and CP2019–81; MC2019–77 and CP2019–82]

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:* February 11, 2019.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable 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).:* MC2019–76 and CP2019–81; *Filing Title:* USPS Request to Add Priority Mail Contract 504 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 1, 2019; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* February 11, 2019.

2. *Docket No(s).:* MC2019–77 and CP2019–82; *Filing Title:* USPS Request to Add Priority Mail Contract 505 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 1, 2019; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* February 11, 2019.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2019–01436 Filed 2–6–19; 8:45 am]

BILLING CODE 7710–FW–P

[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).

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service™.

ACTION: Notice of a modified system of records.

SUMMARY: The United States Postal Service® (Postal Service) is proposing to revise a Customer Privacy Act Systems of Records (SOR). These changes are being made to support the Targeted Offers Powered by Informed Address service.

DATES: These revisions will become effective without further notice on March 11, 2019, unless, in response to comments received on or before that date, the Postal Service makes any substantive change to the purpose or routine uses set forth, or to expand the availability of information in this

system, as described in this notice. If the Postal Service determines that certain portions of this SOR should not be implemented, or that implementation of certain portions should be postponed in light of comments received, the Postal Service may choose to implement the remaining portions of the SOR on the stated effective date, and will provide notice of that action.

ADDRESSES: Comments may be mailed or delivered to the Privacy and Records Management Office, United States Postal Service, 475 L'Enfant Plaza SW, Room 1P830, Washington, DC 20260–1101. Copies of all written comments will be available at this address for public inspection and photocopying between 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–3069 or *privacy@usps.gov.*

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records. The Postal Service has determined that Customer Privacy Act Systems of Records, USPS 820.300 Informed Delivery, should be revised to support the Targeted Offers application.

Targeted Offers Powered by Informed Address (''Targeted Offers'') is an application that will enable consumers to securely share their preferences related to marketing content with mailers, and mailers to target and prospect consumers based on this data. Targeted Offers will be incorporated into the Informed Delivery platform, allowing the Postal Service to capitalize on Informed Delivery's success and existing user base. Launched nation-wide in FY 2018, Informed Delivery enables consumers to view a gray-scale image of upcoming mail within a daily email, app, or online dashboard. Below these images, mailers have the option to post an additional call to action that links to a digital version of the mailpiece, connecting physical to digital interactions and providing a double-impression for consumers. As a new feature of Informed Delivery, Targeted Offers will encourage new user adoption and provide additional benefits for current users.

Targeted Offers combines two applications that will assist mailers in better reaching their target customers: Digital Offers and IA-Enabled Mail. Digital Offers allows consumers to express mail content preferences via a survey in their Informed Delivery Daily Digest email in order to receive targeted digital offers. In turn, Postal Service will offer Informed Delivery mailers additional digital impressions based on consumer-expressed mail preferences. IA-Enabled Mail allows consumers to opt-into receiving targeted physical mail when expressing mail content preferences. Mailers will then be able to reach these consumers with targeted direct mail campaigns using Informed Address technology.

Informed Address technology replaces a traditional delivery point address with a temporary, alphanumeric IA code that only Postal Service can decode. To enable successful delivery of an IA-enabled mailpiece, the IA code is linked to a consumer's profile and delivery point in an internal Postal Service database. The Postal Service is then able to provide mailers with temporary IA codes for consumers, allowing mailers to send the consumer mail without knowing the consumer's physical address and the Postal Service to protect the consumer's identity. Once the mailpiece enters the mail stream, the IA code is processed on mail processing equipment and delivered accordingly.

Pursuant to 5 U.S.C. 552a (e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed revisions has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect this amended systems of records to have any adverse effect on individual privacy rights. The notice for USPS 820.300, Informed Delivery, provided below in its entirety, is as follows:

SYSTEM NAME AND NUMBER

USPS 820.300, Informed Delivery

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

USPS Headquarters; Wilkes-Barre Solutions Center; and Eagan, MN.

SYSTEM MANAGER(S):

Vice President, Product Innovation, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1010; (202) 268–6078.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, and 404.

PURPOSE(S) OF THE SYSTEM:

1. To support the Informed Delivery notification service which provides customers with electronic notification of physical mail that is intended for delivery at the customer's address.

2. To provide daily email communication to consumers with images of the letter-size mailpieces that they can expect to be delivered to their mailbox each day.

3. To provide an enhanced customer experience and convenience for mail delivery services by linking physical mail to electronic content.

4. To obtain and maintain current and up-to-date address and other contact information to assure accurate and reliable delivery and fulfillment of postal products, services, and other material.

5. To determine the outcomes of marketing or advertising campaigns and to guide policy and business decisions through the use of analytics.

6. To identify, prevent, or mitigate the effects of fraudulent transactions.

7. To demonstrate the value of Informed Delivery in enhancing the responsiveness to physical mail and to promote use of the mail by commercial mailers and other postal customers.

8. To enhance the customer experience by improving the security of Change of Address (COA) and Hold Mail processes.

9. To protect USPS customers from becoming potential victims of mail fraud and identity theft.

10. To identify and mitigate potential fraud in the COA and Hold Mail processes.

11. To verify a customer's identity when applying for COA and Hold Mail services.

12. To support the Targeted Offers application which enables customers to securely share their preferences related to marketing content with mailers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Customers who are enrolled in Informed Delivery notification service.

2. Customers who are enrolled in Targeted Offers.

3. Mailers that use Informed Delivery notification service to enhance the value of the physical mail sent to customers.

4. Mailers that use Targeted Offers to conduct more targeted digital and physical prospecting campaigns based on consumer preferences.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. *Customer information:* Name; customer ID(s); mailing (physical) address(es) and corresponding 11-digit delivery point ZIP Code; phone number(s); email address(es); text message number(s) and carrier.

2. *Customer account preferences:* Individual customer preferences related

to email and online communication participation level for USPS and marketing information; and mail content preferences for Targeted Offers.

3. *Mailer Information:* Mailing Categories for mailers that use Targeted Offers.

4. *Customer feedback:* Information submitted by customers related to Informed Delivery notification service or any other postal product or service.

5. *Subscription information:* Date of customer sign-up for services through an opt-in process; date customer opts-out of services; nature of service provided.

6. *Data on mailpieces:* Destination address of mailpiece; Intelligent Mail barcode (IMb); 11-digit delivery point ZIP Code; and delivery status; identification number assigned to equipment used to process mailpiece.

7. *Mail Images:* Electronic files containing images of mailpieces captured during normal mail processing operations.

8. *User Data associated with 11-digit ZIP Codes:* Information related to the user's interaction with Informed Delivery email messages, including but not limited to, email open and click-through rates, dates, times, and open rates appended to mailpiece images (user data is not associated with personally identifiable information).

9. *Data on Mailings:* Intelligent Mail barcode (IMb) and its components including the Mailer Identifier (Mailer ID or MID), Service Type Identifier (STID) Serial Number, and unique IA code.

RECORD SOURCE CATEGORIES:

Individual customers who request Informed Delivery notification service; *usps.com* account holders; other USPS systems and applications including those that support online change of address, mail hold services, Premium Forwarding Service, or PO Boxes Online; commercial entities, including commercial mailers or other Postal Service business partners and third-party mailing list providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Standard routine uses 1. through 7., 10., and 11. apply.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database and computer storage media.

POLICIES OF PRACTICES FOR RETRIEVAL OF RECORDS:

By customer email address, 11-Digit ZIP Code and/or the Mailer ID component of the Intelligent Mail Barcode.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. Mailpiece images will be retained up to 7 days (mailpiece images are not associated with personally identifiable information). Records stored in the subscription database are retained until the customer cancels or opts out of the service.

2. User data is retained for 2 years, 11 months.

3. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice. Any records existing on paper will be destroyed by burning, pulping, or shredding.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Computers and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge. Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections. Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software. Online data transmissions are protected by encryption. Access is controlled by logon ID and password. Online data transmissions are protected by encryption.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedures below or Record Access Procedures above.

NOTIFICATION PROCEDURES:

Customers who want to know if information about them is maintained in this system of records must address inquiries in writing to the system manager. Inquiries must contain name, address, email, and other identifying information.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

December 27, 2018, 83 FR 66768; August 25, 2016, *81 FR 58542.*

Ruth Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2019–01346 Filed 2–6–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17Ad–2(c), (d), and (h), SEC File No. 270–149, OMB Control No. 3235–0130.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17Ad–2(c), (d), and (h), (17 CFR 240.17Ad–2(c), (d), and (h)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ad–2(c), (d) and (h) enumerates the requirements with which transfer agents must comply to inform the Commission or the appropriate regulator of a transfer agent's failure to meet the minimum performance standards set by the Commission rule by filing a notice.

The Commission receives approximately 3 notices a year pursuant to Rule 17Ad–2(c), (d), and (h). The estimated annual time burden of these filings on respondents is minimal in view of: (a) The readily available nature of most of the information required to be included in the notice (since that information must be compiled and retained pursuant to other Commission rules); and (b) the summary fashion in which such information must be presented in the notice (most notices are one page or less in length). In light of the above, and based on the experience of the staff regarding the notices, the Commission staff estimates that, on average, most notices require approximately one-half hour to prepare. Thus, the Commission staff estimates

that the industry-wide total time burden is approximately 1.5 hours.

The retention period for the recordkeeping requirement under Rule 17Ad–2(c), (d), and (h) is not less than two years following the date the notice is submitted. The recordkeeping requirement under this rule is mandatory to assist the Commission in monitoring transfer agents who fail to meet the minimum performance standards set by the Commission rule. This rule does not involve the collection of confidential information. A transfer agent is not required to file under the rule unless it does not meet the minimum performance standards for turnaround, processing or forwarding items received for transfer during a month.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov*; and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

February 1, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01373 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85042; File No. SR–BX–2018–069]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Fees at Equity 7, Section 118(a)

February 1, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 21, 2018, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction fees at Equity 7, Section 118(a), as described further below.

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on January 2, 2018 [sic].

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's transaction fees at Rule 7018(a) [sic] to: (1) Adjust the qualifying terms for certain existing credits it offers to members with orders that access liquidity on the Exchange; (2) offer a new credit for members with orders that access liquidity on the Exchange; and (3) eliminate a fee for members with orders that add liquidity on the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

First Change

The Exchange operates on the ''taker-maker'' model, whereby it pays credits to members that take liquidity and charges fees to members that provide liquidity. Currently, the Exchange offers several different credits for orders that access liquidity on the Exchange. Among these credits, the Exchange offers a $0.0018 per share executed credit for orders that access liquidity in securities in Tapes A and C (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) that are entered by a member that: (i) Accesses liquidity equal to or exceeding 0.20% of total Consolidated Volume[3] during a month; and (ii) accesses 20% more liquidity as a percentage of Consolidated Volume than the member accessed in May 2018. The Exchange also offers a $0.0019 per share executed credit for orders that access liquidity in securities in Tape B (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) that are entered by a member that: (i) Accesses liquidity equal to or exceeding 0.20% of total Consolidated Volume during a month; and (ii) accesses 20% more liquidity as a percentage of Consolidated Volume than the member accessed in May 2018.

For these two credits, the Exchange proposes to decrease the applicable volume threshold from 0.20% to 0.15% of total Consolidated Volume during a month. The Exchange proposes to recalibrate the threshold downward to make it easier for firms to reach the Consolidated Volume threshold necessary to qualify for these credits.

The Exchange also proposes to change the benchmark month that it uses to determine whether a member, in a given month, has achieved the requisite 20% increase in liquidity accessed as a percentage of Consolidated Volume to qualify for the credits. Whereas the benchmark month presently is May 2018, the Exchange proposes to change it to December 2018. This change in benchmark month is intended to incentivize market participants to trade on the Exchange by making it easier for a member to qualify for these credits. Volumes in May 2018 were generally higher than they were in December 2018, such that a 20% increase in

[3] Pursuant to Equity 7, Section 118(a), the term ''Consolidated Volume'' means the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot.

liquidity accessed as a percentage of Consolidated Volume will be easier to achieve relative to December 2018 than it would be relative to May 2018.

Second Change

In addition to the credits above, the Exchange also offers other credits for orders that access liquidity on the Exchange. First, the Exchange offers a member a $0.0018 per share executed credit for its orders that access liquidity in securities in Tapes A and C (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) to the extent that the member, during a given month: (i) Has a total volume (including both providing and accessing liquidity) that is equal to or exceeds 0.50% of total Consolidated Volume during that month; (ii) has a total volume that is at least 20% greater (as a percentage of Consolidated Volume) than its total volume in July 2018; and (iii) of the 20% or more increase in total volume described above, at least 30% is attributable to adding liquidity. Second, the Exchange offers a member a $0.0019 per share executed credit for orders that access liquidity in securities in Tape B (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) to members that satisfy these same three conditions.

For these two credits, the Exchange proposes to decrease—from 0.50% to 0.40%—the requisite percentage of total Consolidated Volume that a member's total volume must equal for a member to qualify for each of the credits, The Exchange proposes to recalibrate the threshold downward to make it easier for a member to qualify for these credits.

The Exchange also proposes to change the benchmark month that it will use to determine whether, in a given month, a member has achieved a 20% or more increase in total volume so as to qualify for each of the credits. Whereas the benchmark date presently is July 2018 for both credits, the Exchange proposes to change it to December 2018. This change in benchmark month is intended to incentivize market participants to trade on the Exchange by making it easier for a member to qualify for these credits. Total volumes in July 2018 were generally higher than they were in December 2018, such that a 20% increase in total volumes relative to December 2018 will be easier for a member to achieve than it would a 20% increase relative to July 2018.

Third Change

Next, the Exchange proposes to offer a new credit for a member that accesses liquidity in any Tape. Specifically, the Exchange proposes to pay a credit of $0.0018 per share executed to a member with orders that access liquidity in securities in any Tape (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) where the member accesses liquidity equal to or exceeding 0.50% of total Consolidated Volume during a month.

The Exchange proposes to add this credit to provide a new and simple incentive for members to access liquidity in substantial volumes on the Exchange. The Exchange notes that it already offers members similar, albeit lower, credits for accessing liquidity equal to or exceeding lower threshold percentages of total Consolidated Volume during a given month ($0.0017 per share executed credit for accessing liquidity equal to or greater than 0.12% of total Consolidated Volume during a month; $0.0015 per share executed credit for accessing liquidity equal to or greater than 0.065% of total Consolidated Volume during a month. The proposed credit will offer a member a higher credit than these existing credits for maintaining a higher volume of liquidity accessing activity on the Exchange.

Fourth Change

Finally, the Exchange proposes to eliminate its $0.0013 per share executed charge for displayed orders entered by a member that adds liquidity equal to or exceeding 0.55% of total Consolidated Volume during a month. This fee tier has not achieved its intended purpose of attracting liquidity to the Exchange. Accordingly, the Exchange proposes to eliminate it.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [6]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [7] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[8] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [9]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [10] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

First Change

The Exchange believes that it is reasonable to decrease the Consolidated Volume threshold and adjust the benchmark month on its credits for orders that access liquidity in securities (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) that are entered by a member that: (i) Accesses liquidity equal to or

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4) and (5).

[6] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[7] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[8] *See NetCoalition,* at 534–535.

[9] *Id.* at 537.

[10] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

exceeding 0.20% of total Consolidated Volume during a month; and (ii) accesses 20% more liquidity as a percentage of Consolidated Volume than the member accessed in May 2018. As noted above, the Exchange proposes to decrease the volume threshold for these credits from .20% to .15% of total Consolidated Volume and adjust the benchmark month from May 2018 to December 2018.

The Exchange must, from time to time, assess the effectiveness of its credits in achieving their intended objectives and adjust the levels of such credits based on the Exchange's observations of market participant behavior. In this instance, the Exchange has observed that the credits are becoming too difficult for members to achieve. The Exchange proposes to decrease the volume threshold for the credits to make it easier for members to qualify for the credits. Likewise, the Exchange proposes to change the benchmark month that it uses to determine whether a member, in a given month, has achieved the requisite 20% increase in liquidity accessed as a percentage of Consolidated Volume to qualify for the credits. The change in benchmark month will incentivize trading on the Exchange by making it easier for a member to qualify for these credits. Volumes in May 2018 were generally higher than they were in December 2018, such that a 20% increase in liquidity accessed as a percentage of Consolidated Volume will be easier to achieve relative to December 2018 than it would be relative to May 2018.

The Exchange believes that the proposed change is equitable because it will incentivize increased participation on the Exchange. It is not unfairly discriminatory because it will apply to all similarly situated member firms.

Second Change

The Exchange believes that it is reasonable to decrease the Consolidated Volume threshold and adjust the benchmark month on its credits for orders that access liquidity in securities (excluding orders with Midpoint pegging and excluding orders that receive price improvement and execute against an order with a Non-displayed price) that are entered by a member that, during a given month: (i) Has a total volume (including both providing and accessing liquidity) that is equal to or exceeds 0.50% of total Consolidated Volume during that month; (ii) has a total volume that is at least 20% greater (as a percentage of Consolidated Volume) than its total volume in July 2018; and (iii) of the 20% or more increase in total volume described above, at least 30% is attributable to adding liquidity. As noted above, the Exchange proposes to decrease—from 0.50% to 0.40%—the requisite percentage of total Consolidated Volume that a member's total volume must equal for a member to qualify for each of the credits. It also proposes to change the benchmark month from July 2018 to December 2018.

The Exchange must, from time to time, assess the effectiveness of its credits in achieving their intended objectives and adjust the levels of such credits based on the Exchange's observations of market participant behavior. In this instance, the Exchange has observed that the credits are becoming too difficult for members to achieve. The Exchange proposes to decrease the volume threshold for the credits to make it easier for members to qualify for the credits. Likewise, the Exchange proposes to change the benchmark month that it uses to determine whether a member, in a given month, has achieved the requisite 20% increase in total volume as a percentage of Consolidated Volume to qualify for the credits. The change in benchmark month will incentivize trading on the Exchange by making it easier for a member to qualify for these credits. Total volumes in July 2018 were generally higher than they were in December 2018, such that a 20% increase in total volume as a percentage of Consolidated Volume will be easier to achieve relative to December 2018 than it would be relative to July 2018.

The Exchange believes that the proposed change is equitable because it will incentivize increased participation on the Exchange. It is not unfairly discriminatory because it will apply to all similarly situated member firms.

Third Change

The Exchange believes that its proposal is reasonable to add a new credit for orders that access liquidity (excluding orders with Midpoint pegging and those that receive price improvement and execute against an order with a non-displayed price) that are entered by members that, in a given month, remove and access liquidity equal to or in excess of 0.50% of Consolidated Volume during the month. This proposal is reasonable because it will provide new and stronger incentive for members to remove liquidity from the Exchange. The Exchange believes that these proposals are equitable and not unfairly discriminatory because they will apply to all similarly situated member firms.

Fourth Change

The Exchange believes that its proposal is reasonable to eliminate its $0.0013 per share executed fee for displayed orders entered by a member that adds liquidity equal to or exceeding 0.55% of total Consolidated Volume during a month. The Exchange believes that eliminating this fee tier is reasonable because this fee tier has not been effective in achieving its intended purpose of incentivizing participants to add liquidity to the Exchange. The Exchange has limited resources available to it to devote to the operation of special pricing programs and as such, it is reasonable and equitable for the Exchange to allocate those resources to those programs that are effective and away from those programs that are ineffective. The proposal is also equitable and not unfairly discriminatory because tit will apply uniformly to all similarly situated members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and credits to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee or credit changes in this market may impose any burden on competition is extremely limited.

In this instance, the Exchange's proposals to add to or modify credits and to eliminate fees do not impose a burden on competition because these proposals are reflective of the Exchange's overall efforts to provide greater incentives to market participants that it believes will improve the market, to the benefit of all participants. The Exchange does not believe that any of the proposed changes will impair the ability of members or competing order

execution venues to maintain their competitive standing in the financial markets. Moreover, because there are numerous competitive alternatives to the use of the Exchange, it is likely that BX will lose market share as a result of the changes if they are unattractive to market participants.

Likewise, the Exchange's proposed credits, credit amendments, and fee eliminations do not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. Again, if the proposals are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposal will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[11]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2018–069 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2018–069. 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–BX–2018–069, and should be submitted on or before February 19, 2019.[12]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

[FR Doc. 2019–01420 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] The Commission believes that a 10 day comment period is reasonable, given the 60-day suspension period under Exchange Act Section 19(b)(3). It will provide adequate time for comment.

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85036; File No. SR–IEX–2019–01]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Reject Market Orders With a Time-in-Force of DAY That Are Entered in the Pre-Market Session for Non-IEX-Listed Securities

February 1, 2019.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 28, 2019, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] IEX is filing with the Commission a proposed rule change to reject market orders with a time-in-force[6] of DAY that are entered in the Pre-Market Session[7] for non-IEX-listed securities, including for the Opening Process for non-IEX-listed securities pursuant to Rule 11.231 (the ''Opening Process''). The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act[8] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[9]

The text of the proposed rule change is available at the Exchange's website at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CRF [sic] 240.19b–4.

[6] *See* Rule 11.190(c).

[7] *See* Rule 1.160(z).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement [sic] may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

The purpose of this proposed rule change is to reject market orders with a time-in-force of DAY that are entered in the Pre-Market Session for non-IEX-listed securities, including for the Opening Process. On July 24, 2017, the Commission approved a proposed rule change filed by the Exchange to amend IEX Rule 11.231 to modify the manner in which the Exchange opens trading for non-IEX-listed securities beginning at the start of Regular Market Hours (the ''Opening Process'').[10]

Pursuant to Rule 11.231, the Exchange attempts to perform the Opening Process in each non-IEX-listed security, in which all eligible interest resting on the Order Book in the Pre-Market Session available for continuous trading (*i.e.,* orders on the ''Continuous Book'') as well as all eligible interest queued for execution in the Regular Market Session [11] (*i.e.,* orders on the ''Cross Book'') is executed at a single price. Currently, prior to the beginning of Regular Market Hours,[12] Users that wish to participate in the Opening Process may enter limit, non-routable market, and pegged orders designated with a time-in-force of DAY and limit orders designated with a time-in-force of GTX, which queue in the System and are eligible for execution in the Opening Process (*i.e.,* orders on the Cross Book); interest resting on the Order Book in the Pre-Market Session available for continuous trading (*i.e.,* orders on the Continuous Book) are also eligible for execution in the Opening Process (collectively, ''Cross Eligible Orders'').

Cross Eligible Orders resting on the Continuous Book are ranked by the price at which they are resting on the Continuous Book and Cross Eligible Orders resting on the Cross Book are ranked by the limit price defined by the User, if any, except in the case of pegged orders, which are ranked by their current book price (in each case, the order's ''resting price'').[13]

The Exchange proposes to reject market orders with a time-in-force of DAY that are entered in the Pre-Market Session for non-IEX-listed securities, including for the Opening Process. Specifically, as proposed, market orders marked DAY submitted before the open of the Regular Market Session would be rejected for non-IEX-listed securities, but will be queued by the System until the Opening Auction (or Halt Auction, as applicable) for IEX-listed securities pursuant to IEX Rule 11.350,[14] except market orders marked DAY that are designated to route pursuant to Rule 11.230(c).[15] The Exchange is not proposing any further changes to the handling or functional behavior of market orders. Finally, the Exchange is proposing a conforming change to Rule 11.220 (Priority of Orders) to reflect that, as proposed, market orders will not be eligible for execution in the Opening Process for non IEX-listed securities.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b) [16] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act [17] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Specifically, the Exchange believes the proposed rule change is consistent with the protection of investors and the public interest in that it is designed to prevent market participants from entering market orders with a time-in-force of DAY on IEX instead of the primary listing market, that could cause an opening match price on IEX that significantly deviates from the current market for the security.[18]

Based on informal conversations with various market participants, the Exchange understands that market orders with a time-in-force of DAY are often entered during the pre-market session by market participants to interact in opening auctions on the listing exchange for listed securities. Accordingly, IEX and other listing exchange [sic] accept market orders with a time-in-force of DAY for such auctions.[19] While the IEX Opening Process is designed to provide an opportunity to match buy and sell orders at a price that is reflective of market conditions for the security, the Exchange also appreciates the important goal of aggregating liquidity in the opening auction (as well as the closing auction) on the listing exchange to facilitate price discovery for the auction. Therefore, the Exchange believes that restricting market participants from entering market orders with a time-in-force of DAY in non-IEX-listed securities may facilitate the aggregation of liquidity in the primary market opening auction and enhance market-wide price discovery, consistent with the protection of investors and the public interest. In addition, the Exchange believes the proposed change would not significantly impact the protection of investors or the public interest because prior to offering the Opening Process for non-IEX-listed securities,[20] the Exchange rejected market orders with a time-in-force of DAY that were entered before the Regular Market Session, and such interest was not eligible for the prior opening mechanism. Thus, the proposed rule change does not present any new or novel issues not already considered by the Commission.

Lastly, the Exchange believes the proposed conforming change to Rule 11.220 is consistent with the protection of investors and the public interest in that it will make the Exchange's rules more concise and accurate, to the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. With respect

[10] *See* Securities Exchange Act Release No. 81195 (July 24, 2017), 82 FR 35250 (July 28, 2017).

[11] *See* Rule 1.160(gg).

[12] *See* Rule 1.160(gg).

[13] *See* Rule 11.220(a)(2). *See also* Rule 11.231(a)(1).

[14] *See* Rule 11.350(a)(1)(A)(iii).

[15] *See* Rule 11.190(a)(2)(E)(iii).

[16] 15 U.S.C. 78f.

[17] 15 U.S.C. 78f(b)(5).

[18] The Exchange notes as well that it does not accept Market-On-Open orders for the Opening Process because such orders could have a similar impact.

[19] *See supra* note 11 [sic]. *See also, e.g.,* Cboe BZX Exchange, Inc. Rules 11.23(a)(8) and 11.9(b)(7).

[20] *See supra* note 10.

to intra-market competition, the Exchange notes that the proposed changes will apply to all Members on a fair and equal basis. Furthermore, market participants seeking to interact in the Opening Process may continue to enter other Cross Eligible Orders on fair and equal terms. With respect to inter-market competition, the Exchange believes that the proposed change does not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that rejecting market orders with a time-in-force of DAY to avoid causing an opening match price that deviates from the current market for the security will support, and thereby promote competition between the Exchange's Opening Process and the opening mechanisms offered by other market centers, while avoiding unnecessary fragmentation of order flow intended for the primary market's opening auction.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and Rule 19b–4(f)(6) thereunder.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[21] 15 U.S.C. 78s(b)(3)(A)(iii).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–IEX–2019–01 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–IEX–2019–01. 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–IEX–2019–01, and should be submitted on or before February 28, 2019.

[23] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01390 Filed 2–6–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85038; File No. SR–C2–2018–025]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Discontinue Bulk Order Functionality and Implement Bulk Message Functionality

February 1, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 19, 2018, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') proposes to discontinue bulk order functionality and implement bulk message functionality, and make other nonsubstantive changes. 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.

[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).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2016, the Exchange's parent company, Cboe Global Markets, Inc. (''Cboe Global''), which is also the parent company of Cboe Exchange, Inc. (''Cboe Options''), acquired Cboe EDGX Exchange, Inc. (''EDGX''), Cboe EDGA Exchange, Inc. (''EDGA''), Cboe BZX Exchange, Inc. (''BZX or BZX Options''), and Cboe BYX Exchange, Inc. (''BYX'' and, together with C2, Cboe Options, 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 technology to the same trading platform used by the Exchange, C2, and EDGX Options in the fourth quarter of 2019. The proposal set forth below is intended to add certain functionality to the Exchange's System that is more similar to functionality offered by Cboe Options in order to ultimately provide a consistent technology offering for market participants who interact with the Cboe Affiliated Exchanges. Although the Exchange intentionally offers certain features that differ from those offered by its affiliates and will continue to do so, the Exchange believes that offering similar functionality to the extent practicable will reduce potential confusion for Users.

Cboe Options currently offers quoting functionality to Market-Makers, which permits Market-Makers to update their electronic quotes in block quantities.[5] Quotes on Cboe Options do not route to other exchanges,[6] and Market-Makers generally enter new quotes at the beginning of the trading day based on-then current market conditions.[7] The Exchange currently offers bulk order functionality, which is intended to provide Users, and Market-Makers in particular, with a way to submit orders that simulate quoting functionality.[8] However, while bulk order functionality simulates quoting functionality, bulk order functionality provides Users with a less efficient way to update multiple bids and offers. To update multiple bids and offers, a User must submit multiple messages at the same time, compared to quoting functionality, which generally permits a market participant to update multiple bids and offers in a single quote message. Specifically, a bulk order port is a dedicated logical port that provides Users with the ability to submit single and bulk order messages to enter, modify, or cancel orders designated as Post Only Orders[9] with a Time-in-Force of Day[10] or Good-til-Date (''GTD'')[11] with an expiration time on that trading day.[12] Like quotes, bulk order messages do not route to other exchanges because they include a Post Only instruction.[13] Use of the Day or GTD Time-in-Force is consistent with Market-Maker's entry of new quotes at the beginning of each trading day.[14] Unlike current Cboe Options quoting functionality, bulk order ports on the Exchange are available to all Users, not just Market-Makers. The Exchange makes bulk order ports available to all Users to encourage them to provide liquidity to the Exchange's market.

The Exchange proposes to replace bulk order message functionality with bulk message functionality substantially similar to the quoting functionality available on Cboe Options. The proposed bulk message functionality is similar to but more efficient than currently available bulk order functionality.[15] A ''bulk port'' is a dedicated logical port that, as proposed, would provide Users with the ability to submit:

(1) bulk messages,[16] subject to the following:

(a) a bulk message has a Time-in-Force of Day;

(b) a Market-Maker with an appointment in a class may designate a bulk message for that class as Post Only or Book Only (which Post Only or Book Only designation, as applicable, applies to all bulk message bids and offers within a single message),[17] and other Users must designate a bulk message for that class as Post Only; and

(c) a User may establish a default Match Trade Prevention (''MTP'') Modifier of MTP Cancel Newest (''MCN''), MTP Cancel Oldest (''MCO''), or MTP Cancel Both (''MCB''), and a default value of Attributable or Non-Attributable, for a bulk port, each of which applies to all bulk messages submitted to the Exchange through that bulk port;

[5] *See* Cboe Options Rule 1.1(ppp).

[6] *See* Cboe Options Rule 6.14B (which describes how the Exchange routes orders (specifically intermarket sweep orders) but not quotes route to other exchanges); *see also* Nyse Arca, LLC (''Arca'') Rule 6.37–O(a)(3)(D) (which states quotes do not route).

[7] The Exchange understands this is common practice by Market-Makers throughout the industry, and is consistent with Cboe Options functionality, which cancels all unexecuted resting Market-Maker quotes at the close of each trading day. Additionally, it is consistent with Market-Makers' obligation to update market quotations in response to changed market conditions. *See* Rule 8.5(a)(4); *see also* Cboe Options Rule 8.7(b)(iii).

[8] *See* Securities Exchange Act Release No. 83214 (May 11, 2018), 83 FR 22796 (May 16, 2018) (SR–C2–2018–005). Prior to the migration of the C2 trading platform to the same technology platform as EDGX and BZX, C2 quoting functionality (substantially similar to the quoting functionality being proposed in this rule filing) was limited to Market-Makers.

[9] *See* current Rule 1.1 (definition of Order Instructions) and proposed Rule 6.10(c) for the definition of ''Post Only.'' The proposed rule change moves the definitions of order types, Order Instructions, and Times-in-Force to Rule 6.10(b), (c), and (d), respectively.

[10] *See* current Rule 1.1 and proposed Rule 6.10(d) for the definition of the Time-in-Force of ''Day.''

[11] *See* current Rule 1.1 and proposed Rule 6.10(d) for the definition of the Time-in-Force of ''GTD.''

[12] *See* current Rule 1.1 for the current definition of ''bulk order ports.'' Pursuant to current Rule 1.1, Users may submit auction responses through bulk order ports, and will continue to be able to submit auction response through bulk ports. The proposed rule change moves the definition of port to Rule 6.8(c).

[13] *See* current Rule 1.1 (definition of Order Instructions) and proposed Rule 6.10(c), which provides that an order with a Post Only instruction may not route away to another exchange.

[14] *See supra* note 7.

[15] *See supra* note 8 (the Exchange adopted bulk order functionality to simulate quoting functionality).

[16] Proposed Rule 1.1 defines a bulk message as a bid or offer included in a single electronic message a User submits to the Exchange in which the User may enter, modify, or cancel up to an Exchange-specified number of bids and offers. Pursuant to Rule 1.2, the Exchange will announce this number via Exchange notice or publicly available technical specifications. This is similar to Cboe Options Rule 1.1(ppp), which provides that electronic quotes may be updated in block quantities. The limit on bids and offers per message is a reasonable measure for the Exchange to use to manage message traffic and activity to protect the integrity of the System. Proposed Rule 1.1 also states that a User may submit a bulk message through a bulk port as set forth in proposed Rule 6.8(c)(3), and that the System handles a bulk messages in the same manner as it handles an order or quote, unless the Rules specify otherwise. In other words, a bulk message will be treated as an order (or quote if submitted by a Market-Maker) pursuant to the Rules, including with respect to priority and allocation. The proposed rule change identifies the rule provisions pursuant to which bulk messages will be handled in a different manner.

[17] In other words, a Market-Maker cannot designate one bulk message bid within a single message as Post Only and designate another bulk message bid within the same message as Book Only.

(2) single orders in the same manner as Users may submit orders to the Exchange through any other type of port,[18] including designated with any Order Instruction and any Time-in-Force in Rule 6.10(c) and (d),[19] respectively, except a Market-Maker with an appointment in a class may designate an order for that class submitted through a bulk port as Post Only or Book Only, and other Users must designate a bulk message for that class submitted through a bulk port as Post Only; and

(3) auction responses (using auction response messages) in the same manner as Users may submit auction responses to the Exchange through any other type of port.[20]

Proposed Rule 6.8(c)(3)(A)(i) states that bulk messages have a Time-in-Force of Day. As discussed above, this is consistent with current Cboe Options quoting functionality, which cancels all resting quotes at the close of the trading day. This is also consistent with a Market-Maker's obligation to update its quotations in response to changed market conditions in its appointed classes.[21] Unlike current bulk orders, the GTD Time-in-Force with an expiration time on that trading day will not be available for bulk messages. Users will continue to have the ability to manually cancel bulk messages at any time during the trading day, they will just not be able to have bulk messages automatically cancel at a specific time on that trading day. Additionally, Users may apply the GTD Order Instruction to orders submitted through a bulk port (as further discussed below) or other type of port.

Unlike Cboe Options quoting functionality, which is only available to Cboe Options market-makers, the proposed bulk messages will be available to all Users (as bulk orders are today). While all Users will be able to use bulk messages (and may currently use bulk orders), the primary purpose of bulk orders and the proposed bulk messages has always been to encourage market-maker quoting on exchanges.[22] The proposed rule change provides that a Market-Maker with an appointment in a class may designate a bulk message for that class as ''Post Only'' or ''Book Only.'' This will provide Exchange Market-Makers with functionality substantially similar to Cboe Options quoting functionality currently available to Cboe Options market-makers, which permits Market-Makers' incoming quotes to execute against resting orders and quotes, except against the resting quote of another Market-Maker (see discussion below).[23] The Exchange believes permitting Market-Makers to use bulk messages to remove liquidity from the Book (if they so elect) will put Exchange Market-Makers on an even playing field as market-makers on other exchanges that offer quoting functionality. Additionally, Market-Makers are subject to various obligations, including obligations to provide two-sided quotes, to provide continuous quotes, and to trade at least 75% of its contracts each quarter in appointed classes. The Exchange believes providing Market-Makers with flexibility to use the Post Only or Book Only instruction with respect to bulk messages will provide Market-Makers with additional tools to meet their obligations in a manner they deem appropriate. The Exchange further believes this may encourage liquidity providers to register as Market-Makers. The proposed rule change provides that other Users (*i.e.,* non-Market-Makers or Market-Makers without an appointment in a class) must designate a quote for that class as ''Post Only.'' This is consistent with current bulk orders available to these Users, and will continue to provide Users with flexibility to avoid incurring a take fee if their intent is to add liquidity to the Book. The Exchange notes these Users may apply the Book Only instruction to orders submitted to the Exchange through other ports. The proposed rule change also amends Rule 6.15 to make clear that bulk messages (like current bulk orders) are not eligible for routing (which is consistent with the Order Instructions of Post Only and Book Only, which do not route to other options markets).[24]

The proposed rule change also permits Users to establish a default MTP Modifier of MCN, MCO, or MCB that would apply to all bulk messages submitted through a bulk port. Cboe Options currently offers a Market-Maker Trade Prevention Order, which would be cancelled if it would trade against a resting quote or order for the same Market-Maker, and also cancel the resting order or quote.[25] This is equivalent to the MCB Modifier (except the MCB Modifier may be used by all Users rather than just Market-Makers). The proposed rule change provides Users with the ability to apply same trade prevention designation that is available for quotes on Cboe Options to bulk messages (MCB), as well as two additional MTP options (MCN and MCO) (the Exchange notes there is currently no trade prevention functionality equivalent to MCN or MCO available on Cboe Options for quotes). Allowing three MTP designations for bulk messages will provide Users with additional control over the circumstances in which their bulk messages (and resting orders (including bulk messages)) will interact with each other. The Exchange does not believe there is demand by Users for the MDC and MCS modifies (which are available on the Exchange for orders) for bulk messages (the Exchange notes there is currently no trade prevention functionality equivalent to MDC or MCS available on Cboe Options for quotes). The Exchange notes all Users may continue to apply all MTP Modifiers to orders submitted through a bulk port (as further discussed below) or any other type of port.

Generally, the System will handle bulk messages in the same manner as it handles orders with the same Order Instructions and Times-in-Force that will be available for bulk messages, including prioritizing, displaying, and executing them pursuant to Rule 6.12. Proposed Rule 6.12(c)(6) adds detail regarding how the System will handle bulk messages and orders submitted through bulk ports. Specifically, proposed subparagraph (c)(6)(A) states the System will cancel or reject a Post Only bulk message bid (offer) with a price that locks or crosses the Exchange best offer (bid) or the ABO (ABB).[26] This is consistent with how the System would handle a Post Only order not subject to the Price Adjust process.[27]

[18] The proposed rule change also specifies that, subject to the restrictions in the proposed rule, Users may submit single orders through bulk ports in the same manner as they may submit single orders through any other type port, which is consistent with how Users may submit single orders to the Exchange through bulk order ports today.

[19] The proposed rule change moves the definitions of Order Instructions and Times-in-Force from Rule 1.1 to Rule 6.10.

[20] *See* proposed Rule 6.8(c)(3)(C). The proposed rule change has no impact on the ability of Users to submit auction responses through bulk ports, and clarifies that Users may submit auction responses through bulk ports in the same manner as they may submit auction responses through any other type of port.

[21] *See* Rule 8.5(a)(3).

[22] *See supra* notes 8 and 15.

[23] Incoming market-maker quotes on some options exchanges may execute against interest resting in the book (*see, e.g.,* Arca Rule 6.37A–O(a)(3)), while on other options exchanges they may not (*see, e.g.,* Box Options Exchange, LLC (''BOX'') Rule 8050, IM–8050–3).

[24] *See also* Cboe Options Rule 6.14B; and Arca Rule 6.37A–O(a)(3)(D).

[25] *See* Cboe Options Rule 6.53(v).

[26] The ABBO means the best bid (offer) disseminated by other exchanges.

[27] *See* Rule 6.12(b). Pursuant to the Price Adjust process, the System ranks and displays a buy (sell) order that, at the time of entry, would lock a Protected Quotation of the Exchange or another Exchange at one minimum price increment below (above) the current NBO (NBB). The System

Pursuant to the Post Only instruction, an order (or bulk message as proposed) may not remove liquidity from the Book or route away to another Exchange. If a Post Only bulk message locked or crossed the best contra-side interest on the Exchange, the System would cancel it to prevent execution of the bulk message against the interest on the Exchange in accordance with the User's instructions and to prevent the Exchange from displaying a locked or crossed market.[28] Similarly, if a Post Only bulk message locked or crossed an away market, the System would cancel it since it cannot route in accordance with the User's instructions and to prevent the Exchange's dissemination of a locked or crossed market.[29]

Similarly, proposed subparagraph (c)(6)(B) states the System will execute a Book Only bulk message bid (offer) that locks or crosses the ABO (ABB) against offers (bids) resting in the Book at prices the same as or better than the ABO (ABB) and then cancels the unexecuted portion. This is consistent with how the System would handle a Book Only order not subject to the Price Adjust process. Pursuant to the Book Only instruction, an order (or bulk message as proposed) may not route away to another Exchange. If a Book Only bulk message locked or crossed an away market, the System would execute it to the extent it could against contra-side interest on the Exchange and then cancel it since it cannot route in accordance with the User's instructions and to prevent the Exchange's dissemination of a locked or crossed market.[30] In addition to being similar to current Exchange Rules regarding the handling of Post Only and Book Only Orders not subject to the Price Adjust process, the Exchange notes that proposed subparagraphs (c)(6)(A) and (B) are substantially the same as another exchange's handling rules applicable to quotes.[31]

Proposed subparagraph (c)(6)(C) states the System will cancel or reject a Book Only bulk message bid (offer) or order bid (offer) (or unexecuted portion) submitted by a Market-Maker with an appointment in the class through a bulk port if it would execute against a resting offer (bid) with a Capacity of M (Market-Maker). The options market is driven by Market-Maker quotes, and thus Market-Maker quotes are critical to provide liquidity to the market and contribute to price discovery for investors. The Exchange expects Market-Makers regularly to use bulk messages to input and update prices on multiple series of options at the same time. Market-Maker quotes are generally based on pricing models that rely on various factors, including the price of the underlying security and that security's volatility. As these variables change, a Market-Maker's pricing model automatically will enter updates to its bids and offers with bulk messages for some or all of an option's series. Because Market-Makers may update bids and offers using bulk messages in multiple series at the same time, there can be a multitude of instances in which their bids and offers inadvertently interact with each other, which can lead to significant risk and exposure. This may occur, for example, when one Market-Maker's price update system is faster than systems used by other Market-Makers. In this respect, a Market-Maker's system that updates options prices microseconds faster than another Market-Maker's system may lock or cross its bids (offers) against the other Market-Maker's offers (bids) every time its bid (offer) adjusts to the offer (bid) of the second Market-Maker even if the second Market-Maker's system was also in the process of updating that offer (bid). For example, assume Market-Makers A and B are both quoting $1.10–1.20 when the underlying moves, causing both each Market-Maker's system to update its quotes to $1.20–1.30. By being microseconds faster, Market-Maker A's system will send a bid of $1.20, which locks Market-Maker B's offer prior to Market-Maker B's offer updating, even though its system was also in the process of updating its offer. This could happen contemporaneously in a large number of series within the class, such that instead of locking one quote, Market-Maker A may lock 20 of Market-Maker B's quotes. This may expose each Market-Maker to significant risk due to these unintended executions.

The proposed rule change will protect Market-Makers from executions that occur due to technology disparities rather than the intention of Market-Makers to trade with one another at a particular price. As a result, Market-Maker quotes will continue to provide liquidity on the Book. This proposed functionality is similar to the quote-lock functionality available on Cboe Options.[32] While that functionality permits locked quotes to execute against each other after a specified amount of time, it also provides market-makers with an opportunity to update their resting quotes, which would prevent execution of an incoming market-maker quote against a resting market-maker quote. As proposed, a Market-Maker bulk message (or order) will be rejected if it would execute against resting Market-Maker interest. The Market-Maker may resubmit its bulk message (or order) after being rejected, which would be able to rest in the Book if the Market-Maker repriced its resting bid or offer in the interim. Additionally, a Market-Maker may interact with resting Market-Maker interest by submitting an order to the Exchange through a different type of port.

Proposed Rule 6.9(a) provides that a User may only enter one bid and one offer for a series per EFID[33] per bulk port. The Exchange believes this will encourage Users to submit their best bids and offers in series, and thus provide displayed liquidity to the market and contribute to public price discovery. Note firms may have multiple EFIDs and multiple bulk ports, and thus will have the ability through separate ports or EFIDs to submit additional bids and offers using bulk messages in the same series if they choose. This provision is consistent with the rule interpretation of another exchange.[34]

executes a Book Only order against orders and quotes and cancels any unexecuted portion if displaying the order on the Book would create a violation of Rule 6.82, and the System rejects a Post Only order that locks or crosses the opposite side Exchange best bid or offer (''BBO'') or if displaying the order on the Book would create a violation of Rule 6.82). Bulk messages will not be eligible for the Price Adjust process, and thus will be handled similar to an order not subject to the Price Adjust process. *See* proposed Rules 6.10(c) and 6.12(b) (which clarify that the Price Adjust Process will not apply to bulk messages).

[28] *See* Chapter XXVII of the Rules; *see also* Options Order Protection and Locked/Crossed Market Plan (the ''Linkage Plan'').

[29] *See id.*

[30] *See id.*

[31] *See* Cboe Options Rule 6.14(b) (if Cboe Options is not at the NBBO, the System rejects a quote back to a Market-Maker if the quote locks or crosses the NBBO, which is the ABBO) and (c) (if the Cboe Options System accepts a quote that locks or crosses the NBBO, it executes the quote against quotes and orders in the Cboe Options Book at the price(s) that is the same or better than the best price disseminated by an away exchange(s) up to the size available on the Exchange and cancels the remaining size if the quote's price locks or crosses the ABBO or books any remaining size); *see also* Rule 6.37A–O(a)(3).

[32] *See* Cboe Options Rule 6.45(c).

[33] An ''EFID'' is an Executing Firm ID. *See* Rule 1.1.

[34] *See* Cboe Options Regulatory Circular RG18–008 (March 6, 2018), which provides that each market-maker acronym may only have one quote (which is considered to be a two-sided quote) in each series at a time. An EFID is comparable to an acronym. Under Cboe Options rules, the term Market-Maker generally refers to an individual (and thus a person with a specific acronym), except as otherwise provided in the Rules. *See, e.g.,* Cboe Options Rule 8.7(d)(ii)(B) (which provides that market-maker continuous electronic quoting obligations may be satisfied by market-makers either individually or collectively with market-makers of the same TPH organization). The interpretation in the circular referenced above is

Continued

In addition to permitting Users to submit bulk orders (which functionality the Exchange will discontinue and replace with bulk message functionality), current bulk order ports permit Users to submit single orders to the Exchange. To encourage Users that may not have quoting systems to provide liquidity to the Exchange, the proposed rule change will permit Users to continue to submit single orders to the Exchange through these ports, which are proposed to be renamed as bulk ports. Proposed Rule 6.8(c)(3)(B) will permit Users to designate these orders with any Order Instruction and any Time-in-Force in proposed Rule 6.10(c) and (d), respectively, subject to the Book Only and Post Only restrictions described above for Market-Makers with appointments in a class and other Users. This will provide Users with additional functionality that is available for single orders submitted through bulk ports today, and allow their liquidity to rest on the Exchange for multiple trading days, if Users so choose. This will also provide Users with additional control over the orders they use to provide liquidity to the Exchange through bulk ports. Additionally, proposed Rule 6.12(c)(6)(A) imposes the same prohibition on Market-Maker orders submitted through bulk ports from removing resting Market-Maker interest that applies to bulk messages, as described above. The Exchange believes it is appropriate for orders submitted through bulk ports be subject to the same restrictions on adding and removing liquidity as bulk messages submitted through bulk ports, so that orders submitted through bulk ports do not have an advantage over bulk messages, and vice versa.

While liquidity providers are most commonly registered market-makers, other professional traders also provide liquidity to the options market, which contributes to price discovery. As a result, unlike other exchanges that restrict quoting functionality to market-makers, the Exchange believes it is appropriate to make bulk messages available to all Users to encourage them to provide liquidity, which is critical to the Exchange's market. Additionally, permitting orders to be submitted through bulk ports will continue to provide all liquidity providers with this functionality that is available today, as well as additional flexibility with respect to this functionality they may use to provide liquidity to the Exchange.

The proposed rule change adds a price protection mechanism for bulk messages that is similar to the fat finger check the Exchange currently provides for orders.[35] Proposed Rule 6.14(a)(5) states the System cancels or rejects any bulk message bid (offer) above (below) the NBO (NBB) by more than a specified amount determined by the Exchange. This is similar to the fat finger check currently applicable to limit orders.[36] Quotes that cross the NBBO by more than a specified amount are rejected as presumptively erroneous. This proposed check will not apply to bulk messages submitted prior to the conclusion of the Opening Process or when no NBBO is available. The Exchange believes it is appropriate to have the ability to not apply this check during the pre-open or opening rotation so that the check does not impact the determination of the opening price. The Exchange also believes it is appropriate to not apply this check when there is no NBBO, as the Exchange believes that is the most reliable measure against which to compare the price of the bulk message to determine its reasonability. The proposed change is similar to a quote price protection mechanism available at other options exchanges.[37]

Proposed Rule 6.14(c)(6)(B) states if, pursuant to the Rules, the System cancels or rejects a bulk message bid (offer) to update a resting bulk message bid (offer) submitted for the same EFID and bulk port, the System also cancels the resting bulk message bid (offer). The Exchange currently offers Users similar functionality for orders and quotes (as currently defined as bids and offers from Market-Makers), which is optional.[38] Pursuant to the proposed rule change, the System will always apply this protection to bulk messages. The Exchange believes this will operate as an additional safeguard that causes liquidity providers to re-evaluate their bids and offers in a series before attempting to update them again. Additionally, when a User submits a new bulk message, it is implicitly instructing the Exchange to cancel any resting bulk message in the same series. Thus, even if the new bulk message is rejected as a result of this proposed check, the implicit instruction to cancel the resting bulk message remains valid nonetheless. The proposed rule change is substantially similar to a risk control applicable to quotes available at another options exchange.[39]

The proposed rule change amends proposed Rules 6.10(c) and (d) to provide that eligible Order Instructions and Times-in-Force, respectively, are subject to the proposed restrictions in Rule 6.8(c) with respect to orders and bulk messages submitted through bulk ports, and clarify which Order Instructions, and Times-in-Force are available and not available for bulk messages, as described above. The proposed rule change also amends the definitions of order types, Order Instructions, and Times-in-Force in Rule 6.10(b), (c), and (d), respectively, in accordance with proposed Rule 6.8(c)(3). Additionally, Rule 6.13 to make clear that Users may not submit complex orders through bulk ports.[40]

The proposed rule change also makes nonsubstantive changes to move the definitions of order types, Order Instructions, and Times-in-Force (as amended to accommodate bulk messages as discussed above) to Rule 6.10 and add cross-references to that Rule in the definitions of those terms in Rule 1.1. The proposed rule change also moves the definitions of physical port and logical port (and the proposed definition of bulk port) to Rule 6.8(c).

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.[41] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[42] 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

consistent with this term and a Market-Maker's obligations set forth in Rule 8.7 (*e.g.* market-Makers must contribute to the maintenance of a fair and orderly market, including by competing to improve markets, update quotes in response to changed market conditions, and price options contracts fairly).

[35] The proposed rule change also amends Rule 6.14(a) and (c) (and the introductory language to that rule) to make clear which price protections and risk controls in those paragraphs will not apply to bulk messages.

[36] *See* Rule 6.14(c)(1). Orders submitted through bulk ports will be subject to the current order price protection mechanisms, such as limit fat finger check in Rule 6.14.

[37] *See, e.g.,* Cboe Options Rule 6.14(a) and (b); Arca Rule 6.37A–O(a)(3).

[38] *See* current Rule 6.14(c)(6) and proposed Rule 6.14(c)(6)(A).

[39] *See, e.g.,* Cboe Options Rule 6.14(b); Arca Rule 6.37A–O(a)(3)(C).

[40] The Exchange notes that Market-Makers are not required to quote on the COB, and that complex quoting functionality is not currently available on Cboe Options.

[41] 15 U.S.C. 78f(b).

[42] 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)[43] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will remove impediments to and perfect the mechanism of a free and open market because it provides Users, including Market-Makers and other liquidity providers, with enhanced functionality to allow them to provide liquidity to the market and update bids and offers in response to changed market conditions. While current bulk orders simulate quotes, Users must submit multiple messages in bulk to update bids and offers in multiple series. The proposed bulk messages will permit Users to update multiple bids and offers in block quantities in a single message, which will permit them to update bids and offers (for example, in response to changing market conditions) in a more efficient manner. The proposed ability to update bids and offers in block quantities is similar to that available on another options exchange.[44]

With respect to all Users, the proposed bulk messages are substantially similar to the current bulk orders available through bulk order ports—Users will be able to submit bulk messages that are Day and Post Only. However, the proposed rule change will permit them to do so in a single bulk message rather than in multiple messages. While the use of the GTD Time-in-Force will not be permitted for bulk messages as it currently is for bulk orders, Users may achieve the same result as GTD for their bulk messages by manually cancelling a bulk message at a specified time during the trading day—the proposed rule change merely does not provide a means for automatic cancellation of bulk messages at a specific time during the trading day. Additionally, Users may continue to apply GTD to orders submitted to the Exchange through bulk ports and other ports.

The Exchange believes the proposed rule change will permit liquidity providers to more efficiently update their resting bids and offers, which may help them manage their risk exposure when, for example, updating their bids and offers in response to changing market conditions. The Exchange believes this will continue to encourage all Users to provide liquidity on the Exchange and avoid incurring a taker fee if their intent is to submit bids and offers to add liquidity to the Book. As a result, this may increase liquidity, resulting in more trading opportunities and tighter spreads, which benefits all investors. The Exchange notes the proposed rule change provides Users with additional flexibility by permitting certain MTP Modifiers to be applied to bulk messages to prevent their orders and bulk messages from trading against each other. The MTP Modifiers not available for bulk messages will continue to be available for Users on orders submitted through bulk ports and other ports. Unlike other options exchanges that limit the use of quoting functionality to market-makers, the proposed rule change will permit all Users to submit bulk messages. Additionally, the proposed rule change to permit Users to continue to submit orders (subject to restrictions on the Post Only and Book Only instructions, as discussed above) through bulk ports will encourage Users that may not have quoting systems to provide liquidity to the Exchange by submitting single orders through bulk ports. This is also consistent with current bulk orders, which permits Users to submit both single and bulk orders through bulk order ports.

The proposed rule change further removes impediments to and perfects the mechanism of a free and open market and a national market system by providing appointed Market-Makers with the ability to submit Book Only bulk messages, because it will align functionality available to appointed Market-Makers on the Exchange with the quoting functionality available to market-makers on other options exchanges, including Cboe Options, which permit quotes to both add and remove liquidity.[45] Market-Makers are critical to providing liquidity and price discovery on the Exchange, and are subject to various obligations, as discussed above. The Exchange notes all other Users may continue to use the Book Only instruction (or other instructions that permit execution against resting orders on the Book) on orders submitted through other ports, as they may do today. The Exchange believes providing Market-Makers with flexibility to use the Post Only or Book Only instruction with respect to bulk messages will provide them with additional tools to meet their obligations in a manner they deem appropriate and is reasonable given the critical role Market-Makers plan in the options market. The Exchange believes this may also encourage liquidity providers to register as Market-Makers.

The proposed rule change provides Market-Makers with a combination of functionality available to market-makers on other exchanges, as some exchanges permit market-makers to remove liquidity and others only permit market-makers to post liquidity using quotes.[46] As a result, the Exchange believes the proposed rule change will provide Market-Makers with greater control over their interactions with contra-side liquidity and would increase opportunities for such interaction. The Exchange believes this will provide Market-Makers with a greater level of determinism, in terms of managing their exposure, which may encourage them to be more aggressive when providing liquidity. The Exchange believes this may result in more trading opportunities and tighter spreads, which contributes to price discovery. Ultimately, this may improve overall market quality and enhance competition on the Exchange, which benefits all investors.

Similarly, the proposed rule change to prevent Market-Maker bulk messages from removing Market-Maker orders or bulk messages resting on the Book removes impediments to and perfects the mechanism of a national market system by eliminating trades that may be unintended (potentially the result of technological disparities between Market-Makers) and thus not beneficial to customers, and that may impede certain liquidity providers' ability to competitively price their bids and offers. The Exchange believes the proposed rule change will increase availability of liquidity in the market and will enhance competition, because Market-Makers will be better able to quote aggressively with fewer concerns over technological disparities in their quoting systems, which ultimately benefits all investors. The Exchange notes this proposed rule change is similar to functionality available on another options exchange.[47]

The proposed handling of bulk messages to prevent the display of a locked or crossed market will perfect the mechanism of a free and open market and national market system, as it is consistent with the Linkage Plan

[43] *Id.*

[44] *See* Cboe Options Rule 1.1(ppp), which provides that electronic quotes may be updated in block quantities.

[45] Other options exchanges only permit market-makers to submit quotes. *See, e.g.,* Cboe Options Rules 1.1(ppp) and 8.3(c); Arca Rule 6.37A–O(a)(1).

[46] *See id.* and Box Options Exchange, LLC (''BOX'') Rule 8050, IM–8050–3.

[47] *See* Cboe Options Rule 6.45(c).

and the Exchange's handling of orders with similar instructions. This proposed handling of bulk messages is also consistent with handling of quotes on other options exchanges.[48] The proposed risk controls and price protection mechanisms that will apply to bulk messages promote just and equitable principles of trade and will protect investors by mitigating potential risks associated with Users submitting bulk messages at clearly unintended prices and trading at extreme and potentially erroneous prices. Additionally, the proposed rule change to cancel a User's resting bulk message when the System rejects a bulk message intended to update that resting bulk message provides Users with an additional safeguard that causes Users to reevaluate their bids and offers in the series before attempting to update them again. Additionally, when a User submits a new bulk message, it is implicitly instructing the Exchange to cancel any resting bulk message. Thus, even if the new bulk message is rejected, the Market-Maker's implicit instruction to cancel the resting bulk message remains valid nonetheless.

The options markets are quote driven markets and thus dependent on liquidity providers, which are most commonly registered market-makers but also other professional traders, for liquidity and price discovery. The Exchange believes the proposed enhanced functionality, including the additional flexibility for Market-Makers to manage their risk exposure and provide additional control over interactions with contra-side liquidity, for these liquidity providers to more efficiently enter and update bids and offers. This may encourage the provision of more aggressive liquidity, which may result in more trading opportunities and tighter spreads, which contributes to price discovery. This may improve overall market quality and enhance competition on the Exchange, which benefits all investors.

The proposed rule change is generally intended to align system functionality currently offered by the Exchange with Cboe Options functionality 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 would also provide Users with access to functionality that is generally available on markets other than the Cboe Affiliated Exchanges, which may result in the efficient execution of quotes and orders and provide Users with additional flexibility and increased functionality on the Exchange's System.

When Cboe Options migrates to the same technology as that of the Exchange and other Cboe Affiliated Exchanges, Users of the Exchange and other Cboe Affiliated Exchanges will have access to similar functionality on all Cboe Affiliated Exchanges. 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposed bulk messages, like the current bulk orders, are optional for all Users. While only Market-Makers may submit Book Only bulk messages, the Exchange believes this is appropriate given the various obligations Market-Makers must satisfy under the Rules and the unique and critical role Market-Makers play in the options market, as discussed above. The Exchange believes providing Market-Makers with flexibility to use the Post Only or Book Only instruction with respect to bulk messages will provide Market-Makers with additional tools to meet their obligations in a manner they deem appropriate. The Exchange believes the proposed functionality for Market-Makers adds value to market-making on the Exchange and provides them with greater control over how their quotes interact with contra-side liquidity both on the Exchange. The Exchange notes all other Users may continue to use the Book Only instruction on orders submitted to the Exchange through other types of ports. The Post Only instruction for bulk messages will be available to all Users, and is substantially similar to the bulk orders currently available to all Users. Additionally, all Users may submit single orders with all other Times-in-Force and Order Instructions (subject to the same Post Only and Book Only restrictions applicable to bulk messages) not available for bulk messages through bulk ports, which may encourage Users that may not have quoting systems to provide liquidity to the Exchange.

The proposed rule change to prevent Market-Maker bulk message executions against other resting Market-Maker interest is intended to protect Market-Makers from executions due to technology disparities rather than the intention of Market-Makers to trade with one another at that price. The Exchange believes this functionality and protection for Market-Makers may encourage Market-Makers to quote tighter and deeper markets, which will increase liquidity and enhance competition. The proposed price protection mechanisms and risk controls applicable to bulk messages will apply in the same manner to all bulk messages submitted by market participants. The Exchange believes this protection for bulk messages provides liquidity providers with additional protection from anomalous or erroneous executions. Generally, once bulk messages are resting on the Book, the System will handle them no differently than resting orders—this includes how the System prioritizes orders and quotes when executing them against incoming orders or quotes. Bulk messages that are available to all Users will work in the same manner for all Users, and the additional bulk message functionality available to appointed Market-Makers will work in the same manner for all such Market-Makers. The Exchange believes it is reasonable to provide additional functionality to Market-Makers given their unique and critical role in the options market and the various obligations that Market-Makers must satisfy.

The Exchange does not believe the propose rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because it will provide Market-Makers with bulk message functionality that is similar to that quoting available to market-makers on other options exchanges. The Exchange believes the proposed functionality will permit the Exchange to operate on an even playing field relative to other exchanges that have similar functionality. As discussed above, the options markets are quote driven markets and thus dependent on liquidity providers, which are most commonly registered market-makers but also other professional traders, for liquidity and price discovery. The Exchange believes the proposed enhanced functionality, including the additional flexibility for Market-Makers to manage their risk exposure and

[48] *See* Cboe Options Rule 6.14(b) and (c); *see also* Rule 6.37A–O(a)(3).

provide additional control over interactions with contra-side liquidity, for these liquidity providers to more efficiently enter and update bids and offers. This may encourage the provision of more aggressive liquidity, which may result in more trading opportunities and tighter spreads, which contributes to price discovery. This may improve overall market quality and enhance competition on the Exchange, which benefits all investors.

The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the Cboe Affiliated Exchanges. Thus, the Exchange believes this proposed rule change permits fair competition among national securities exchanges. In addition, 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.

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: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [49] and Rule 19b–4(f)(6) [50] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[49] 15 U.S.C. 78s(b)(3)(A).

[50] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–C2–2018–025 on the subject line.

Paper Comments:

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2018–025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the 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–C2–2018–025 and should be submitted on or before February 22, 2019.

[51] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[51]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01392 Filed 2–6–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17g–4, SEC File No. 270–566, OMB Control No. 3235–0627.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17g–4 (17 CFR 240.17g–4) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

The Credit Rating Agency Reform Act of 2006 added a new section 15E, ''Registration of Nationally Recognized Statistical Rating Organizations,'' [1] to the Exchange Act. Pursuant to the authority granted under section 15E of the Exchange Act, the Commission adopted Rule 17g–4, which requires that a nationally recognized statistical rating organization (''NRSRO'') establish, maintain, and enforce written policies and procedures to prevent the misuse of material nonpublic information, including policies and procedures reasonably designed to prevent: (a) The inappropriate dissemination of material nonpublic information obtained in connection with the performance of credit rating services; (b) a person within the NRSRO from trading on material nonpublic information; and (c) the inappropriate dissemination of a pending credit rating action.[2]

There are 10 credit rating agencies registered with the Commission as NRSROs under section 15E of the Exchange Act, which have already established the policies and procedures required by Rule 17g–4. Based on staff

[1] 15 U.S.C. 78o–7.

[2] *See* 17 CFR 240.17g–4; Release No. 34–55231 (Feb. 2, 2007), 72 FR 6378 (Feb. 9, 2007); Release No. 34–55857 (June 5, 2007), 72 FR 33564 (June 18, 2007).

experience, an NRSRO is estimated to spend an average of approximately 10 hours per year reviewing its policies and procedures regarding material nonpublic information and updating them (if necessary), resulting in an average industry-wide annual hour burden of approximately 100 hours.[3]

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

Background documentation for this information collection may be viewed at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F St NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

February 1, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01374 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[3] 10 currently registered NRSROs × 10 hours = 100 hours.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85039; File No. SR–NASDAQ–2018–111]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Equity 7, Section 118(a) of the Rules

February 1, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 26, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction fees at Equity 7, Section 118(a) to: (i) Assess fees for the Midpoint Extended Life Order; and (ii) offer new supplemental credits in all three tapes for non-displayed orders that add liquidity, as described further below.

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on January 2, 2019.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's transaction fees at Equity 7, Section 118(a) to: (i) Assess fees for the Midpoint Extended Life Order; and (ii) establish two new supplemental credits in all three tapes for non-displayed midpoint orders that provide liquidity, as described further below.[3]

First Change

The Exchange is proposing to assess a $0.0004 per share executed fee for executions of Midpoint Extended Life Orders in securities priced at $1 or more. Currently, the Exchange does not assess a fee for executions of Midpoint Extended Life Orders. The proposed fee covers Orders in securities of any of the three tapes. The Exchange believes that the market in Midpoint Extended Life Orders has matured to the point that it can support the proposed $0.0004 per share executed fee.

Second Change

The Exchange is proposing to offer two new supplemental credits in all three tapes for non-displayed midpoint orders that provide liquidity if a member executes a requisite average daily volume of shares through Midpoint Extended Life Orders. These are supplemental credits because they will apply in addition to the credits otherwise available to members that add non-displayed liquidity to the Exchange. Specifically, the Exchange proposes to offer a member a $0.0001 supplemental credit per share executed for midpoint orders if the member executes an average daily volume of at least 2.5 million up to, but not including, 4 million shares through Midpoint Extended Life Orders. Alternatively, the Exchange proposes to offer a member a $0.0002 supplemental credit per share executed for midpoint orders if the member executes an average daily volume of 4 million or more shares through Midpoint Extended Life Orders. The purposes of the new credits are to provide members with a greater incentive to utilize Midpoint Extended Life Orders as well as to increase their provision of non-displayed midpoint liquidity on the Exchange.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission

[3] The Exchange initially filed the proposed pricing changes on December 21, 2018 (SR–NASDAQ–2018–110). On December 26, 2018, the Exchange withdrew that filing and submitted this filing.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4) and (5).

highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [6]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [7] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[8] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [9]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .'' [10]

First Change

The proposed $0.0004 per share executed fee is reasonable because the Exchange has considered the nature of the market in Midpoint Extended Life Orders, the need to assess a fee to help cover the costs of supporting trading on Nasdaq, and the Exchange's desire to continue to promote use of Midpoint Extended Life Orders on the Exchange. Taking these factors into consideration, the Exchange has determined that $0.0004 per share executed is appropriate. The Exchange currently assess a fee of $0.0007 per share executed for certain TFTY Orders.[11] The Exchange also assesses $0.0007 per share executed for QCST and QDRK orders, except for QCST orders that execute on Nasdaq BX for which there is no charge or credit.[12] Thus, the lower fee is similar to existing fees for Orders that utilize the Exchange and may promote use of Midpoint Extended Life Orders and consequently the quality of the market in Midpoint Extended Life Orders. The Exchange also notes that a competitor exchange assesses a fee of $0.0009 per share executed for both adding and removing all non-displayed liquidity in securities priced $1 or more.[13]

As discussed extensively in its proposal,[14] the Exchange believes that the Midpoint Extended Life Order is consistent with the Act because it is emblematic of a core function of a national securities exchange, namely matching buyers and sellers of securities on a transparent and well-regulated market, and helping these buyers and sellers come together to receive the best execution possible. The Exchange achieves this by permitting Midpoint Extended Life Orders to execute solely against other Midpoint Extended Life Orders at the midpoint of the NBBO in return for providing market-improving behavior in the form of a longer-lived midpoint order. Thus, the Exchange believes that it is important for participants using Midpoint Extended Life Orders to have a deep and liquid market. Applying a lower fee than the $0.0030 per share executed that the Exchange assesses for removing resting midpoint liquidity should provide incentive to market participants to use Midpoint Extended Life Orders while also allowing the Exchange to recoup some of the costs it incurs in offering the Order.

The Exchange believes that the proposed fees are an equitable allocation and are not unfairly discriminatory because the Exchange will apply the same fee to all similarly situated members. Moreover, members not interested in using Midpoint Extended Life Orders will continue to have the ability to enter midpoint Orders in the Nasdaq System, which have both fees and credits associated with their execution.[15] The proposed $0.0004 per share executed fee is lower than most other fees assessed for executions, which is reflective of the beneficial nature of the type of Order. Any member may take advantage of the lower fee by using the Order Type.

Last, the Exchange is not assessing a charge for executions in Midpoint Extended Life Orders in securities priced below $1 because there are very few executions in such Orders relative to transactions in Midpoint Extended Life Orders in securities priced at $1 or greater. Allowing such transactions at no cost will help promote a deeper market in Midpoint Extended Life Orders in securities priced below $1. Thus, the Exchange believes that the no cost tier in Midpoint Extended Life Orders in securities priced below $1 remains an equitable allocation and is not unfairly discriminatory.

Second Change

The Exchange believes that it is reasonable to offer new supplemental credits to a member for non-displayed midpoint orders that add liquidity to the Exchange if the member executes a requisite average daily volume of shares through Midpoint Extended Life Orders. If effective, the Exchange believes that the new supplemental credits will improve market quality on the Exchange, including for Midpoint Extended Life Orders. The Exchange believes that the new credit is an equitable allocation and is not unfairly discriminatory because the Exchange will apply the same fee to all similarly situated members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the proposal to assess a modest fee of $0.0004 per share executed will not place any burden on

[6] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[7] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[8] *See NetCoalition,* at 534–535.

[9] *Id.* at 537.

[10] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[11] *See* Rule 7018(a)(1)–(3) [sic].

[12] *Id.*

[13] *See* Investors Exchange Fee Schedule, available at: *https://iextrading.com/trading/fees/.*

[14] *See* Securities Exchange Act Release No. 81311 (August 3, 2017), 82 FR 37248 (August 9, 2017) (SR–NASDAQ–2017–074).

[15] Based on whether the member is removing or adding liquidity. *See* Equity 7, Section 118(a).

competition, but rather will help ensure continued growth in the use of Midpoint Extended Life Orders by making such Orders attractive to members that seek to execute at the midpoint with like-minded members, while also allowing the Exchange to recoup some of the costs associated with offering the Order Type. To the extent the proposal is not successful in promoting liquidity in Midpoint Extended Life Orders, it would have no meaningful impact on competition as few transactions in Midpoint Extended Life Orders would occur.

Likewise, the Exchange believes that the new proposed supplemental credits will not place any burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. Moreover, the addition of the proposed credits may encourage other market venues to provide similar credits to improve their market quality. In that sense, the Exchange believes that the new credits may promote competition.

In sum, if the proposal to assess the new fee tiers for executions of Midpoint Extended Life Orders and to provide new supplemental credits for members that execute Midpoint Extended Life Orders are unattractive to market participants, it is likely that the Exchange will not gain any market share and may lose market share. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[16]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2018–111 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–NASDAQ–2018–111. 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–NASDAQ–2018–111 and should be submitted on or before February 22, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01393 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85029; File No. SR–NYSEARCA–2018–99]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Options Fee Schedule

February 1, 2019.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 26, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule (''Fee Schedule''). The Exchange proposes to implement the fee change effective January 1, 2019. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule, effective January 1, 2019, to provide an incentive for Market Makers to provide more competitive prices and deeper liquidity in the NYSE FANG+ Index (''NYSE FANG+''), which trades under the symbol FAANG. The Exchange also proposes to eliminate the FAANG Rebate that it currently offers Floor Brokers as it failed to achieve its intended goal of encouraging Floor Brokers to bring FAANG business to the Trading Floor.

The Exchange introduced fees and rebates for transactions in FAANG in June 2018.[4] Currently, the Exchange charges $0.35 per contract, per side for non-Customer and Professional Customer FAANG transactions, whether executed manually or electronically.[5] However, the Exchange does not charge a fee for any FAANG transactions (i) on behalf of Customers or (ii) by Market Makers with an appointment in NYSE FANG+.[6] Thus, Market Makers that do not have an appointment in NYSE FANG+ are currently subject to the same fee of $0.35 per contract, per side for non-Customer and Professional Customer FAANG transactions. The Exchange proposes to remove the requirement that a Market Maker have an appointment in FAANG to be able to transact in FAANG for free. The Exchange believes that removing this limitation would encourage Market Makers to trade in FAANG.

Concurrent with this change, the Exchange proposes to introduce credits for Market Maker organizations—specifically, NYSE Arca Options Market Makers or LMMs—that execute at least 500 total monthly contract sides that open a position on the Exchange (the ''MM FAANG Credit'' or ''Credit).[7] Only those FAANG transactions marked as ''open'' would be eligible to be counted towards the MM FAANG Credit. As proposed, firms that meet the minimum volume threshold would receive a MM FAANG Credit of $5,000; provided, however, that if more than ten firms qualify for a MM FAANG Credit in a calendar month, the Credit for each qualifying firm would be a pro rata share of $50,000. The Exchange believes the proposed MM FAANG Credit would further the Exchange's goal of encouraging trading in this new index product. In particular, the Exchange seeks to spur Market Makers to provide increased liquidity in tighter markets, which would create greater trading opportunities for all market participants.

Finally, the Exchange proposes to eliminate the FAANG Rebate that it currently offers Floor Brokers as it failed to achieve its intended goal of encouraging Floor Brokers to bring FAANG business to the Trading Floor.[8]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act, in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposal to remove the restriction that Market Makers must have an appointment in FAANG to avoid transactions fees in this product is reasonable, equitable and not unfairly discriminatory because this proposal would encourage Market Makers to provide liquidity in FAANG, a product that was only introduced in June 2018. In addition, the proposed FAANG transaction fee change would apply equally to all Marker Maker organizations that transact in FAANG.

The Exchange believes the proposal to introduce a MM FAANG Credit for executing a certain number of options contract sides on FAANG is reasonable, equitable and not unfairly discriminatory for the following reasons. First, the proposed Credit would apply equally to all Marker Maker organizations that transact in FAANG. Second, the proposed Credit would encourage Market Maker organizations to increase trading activity in FAANG. The Exchange anticipates that Market Makers seeking to reach the proposed 500 contract threshold will provide additional liquidity and trading opportunities for all market participants. The Exchange believes the proposed MM FAANG Credit is reasonable, equitable and not unfairly discriminatory because it is designed to further the Exchange's goal of encouraging transactions in FAANG, a new index product.

Finally, the Exchange believes the proposal to eliminate the FAANG Rebate that is currently offered to Floor Brokers is reasonable, equitable and not unfairly discriminatory because it would apply equally to all Floor Brokers. Further, the proposal would encourage the fair and efficient use of Exchange resources given that this incentive program failed to meet its stated goal of encouraging Floor Brokers to bring FAANG business to the Trading Floor.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed MM FAANG Credit for Market Maker organizations would not place an unfair burden on competition as it would apply to all similarly situated Market Makers. The Exchange also believes the proposed Credit is procompetitive as it would further the Exchange's goal of introducing new products to the marketplace and encouraging Market Makers to provide liquidity in these products, which would in turn, benefit all market participants. Market participants that do not wish to trade in FAANG are not obliged to do so.

To the extent that there is an additional competitive burden on market participants that are not eligible for the MM FAANG Credit (*i.e.,* non-Market Maker organizations), the Exchange believes that this is appropriate because the proposal would incent Market Makers to provide increased liquidity in tighter markets, which would create greater trading opportunities for all market participants. To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in

[4] *See* Securities Exchange Act Release No. 83554 (June 28, 2018), 83 FR 31436 (July 5, 2018) (SR–NYSEArca–2018–49).

[5] *See* Fee Schedule, NYSE FANG+ Index (FAANG) Transaction Fees, *available here: https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf.* [sic]

[6] *See id.* The term Market Maker, as used herein, includes NYSE Arca Options Market Makers and Lead Market Makers (or LMMs).

[7] *See* proposed Fee Schedule, NYSE FANG+ Index (FAANG) Transaction Fees.

[8] *See* Securities Exchange Act Release No. 83616 (July 10, 2018), 83 FR 32929, 32929 (July 16, 2018) (SR–NYSEArca–2018–51) (adopting the FAANG Rebate for Floor Brokers to ''encourage[e] Floor Brokers to bring business to the Trading Floor, which would in turn, benefit all market participants through increased liquidity and more opportunities to trade'').

order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange.

The proposed elimination of the FAANG Rebate currently available to Floor Brokers likewise does not impose an unfair burden on competition as it failed to achieve its intended goal of encouraging Floor Brokers to bring FAANG business to the Trading Floor and applies equally to all similarly situated Floor Brokers.

The Exchange does not believe that the proposed change will impair the ability of any market participants or competing order execution venues to maintain their competitive standing in the financial markets. Further, the proposed Rebate would be applied to all similarly situated participants (*i.e.,* Market Maker organizations), and, as such, the proposed change would not impose a disparate burden on competition either among or between classes of market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [9] of the Act and subparagraph (f)(2) of Rule 19b–4 [10] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [11] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2018–99 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2018–99. 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–NYSEARCA–2018–99, and should be submitted on or before February 22, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01384 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(2).

[11] 15 U.S.C. 78s(b)(2)(B).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 206(4)–2, SEC File No. 270–217, OMB Control No. 3235–0241

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 206(4)–2 (17 CFR 275.206(4)–2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*) governs the custody of funds or securities of clients by Commission-registered investment advisers. Rule 206(4)–2 requires each registered investment adviser that has custody of client funds or securities to maintain those client funds or securities with a broker-dealer, bank or other ''qualified custodian.'' [1] The rule requires the adviser to promptly notify clients as to the place and manner of custody, after opening an account for the client and following any changes.[2] If an adviser sends account statements to its clients, it must insert a legend in the notice and in subsequent account statements sent to those clients urging them to compare the account statements from the custodian with those from the adviser.[3] The adviser also must have a reasonable basis, after due inquiry, for believing that the qualified custodian maintaining client funds and securities sends account statements directly to the advisory clients, and undergo an annual surprise examination by an independent public accountant to verify client assets pursuant to a written agreement with the accountant that specifies certain duties.[4] Unless client assets are maintained by an independent custodian (*i.e.,* a custodian that is not the adviser itself or a related person), the adviser also is required to obtain or receive a report of the internal controls relating to the custody of those assets

[1] Rule 206(4)–2(a)(1).

[2] Rule 206(4)–2(a)(2).

[3] Rule 206(4)–2(a)(2).

[4] Rule 206(4)–2(a)(3), (4).

from an independent public accountant that is registered with and subject to regular inspection by the Public Company Accounting Oversight Board (''PCAOB'').[5]

The rule exempts advisers from the rule with respect to clients that are registered investment companies. Advisers to limited partnerships, limited liability companies and other pooled investment vehicles are excepted from the account statement delivery and deemed to comply with the annual surprise examination requirement if the limited partnerships, limited liability companies or pooled investment vehicles are subject to annual audit by an independent public accountant registered with, and subject to regular inspection by the PCAOB, and the audited financial statements are distributed to investors in the pools.[6] The rule also provides an exception to the surprise examination requirement for advisers that have custody because they have authority to deduct advisory fees from client accounts and advisers that have custody solely because a related person holds the adviser's client assets and the related person is operationally independent of the adviser.[7]

Advisory clients use this information to confirm proper handling of their accounts. The Commission's staff uses the information obtained through this collection in its enforcement, regulatory and examination programs. Without the information collected under the rule, the Commission would be less efficient and effective in its programs and clients would not have information valuable for monitoring an adviser's handling of their accounts.

The respondents to this information collection are investment advisers registered with the Commission and have custody of clients' funds or securities. We estimate that 7,216 advisers would be subject to the information collection burden under rule 206(4)–2. The number of responses under rule 206(4)–2 will vary considerably depending on the number of clients for which an adviser has custody of funds or securities, and the number of investors in pooled investment vehicles that the adviser manages. It is estimated that the average number of responses annually for each respondent would be 6,830, and an average time of 0.00500 hour per response. The annual aggregate burden for all respondents to the requirements of rule 206(4)–2 is estimated to be 246,532 hours.

The estimated average burden hours are made solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

Please direct your written comments to Charles Riddle, Acting Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 1, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01376 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[5] Rule 206(4)–2(a)(6).

[6] Rule 206(4)–2(b)(4).

[7] Rule 206(4)–2(b)(3), (b)(6).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85025; File No. SR–ISE–2018–102]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Provisions for Excluding a Day From its Pricing Tier Calculations

February 1, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 21, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's provisions for excluding a day from its pricing tier calculations.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's provisions for excluding a day from its pricing tier calculations. First, the Exchange is standardizing its practice for removing a day from volume calculations in its Pricing Schedule with its affiliated options market, Nasdaq PHLX LLC (''Phlx'').[3] Second, the Exchange is making similar changes to its rule for removing a day from Market Maker Plus tiers. Each change is discussed below.

Background

To avoid penalizing members when aberrant low volume days result from systems or other issues at the Exchange, or where the Exchange closes early for holiday observance, the Exchange currently has language in its Pricing Schedule allowing it to exclude certain days from its average daily volume

[3] *See* Phlx Pricing Schedule, Options 7, Section 1(b). The Exchange's other affiliated options markets, Nasdaq GEMX, Nasdaq MRX, Nasdaq BX, and The Nasdaq Options Market will also file similar rule change proposals to conform to Phlx's rule.

(''ADV'') calculations. Currently, Section 1 of the Exchange's Pricing Schedule provides that any day that the market is not open for the entire trading day or the Exchange instructs members in writing to route their orders to other markets may be excluded from the ADV calculation; provided that the Exchange will only remove the day for members that would have a lower ADV with the day included. The proviso language in Section 1 (hereinafter, the ''better of rule'') ensures that members would only have the day removed when doing so is beneficial for the member. As such, the Exchange only applies the better of rule to ADV calculations, and not for other volume-based pricing where members would not benefit from having the day excluded (*e.g.,* straight volume accumulations).

In addition, the Exchange operates a Market Maker Plus program that provides tiered rebates to Market Makers in Select Symbols based on time spent quoting at the National Best Bid or National Best Offer (''NBBO''). Market Maker Plus is designed to reward Market Makers that make quality markets. As provided in Section 3, note 5, Market Makers are evaluated each trading day for the percentage of time spent on the NBBO for qualifying series that expire in two successive thirty calendar day periods beginning on that trading day.[4] A Market Maker Plus is a Market Maker who is on the NBBO a specified percentage of the time on average for the month based on daily performance in the qualifying series for each of the two successive periods described above.[5] Similar to the treatment described above for ADV calculations, the Exchange is also allowed to exclude any day that the market is not open for the entire trading day or the Exchange instructs members in writing to route their orders to other markets from its Market Maker Plus tier calculations; provided that the Exchange will only remove the day for members that would have a lower time at the NBBO for the specified series with the day included. Unlike ADV calculations, however, the Exchange does not use this authority to exclude days where the Exchange closes early for holiday observance because the Exchange desires to incentivize Market Makers to continue making quality markets where the Exchange is not experiencing an unanticipated event and merely closes early for holiday observance.

Proposal

In Options 7, Section 1, the Exchange proposes to renumber the first paragraph as subsection (a) with the title ''Removal of Days for Purposes of Pricing Tiers,'' and renumber the second paragraph in Section 1 (relating to fee disputes) as subsection (b). The Exchange also proposes to adopt language in subsection (a) to replace current rule text for excluding days with language that is substantially similar to language currently in place on Phlx,[6] and have this language apply to volume tier calculations.[7] Specifically, as proposed:

(1)(A) Any day that the Exchange announces in advance that it will not be open for trading will be excluded from the options tier calculations set forth in its Pricing Schedule; and (B) any day with a scheduled early market close (''Scheduled Early Close'') may be excluded from the options volume tier calculations only pursuant to paragraph (3) below.

(2) The Exchange may exclude the following days (''Unanticipated Events'') from the options volume tier calculations only pursuant to paragraph (3) below, specifically any day that: (A) The market is not open for the entire trading day, (B) the Exchange instructs members in writing to route their orders to other markets, (C) the Exchange is inaccessible to members during the 30-minute period before the opening of trade due to an Exchange system disruption, or (D) the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours.

(3) If a day is to be excluded as a result of paragraph (1)(B) or (2) above, the Exchange will exclude the day from any member's monthly options volume tier calculations as follows:

(A) The Exchange may exclude from the ADV calculation any Scheduled Early Close or Unanticipated Event; or

(B) the Exchange may exclude from any other applicable options volume tier calculation provided for in its Pricing Schedule (together with (3)(A), ''Volume Tier Calculations'') any Scheduled Early Close or Unanticipated Event.

provided, in each case, that the Exchange will only remove the day for members that would have a lower Volume Tier Calculation with the day included.

The proposed language would: (i) Expand upon the existing scenarios where the Exchange may remove a day to adopt two additional situations related to Exchange systems disruptions, (ii) categorize the potential excluded days into days that are known in advance (*i.e.,* days in proposed paragraph (1), including Scheduled Early Closes) and days that are not (*i.e.,* Unanticipated Events in proposed paragraph (2)), (iii) clarify how the potential excluded days proposed above would be removed from the ADV and other applicable volume based tier calculations in the Pricing Schedule, and (iv) generally add more detail to clarify the application of the better of rule.

In connection with the changes to Section 1(a), the Exchange proposes in Section 3, note 5 to similarly expand the scope of the current rule for excluding days from the Market Maker Plus tier calculation such that the Exchange would be allowed to exclude the two additional Exchange systems disruption-related scenarios described above. Specifically, the current language would be replaced with the following: ''The Exchange may exclude from any member's monthly Market Maker Plus tier calculation any Unanticipated Event; provided that the Exchange will only remove the day for members that would have a lower time at the NBBO for the specified series with the day included.'' The proposed language for Market Maker Plus would continue to not exclude days where the Exchange closes early for holiday observance, which would now be categorized as a Scheduled Early Close under this proposal.

As it relates to Unanticipated Events, the Exchange will inform all members if any such day will be excluded from its Volume Tier Calculations and Market Maker Plus tier calculations through a

[4] Qualifying series are series trading between $0.03 and $3.00 (for options whose underlying stock's previous trading day's last sale price was less than or equal to $100) and between $0.10 and $3.00 (for options whose underlying stock's previous trading day's last sale price was greater than $100) in premium. If a Market Maker would qualify for a different Market Maker Plus tier in each of the two successive periods described above, then the lower of the two Market Maker Plus tier rebates shall apply to all contracts.

[5] Market Makers may enter quotes in a symbol using one or more unique, exchange assigned identifiers—*i.e.,* badge/suffix combinations. Market Maker Plus status is calculated independently based on quotes entered in a symbol for each of the Market Maker's badge/suffix combinations, and the highest tier achieved for any badge/suffix combination quoting that symbol applies to executions across all badge/suffix combinations that the member uses to trade in that symbol. A Market Maker's worst quoting day each month for each of the two successive periods described above, on a per symbol basis, will be excluded in calculating whether a Market Maker qualifies for this rebate.

[6] *See* note 3 above.

[7] As discussed further below, Market Maker Plus tiers, which are based on quoting (time spent at the NBBO) and not on executed volume, will continue to be set forth separately in Section 3 of the Exchange's Pricing Schedule. Phlx does not have a similar quoting-based program, and all of its pricing tiers are volume-based calculations.

system status message disseminated to all members. The Exchange notes that it is not proposing to amend the thresholds a member must achieve to become eligible for, or the dollar amount associated with, the tiered rebates or fees.

Exchange Systems Disruptions

The Exchange proposes to adopt two additional scenarios as ''Unanticipated Events'' that the Exchange may determine to exclude from its Volume Tier Calculations. First, the Exchange proposes to exclude days where the Exchange is inaccessible to members during the 30-minute period before the opening of trade (*i.e.,* between 9:00 a.m. to 9:30 a.m. Eastern Time) due to an Exchange system disruption, even if the Exchange does not instruct members to route away to other markets. As discussed above, the Exchange's current ability to remove days is limited to days where the market is not open for the entire trading day, and where the Exchange instructs members to route away to other markets. This allows the Exchange to exclude days, for example, where the Exchange honors a market-wide trading halt declared by another market, closes early for holiday observance, or instructs members to route away to other markets because of a systems issue in the morning, which ultimately does not carry over into the trading day. The Exchange notes, however, that it may not always instruct members to route away. For instance, the Exchange may be inaccessible to members in the morning due to a systems disruption but the Exchange resolves the issue shortly before 9:30 a.m. and as a result, the Exchange does not instruct members to route away. In such cases, the Exchange is not permitted to exclude the day from its ADV calculations. The Exchange generally experiences a high volume of member participation within the 30-minute window leading up to the opening of trade from members who submit eligible interest [8] be included in the Exchange's opening process. As a result, days where members are precluded from submitting eligible interest during this 30-minute time period due to an Exchange systems disruption, even if the issue is ultimately resolved by the Exchange before the market opens (and members therefore are not instructed to route away), are likely to have lower member participation. Including such days in calculations of ADV will therefore make it more difficult for members to achieve particular pricing tiers for that month. Accordingly, excluding such days will diminish the likelihood of a cost increase occurring because a member is not able to reach a pricing tier on that date that it would reach on other trading days during the month. Phlx currently has identical language allowing it to remove such days from its volume based tiers.[9]

Second, the Exchange proposes to exclude days where there is an Exchange system disruption that lasts for more than 60 minutes during regular trading hours (*i.e.,* 9:30 a.m. to 4:00 p.m. Eastern Time), even if such disruption would not be categorized as a complete outage of the Exchange's system. Such a disruption may occur where a certain options series traded on the Exchange is unavailable for trading due to an Exchange systems issue, or where the Exchange may be able to perform certain functions with respect to accepting and processing orders, but may have a failure to another significant process, such as routing to other market centers, that would lead members who rely on such processes to avoid using the Exchange until the Exchange's entire system was operational. The Exchange believes that certain system disruptions that are not complete system outages could preclude some members from sending order flow to the Exchange. The Exchange notes that this proposal is consistent with the rules of Phlx and other options exchanges.[10]

The Exchange believes that the two scenarios proposed above are reasonable and equitable because the intent of the current rule has always been to avoid penalizing members that might otherwise qualify for certain tiered pricing but that because of aberrant low volume days resulting, for instance, from Exchange systems disruptions, did not participate on the Exchange to the extent they might have otherwise participated.

In addition, to avoid penalizing members that step up and trade on a day with artificially low volume, the Exchange currently only removes days for members that would have a lower ADV calculation with the day included (*i.e.,* the better of rule). The Exchange believes that applying the better of rule to the proposed system disruption-related scenarios would be similarly helpful as it would ensure that members that continue to execute a large volume of contracts on such days are not inadvertently disadvantaged when the Exchange removes a systems disruption-related day from its calculations of ADV. This is consistent with the treatment of such days on Phlx.[11]

Categories of Excluded Days

Similar to Phlx, the Exchange seeks to restructure the existing rule by separating out the different scenarios between days that are known in paragraph (1) and days that are not in paragraph (2), and define the latter as Unanticipated Events.

For planned days, the Exchange proposes to further distinguish between days that the Exchange announces in advance that it will not be open for trading in paragraph (1)(A) (*e.g.,* Thanksgiving), and Scheduled Early Closes in paragraph (1)(B) (*e.g.,* the trading day after Thanksgiving). The Exchange notes that it currently considers Scheduled Early Closes as a subset of days that the market is not open for the entire trading day. The Exchange believes it would be more clear to distinguish Scheduled Early Closes in paragraph (1) as a day that is planned for in advance, and separately consider days that are not open for the entire trading day as Unanticipated Events in paragraph (2)(A). As proposed, (2)(A) would continue to cover unplanned days where the Exchange declares a trading halt in all securities or honors a market-wide trading halt declared by another market. The other scenarios that will be categorized as Unanticipated Events in paragraph (2) are the two systems-related disruptions proposed above, and days that the Exchange instructs members in writing to route their orders to other markets, which is an existing scenario covered under the current rule as described above.

Exclusion of Days by Volume Tier Calculation

The Exchange proposes to further amend the existing rule to align with the Phlx rule by specifying how the days in paragraphs (1) and (2) will be excluded from its Volume Tier Calculations. As it relates to days where the Exchange announces in advance that it will not be open for trading, the Exchange notes that it will exclude those days from all options tier calculations set forth in its

[8] Eligible interest includes quotes and orders. *See* Rule 701(b).

[9] *See* note 3 above at paragraph 2(C).

[10] *See* note 3 above at paragraph 2(D). *See also* BATS [sic] BZX Options Exchange Fee Schedule (defining an ''Exchange System Disruption'' as any day that the exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours); and NYSE Arca Options Fee Schedule (defining an ''Exchange System Disruption'' as a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours).

[11] *See* note 3 above at paragraph 3.

Pricing Schedule.[12] This is also the case today since no trading activity occurs on those days, and the Exchange is only clarifying its current practice within the proposed rule text in paragraph (1)(A).

As discussed above, the Exchange currently removes Scheduled Early Closes as provided in paragraph (1)(B), and the Unanticipated Events in paragraphs (2)(A) and (2)(B), from its calculations of ADV only for members that would have a lower ADV with the day included. The Exchange is not changing how it currently excludes these days from the ADV calculations. And as further discussed above, the Exchange is proposing to adopt the same principle-based approach for excluding the two Unanticipated Events related to Exchange system disruptions as provided in paragraphs (2)(C) and (2)(D). Accordingly, the proposed language in paragraph (3)(A) will clarify for the ADV calculation that the Exchange may exclude any Scheduled Early Close or Unanticipated Event, subject to the better of rule.[13]

Similar to Phlx, the proposal also adds a ''catch-all'' provision in paragraph (3)(B) that would apply to other applicable Volume Tier Calculations that are set forth in its Pricing Schedule, but are not specified within paragraph (3)(A) (*i.e.,* not an ADV calculation).[14] This catch-all provision will provide the Exchange with flexibility to apply the better of rule going forward to all pricing programs administered by the Exchange that are based on volume calculations. The Exchange believes that adopting a similar principle-based approach for its options volume calculations would ensure that days are removed from such calculations only if doing so would be beneficial for the member. Accordingly, the proposed language will not apply to straight volume accumulations, as is the case today, and the Exchange will continue to not exclude days from such calculations as members do not benefit when volume executed on an excluded day is removed from straight volume accumulations.

Clarifying Changes

The Exchange proposes to add further details similar to Phlx's rule to bring greater transparency as to how the Exchange will apply the better of rule when removing days from its Volume Tier Calculations. In particular, the Exchange proposes to make clear that it will only remove days pursuant to the better of rule by specifying in paragraphs (1)(B) and (2) that such days may be excluded from the Volume Tier Calculations only pursuant to paragraph (3).[15] Paragraph (3) will then provide that if a day is to be excluded as a result of paragraph (1)(B) or (2), the Exchange will be required to exclude the day from any member's monthly options volume tier calculations as detailed within paragraph (3).[16] With the proposed changes, the Exchange seeks to clarify that it will exclude days from any member's Volume Tier Calculations in a uniform manner to ensure that days are removed only in situations where the member benefits. The Exchange will look at each potential excluded day in a month and determine for every member their ADV or other applicable volume calculation based on their trading volume on that day. If any member would have a lower Volume Tier Calculation with the particular day included, the Exchange will exclude that day for that member. This is how the Exchange applies the better of rule today for ADV calculations. As such, the proposed changes are intended to make clear that the Exchange will apply the better of rule in a uniform manner for all members, and that there is no arbitrary selection of ''winners'' or ''losers'' when the Exchange excludes days. In addition, the Exchange proposes to make two technical changes within the better of rule; first, to clarify that the rule applies in each case of the tier calculations specified in paragraph (3), and second, to use the defined term Volume Tier Calculations instead of ADV to reflect the changes proposed herein.

Market Maker Plus

In light of the foregoing proposal in Section 1(a), the Exchange proposes in Section 3, note 5 to make corresponding changes to the current rule for excluding days from the Market Maker Plus tier calculation. Specifically, the proposed rule text will expand upon the existing scenarios to encompass the two systems-related disruptions proposed above such that the Exchange would be permitted to exclude these Unanticipated Events from its calculations of Market Maker Plus tiers. As is the case today, the Exchange would only be permitted to remove such days in situations where the member benefits. Similar to the treatment described above for the Volume Tier Calculations, the Exchange likewise believes that it is appropriate to remove the two proposed systems-related disruptions from the Market Maker Plus calculation to avoid penalizing Market Makers on days that the Exchange is experiencing an unforeseen issue. Unlike the proposed rule for Volume Tier Calculations, however, the proposed rule for Market Maker Plus tier calculations will continue to include known events, such as days where the Exchange closes early for holiday observance, in the Market Maker Plus calculation to continue incentivizing Market Makers to make quality markets on such days. As is true of the existing scenarios that may be excluded today, the Exchange believes that permitting the exclusion for the two Exchange systems disruption-related scenarios will provide flexibility to Market Makers in anticipating where to send order flow. The Exchange desires to incentivize Market Makers to send order flow to ISE to meet their tier requirements in this manner, and further believes that it is appropriate to incentivize Market Makers to continue making quality markets where the Exchange is not experiencing an unforeseen issue and merely closes early for a known event for which they can plan in advance.

Finally, the proposed language will specify that Unanticipated Events may be excluded from any member's monthly Market Maker Plus tier calculation for the same reasons discussed above for Volume Tier Calculations. The Exchange similarly seeks to make clear that it will apply the better of rule in a uniform manner for all members who qualify for Market Maker Plus, and that there is no arbitrary selection of ''winners'' or ''losers'' when days are excluded from a member's calculation of Market Maker Plus tiers.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[18] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change is reasonable and equitable as it provides a new

[12] *See id.* at paragraph (1)(A) for similar language on Phlx.

[13] *See id.* at paragraph (3)(A) for similar language on Phlx.

[14] *See id.* at paragraph (3)(C) for similar language on Phlx.

[15] *See id.* at paragraphs (1)(B) and (2) for similar language on Phlx.

[16] *See id.* at paragraph (3) for similar language on Phlx.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(4) and (5).

framework for removing days from the Exchange's volume calculations that the Exchange believes is beneficial to members and consistent with similar provisions already in place on Phlx, except for the differences discussed above to account for Market Maker Plus. The proposed rule change would permit the Exchange to remove a day from its pricing tiers in more circumstances, and ensures that the Exchange will only do so in circumstances where beneficial for the member because the member would have a lower volume calculation or lower time at the NBBO with the day included.

The Exchange believes it is reasonable and equitable to exclude a day from its Volume Tier Calculations when the Exchange's system experiences a disruption during the 30-minute period prior to the opening of trade that renders the Exchange inaccessible to members as this preserves the Exchange's intent behind adopting tiered pricing. Without this change, members that are precluded from submitting eligible interest during the 30-minute window before the opening of trade may be negatively impacted, even if the Exchange resolves the issue before the market opens and as a result, does not instruct members to route away. The proposed change to exclude such days will diminish the likelihood of a cost increase occurring because a member is not able to reach a pricing tier on that date that it would reach on other trading days during the month.

Similarly, excluding a day where the Exchange's system experiences a disruption that lasts for more than 60 minutes intra-day is reasonable and equitable because the proposal seeks to avoid penalizing members that might otherwise qualify for certain tiered pricing but that, because of an Exchange systems disruption, did not participate on the Exchange to the extent they might have otherwise participated. The Exchange believes that certain systems disruptions could preclude some members from sending order flow to the Exchange even if such issue is not actually a complete systems outage.

In addition, the Exchange believes that it is reasonable and equitable to apply the better of rule to both systems disruption-related scenarios. Without these changes, members that step up and trade significant volume on excluded trading days may be negatively impacted, resulting in an effective cost increase for those members. The proposal would align the Exchange's approach to how it applies this rule today for days where the market is not open for the entire trading day or where the Exchange instructs members to route away.

Furthermore, the Exchange believes that categorizing the potential excluded days is reasonable and equitable because it will bring greater transparency to the application of its rule. Specifically, the Exchange is distinguishing between planned and unplanned days in paragraphs (1) and (2), defining the latter as Unanticipated Events, and stipulating how the Exchange will exclude such days pursuant to this rule. Categorizing days in this manner will clarify the application of its rule in light of the Exchange's proposal to expand the rule to adopt additional days that may be excluded from its tier calculations. Providing in paragraph (1)(A) that the Exchange will always exclude from its tier calculations days that it announces in advance it will not be open for trading will clarify current practice. Furthermore, the Exchange believes that the proposed changes to specify how days in paragraphs (1) and (2) may be excluded from its tier calculations will bring greater transparency by delineating the various circumstances in which the better of rule will apply. Providing in paragraph (3) that the Exchange may exclude any Scheduled Early Close or Unanticipated Event from the ADV and other Volume Tier Calculations, subject to the better of rule, will make clear that the Exchange will take a consistent approach when excluding days for purposes of its volume based pricing tiers. In addition, having a catch-all in paragraph (3)(B) so that the better of rule applies to other options volume calculations than ADV to allow the Exchange to apply the rule going forward to all pricing programs based on volume calculations will further protect members. The Exchange notes that aberrant low volume days resulting from, for instance, an Unanticipated Event, impacts all volume calculations, and allowing the Exchange to exclude such days from any Volume Tier Calculation if the member would have a lower calculation with the day included will further protect members from being inadvertently penalized.

Furthermore, the proposed changes specifying that the days in paragraphs (1)(B) and (2) may be excluded only pursuant to paragraph (3), and requiring the Exchange to exclude such days pursuant to the specifications in paragraph (3) will likewise make clear that the Exchange will take a consistent approach with respect to excluding days from its Volume Tier Calculations. As discussed above, these modifications will clarify that the Exchange will apply the better of rule in a uniform manner to all members, and that there is no arbitrary selection of ''winners'' or ''losers.'' The Exchange also believes that the two technical changes proposed in the better of rule to reflect the changes proposed herein will likewise bring greater clarity to its rule. Furthermore, the Exchange believes that the proposed language for Volume Tier Calculations is not unfairly discriminatory because it applies equally to all members and volume calculations.

The Exchange also believes that the proposed language for Market Maker Plus is reasonable and equitable since it would allow the Exchange to remove a day from its Market Maker Plus tier calculations in similar circumstances as the Exchange proposes for its Volume Tier Calculations, and only when beneficial for the Market Maker. The Exchange believes that the proposed language is appropriate as it avoids penalizing Market Makers on days where the Exchange is experiencing a systems disruption. Without this change, Market Makers that are wary of participation on the Exchange following such issues could fall into a lower Market Maker Plus tier, resulting in an effective cost increase for those members. As discussed above, the proposed language will continue to include known events, such as days where the Exchange closes early for holiday observance, in the Market Maker Plus calculation. The Exchange desires to incentivize Market Makers to send order flow to ISE to meet their tier requirements, and further believes that it is appropriate to incentivize Market Makers to continue making quality markets where the Exchange is not experiencing an issue and merely closes early for a known event. While Market Makers can plan for known events, they are unable to plan for events such as the proposed Exchange systems disruption-related scenarios, which may preclude Market Maker participation for that day. The Exchange therefore believes that permitting the exclusion for these Unanticipated Events will provide flexibility to Market Makers in anticipating where to send order flow. The Exchange further believes that the proposed changes to specify that Unanticipated Events may be excluded from any member's monthly Market Maker Plus tier calculation will bring greater transparency to the Exchange's rules by making clear that the Exchange will apply the better of rule in a uniform manner for all Market Makers, and that there is no arbitrary selection of ''winners'' or ''losers'' when days are

excluded from a member's calculation of Market Maker Plus tiers.

Finally, the Exchange believes that the proposed language for Market Maker Plus tier calculations is not unfairly discriminatory as all Market Makers have the ability to qualify for Market Maker Plus by making quality markets on the Exchange, and can therefore benefit from the proposed changes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to protect members from the possibility of a cost increase by excluding days when overall member participation might be significantly lower than a typical trading day. The Exchange believes that the proposed modifications to its tier calculations are pro-competitive and will result in lower total costs to end users, a positive outcome of competitive markets. Furthermore, other options exchanges have adopted rules that are substantially similar to the Exchange's proposal.[19]

The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[20] 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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–ISE–2018–102 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–ISE–2018–102.* 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–ISE–2018–102* and should be submitted on or before February 22, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01382 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[19] *See* notes 3 and 10 above.

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17f–4, SEC File No. 270–232, OMB Control No. 3235–0225.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l–3520) (the ''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 17(f) (15 U.S.C. 80a–17(f)) under the Investment Company Act of 1940 (the ''Act'')[1] permits registered management investment companies and their custodians to deposit the securities they own in a system for the central handling of securities (''securities depositories''), subject to rules adopted by the Commission.

Rule 17f–4 (17 CFR 270.17f–4) under the Act specifies the conditions for the use of securities depositories by funds[2] and their custodians.

The Commission staff estimates that 142 respondents (including an estimated 80 active funds that may deal directly with a securities depository, an estimated 49 custodians, and 13 possible securities depositories)[3] are

[1] 15 U.S.C. 80a.

[2] As amended in 2003, rule 17f–4 permits any registered investment company, including a unit investment trust or a face-amount certificate company, to use a security depository. *See* Custody of Investment Company Assets With a Securities Depository, Investment Company Act Release No. 25934 (Feb. 13, 2003) (68 FR 8438 (Feb. 20, 2003)). The term ''fund'' is used in this Notice to mean a registered investment company.

[3] The Commission staff estimates that, as permitted by the rule, an estimated 2% of all active funds may deal directly with a securities depository instead of using an intermediary. The number of custodians is estimated based on information from Morningstar Direct℠. The Commission staff estimates the number of possible securities depositories by adding the 12 Federal Reserve

subject to the requirements in rule 17f–4. The rule is elective, but most, if not all, funds use depository custody arrangements.[4]

Rule 17f–4 contains two general conditions. First, a fund's custodian must be obligated, at a minimum, to exercise due care in accordance with reasonable commercial standards in discharging its duty as a securities intermediary to obtain and thereafter maintain financial assets. If the fund deals directly with a depository, the depository's contract or written rules for its participants must provide that the depository will meet similar obligations. All funds that deal directly with securities depositories in reliance on rule 17f–4 should have either modified their contracts with the relevant securities depository, or negotiated a modification in the securities depository's written rules when the rule was amended. Therefore, we estimate there is no ongoing burden associated with this collection of information.[5]

Second, the custodian must provide, promptly upon request by the fund, such reports as are available about the internal accounting controls and financial strength of the custodian. If a fund deals directly with a depository, the depository's contract with or written rules for its participants must provide that the depository will provide similar financial reports. Custodians and depositories usually transmit financial reports to funds twice each year.[6] The Commission staff estimates that 49 custodians spend approximately 914 hours (by support staff) annually in transmitting such reports to funds.[7] In addition, approximately 80 funds (*i.e.,* two percent of all funds) deal directly with a securities depository and may request periodic reports from their depository. Commission staff estimates that depositories spend approximately 19 hours (by support staff) annually transmitting reports to the 80 funds.[8] The total annual burden estimate for compliance with rule 17f–4's reporting requirement is therefore 933 hours.[9]

If a fund deals directly with a securities depository, rule 17f–4 requires that the fund implement internal control systems reasonably designed to prevent an unauthorized officer's instructions (by providing at least for the form, content, and means of giving, recording, and reviewing all officers' instructions). All funds that seek to rely on rule 17f–4 should have already implemented these internal control systems when the rule was amended. Therefore, there is no ongoing burden associated with this collection of information requirement.[10]

Based on the foregoing, the Commission staff estimates that the total annual hour burden of the rule's collection of information requirements is 933 hours.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. This estimate is not derived from a comprehensive or even representative survey or study of the costs of Commission rules.

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 control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov*; and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 1, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01372 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

Banks and one active registered clearing agency. The Commission staff recognizes that not all of these entities may currently be acting as a securities depository for fund securities.

[4] Based on responses to Item 18 of Form N–SAR (17 CFR 274.101), approximately 97 percent of funds' custodians maintain some or all fund securities in a securities depository pursuant to rule 17f–4.

[5] The Commission staff assumes that new funds relying on 17f–4 would choose to use a custodian instead of directly dealing with a securities depository because of the high costs associated with maintaining an account with a securities depository. Thus, new funds would not be subject to this condition.

[6] The estimated 49 custodians would handle requests for reports from 3,917 fund clients (approximately 80 fund clients per custodian) and the depositories from the remaining 80 funds that choose to deal directly with a depository. It is our understanding based on staff conversations with industry representatives that custodians and depositories transmit these reports to clients in the normal course of their activities as a good business practice regardless of whether they are requested. Therefore, for purposes of this PRA estimate, the Commission staff assumes that custodians transmit the reports to all fund clients.

[7] (3,917 fund clients × 2 reports) = 7,834 transmissions. The staff estimates that each transmission would take approximately 7 minutes for a total of approximately 914 hours (7 minutes × 7,834 transmissions).

[8] (80 fund clients who may deal directly with a securities depository × 2 reports) = 160 transmissions. The staff estimates that each transmission would take approximately 7 minutes for a total of approximately 19 hours (7 minutes × 160 transmissions).

[9] 914 hours for custodians and 19 hours for securities depositories.

[10] The Commission staff assumes that new funds relying on 17f–4 would choose to use a custodian instead of directly dealing with a securities depository because of the high costs associated with maintaining an account with a securities depository. Thus new funds would not be subject to this condition.

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rules 300–304 of Regulation Crowdfunding (Intermediaries), SEC File No. 270–774, OMB Control No. 3235–0726.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rules 300–304 of Regulation Crowdfunding.[1]

Rules 300–304 of Regulation Crowdfunding enumerate the requirements with which intermediaries must comply to participate in the offer and sale of securities in reliance on Section 4(a)(6) of the Securities Act of 1933 (''Section 4(a)(6)''). Rule 300 requires an intermediary to be registered with the Commission as a broker or as a funding portal and be a member of a registered national securities association.[2]

Rule 301 requires intermediaries to have a reasonable basis for believing that an issuer seeking to offer and sell securities in reliance on Section 4(a)(6) through the intermediary's platform complies with the requirements in Section 4A(b) of the Securities Act and

[1] *See Regulation Crowdfunding,* Exchange Act Release No. 76324 (Oct. 30, 2015), 80 FR 71387 (Nov. 16, 2015) (Final Rule) (''Regulation Crowdfunding'').

[2] Currently, FINRA is the only registered national securities association.

the related requirements in Regulation Crowdfunding. Rule 302 provides that no intermediary or associated person of an intermediary may accept an investment commitment in a transaction involving the offer or sale of securities made in reliance on Section 4(a)(6) until the investor has opened an account with the intermediary and the intermediary has obtained from the investor consent to electronic delivery of materials. Rule 303 requires an intermediary to make publicly available on its platform the information that an issuer of crowdfunding securities is required to provide to potential investors, in a manner that reasonably permits a person accessing the platform to save, download or otherwise store the information, for a minimum of 21 days before any securities are sold in the offering, during which time the intermediary may accept investment commitments. Rule 303 also requires intermediaries to comply with the requirements related to the maintenance and transmission of funds. An intermediary that is a registered broker is required to comply with the requirements of Rule 15c2–4 of the Securities Exchange Act of 1934 (''Exchange Act'') (Transmission or Maintenance of Payments Received in Connection with Underwritings).[3] An intermediary that is a registered funding portal must direct investors to transmit the money or other consideration directly to a qualified third party that has agreed in writing to hold the funds for the benefit of, and to promptly transmit or return the funds to, the persons entitled thereto in accordance with Regulation Crowdfunding.

The rules also require intermediaries to implement and maintain systems to comply with the information disclosure, communication channels, and investor notification requirements. These requirements include providing disclosure about compensation at account opening (Rule 302), obtaining investor acknowledgements to confirm investor qualifications and review of educational materials (Rule 303), providing investor questionnaires (Rule 303), providing communication channels with third parties and among investors (Rule 303), notifying investors of investment commitments (Rule 303), confirming completed transactions (Rule 303) and confirming or reconfirming offering cancellations (Rule 304).

The Commission staff estimates that there would be 62 intermediaries engaged in crowdfunding activity and therefore subject to Rules 300–304. The Commission staff estimates that annualized industry burden would be 15,621 hours to comply with Rules 300–304. This estimate is composed of a one-time burden for new intermediaries to comply with the rules and develop the platform and ongoing burdens associated with maintaining the platform. The Commission staff estimates that the costs associated with complying with Rules 300–304 are estimated to be approximately a total amount of $5,772,327. These costs are composed of a one-time burden for new intermediaries to comply with the rules and develop the platform and ongoing burdens associated with maintaining the platform.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 1, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01367 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[3] 17 CFR 240.15c2–4.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85033; File No. SR–NYSEArca–2018–98]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to Listing and Trading Shares of the iShares Commodity Multi-Strategy ETF Under NYSE Arca Rule 8.600–E; and Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Relating to Listing and Trading Shares of the iShares Commodity Multi-Strategy ETF Under NYSE Arca Rule 8.600–E

February 1, 2019.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 21, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the iShares Commodity Multi-Strategy ETF under NYSE Arca Rule 8.600–E (''Managed Fund Shares''). The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the iShares Commodity Multi-Strategy (''Fund'') under NYSE Arca Rule 8.600–E, which governs the listing and trading of Managed Fund Shares [4] on the Exchange.

The Shares will be offered by iShares U.S. ETF Trust (the ''Trust''), which is registered with the Commission as an open-end management investment company.[5] The Fund is a series of the Trust.

BlackRock Fund Advisors (''BFA'' or ''Adviser'') will be the investment adviser for the Fund. BlackRock Investments, LLC will be the distributor (''Distributor'') for the Fund's Shares. State Street Bank and Trust Company will serve as the administrator, custodian and transfer agent (''Custodian'' or ''Transfer Agent'') for the Fund.

Commentary .06 to Rule 8.600–E provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[6] In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer, and has implemented and will maintain a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. In the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

iShares Commodity Multi-Strategy ETF.

Fund Investments

According to the Registration Statement, the investment objective of the Fund will be to seek to provide exposure, on a total return basis, to a group of commodities with characteristics of carry, momentum and value. The Fund is actively managed and seeks to achieve its investment objective in part [7] by, under normal market conditions,[8] investing in listed and over-the-counter (''OTC'') swaps referencing the Reference Benchmark.[9] In connection with investments in swaps on the Reference Benchmark, the Fund is expected to establish new swaps contracts on an ongoing basis and replace expiring contracts.[10] Swaps subsequently entered into by the Fund may have terms that differ from the swaps the Fund currently holds. The Fund expects generally to pay a fixed payment rate and certain swap related fees to the swap counterparty and receive the total return of the Reference Benchmark, including in the event of negative performance by the Reference Benchmark, negative return (*i.e.,* a payment from the Fund to the swap counterparty). In seeking total return, the Fund additionally aims to generate interest income and capital appreciation through a cash management strategy consisting primarily of cash, cash equivalents,[11] and fixed income securities other than cash equivalents, as described below.

The Fund intends to follow a multifactor strategy reflected by the Reference Benchmark, which equally weights three sub-indices designed to provide exposure to carry, momentum, and value factors. The Fund will invest in financial instruments described below that provide exposure to commodities and not in the physical commodities themselves. The ''carry'' sub-index emphasizes commodities and contract months with the greatest degree of backwardation or lowest degree of contango.[12] Second, the ''momentum''

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Rule 5.2–E(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Trust is registered under the 1940 Act. On December 3, 2018, the Trust filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a), and under the 1940 Act relating to the Fund (File Nos. 333–179904 and 811–22649) (''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 29571 (January 24, 2011) (File No. 812–13601).

[6] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[7] The Fund's investment objective is also achieved by investing in cash, cash equivalents, Commodity Investments, Fixed Income Securities and Short-Term Fixed Income Securities (each as defined or described below).

[8] The term ''normal market conditions'' is defined in NYSE Arca Rule 8.600–E(c)(5).

[9] The Reference Benchmark will be published on the Fund's website. The Trust will specify the name of the Reference Benchmark in an amendment to the Registration Statement prior to commencement of trading in the Fund's Shares.

[10] Swaps on the Reference Benchmark are included in ''Commodity Investments'' as defined below.

[11] For purposes of this filing, cash equivalents are the short-term instruments enumerated in Commentary .01(c) to Rule 8.600–E.

[12] According to the Registration Statement, in order to maintain exposure to a futures contract on a particular commodity, an investor must sell the position in the expiring contract and buy a new position in a contract with a later delivery month, which is referred to as ''rolling.'' If the price for the new futures contract is less than the price of the expiring contract, then the market for the commodity is said to be in ''backwardation.'' In these markets, roll returns are positive, which is referred to as ''positive carry.'' The term ''contango'' is used to describe a market in which the price for a new futures contract is more than the price of the expiring contract. In these markets, roll returns are negative, which is referred to as ''negative carry.'' The ''carry'' sub-index seeks to employ a positive carry strategy that emphasizes commodities and futures contract months with the greatest degree of

Continued

sub-index underweights or overweights commodities based on the strength of performance patterns over multiple time periods. Third, the ''value'' sub-index measures value for each commodity by the ratio of its 3-month average spot price to its 5-year average. Sector weights are held constant versus a broad non-factor weighted commodity index, but within each sector, weights of individual commodities are tilted to favor those with the lowest valuation ratio. Within each sub-index, contract months are selected to maximize backwardation and minimize contango.

The Fund expects to obtain a substantial amount of its exposure to the carry, momentum, and value strategies by entering into total return swaps that pay the returns of the commodity futures contracts referenced from time to time in the Reference Benchmark. The Reference Benchmark includes 22 futures contracts on physical agricultural, energy, precious metals, and industrial metals listed on U.S. regulated futures exchanges.

The Fund (through its Subsidiary (as defined below)) may hold the following listed derivative instruments: Futures, forwards, options and swaps (including swaps referencing the Reference Benchmark) on commodities, currencies and financial instruments (*e.g.,* stocks, fixed income, interest rates, U.S. Treasuries, and volatility) or a basket or index of any of the foregoing (collectively, ''Listed Derivatives'').[13] Listed Derivatives will comply with the criteria in Commentary .01(d) of NYSE Arca Rule 8.600–E.

The Fund (through its Subsidiary (as defined below)) may hold the following over-the-counter (''OTC'') derivative instruments: Forwards, options and swaps (including swaps referencing the Reference Benchmark) on commodities, currencies and financial instruments (*e.g.,* stocks, fixed income, interest rates, and volatility) or a basket or index of any of the foregoing (collectively, ''OTC Derivatives'',[14] and together with Listed Derivatives, ''Commodity Investments'').[15]

The Fund's exposure to Commodity Investments is obtained by investing through a wholly-owned subsidiary organized in the Cayman Islands (the ''Subsidiary'').[16] The Subsidiary is advised by BFA and has the same investment objective as the Fund.

In compliance with the requirements of Sub-Chapter M of the Internal Revenue Code of 1986, the Fund may invest up to 25% of its total assets in the Subsidiary. The Fund's Commodity Investments held in the Subsidiary are intended to provide the Fund with exposure to broad commodities.

The Fund may hold cash, cash equivalents and fixed income securities other than cash equivalents, as described further below.

Specifically, the Fund may invest in Short-Term Fixed Income Securities (as defined below) other than cash equivalents on an ongoing basis to provide liquidity or for other reasons.[17] Short-Term Fixed Income Securities will have a maturity of no longer than 397 days and include the following: (i) Money market instruments; (ii) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit, bankers' acceptances, fixed-time deposits and other obligations of U.S. and non-U.S. banks (including non-U.S. branches) and similar institutions; (iv) commercial paper; (v) non-convertible corporate debt securities (*e.g.,* bonds and debentures); (vi) repurchase agreements; (vii) short-term U.S. dollar-denominated obligations of non-U.S. banks (including U.S. branches) that, in the opinion of BFA, are of comparable quality to obligations of U. S. banks that may be purchased by the Fund; (viii) and sovereign obligations (collectively, ''Short-Term Fixed Income Securities''). Any of these securities may be purchased on a current or forward-settled basis.[18]

The Fund also may invest in fixed income securities as defined in Commentary .01(b) to NYSE Arca Rule 8.600–E, other than cash equivalents and Short-Term Fixed Income Securities, with remaining maturities longer than 397 days (''Fixed Income Securities''). Such Fixed Income Securities will comply with requirements of Commentary .01(b) to NYSE Arca Rule 8.600–E.

The Subsidiary may hold cash and cash equivalents.

The Fund will seek to gain exposure to swaps and other Commodity Investments by investing in its Subsidiary. The Fund wholly owns and controls the Subsidiary, and the Fund and the Subsidiary are managed by BFA. The Subsidiary is not an investment company registered under the 1940 Act and is a company organized under the laws of the Cayman Islands.

The Trust's Board of Trustees has oversight responsibility for the investment activities of the Fund, including its investment in the Subsidiary, and the Fund's role as sole shareholder of the Subsidiary.

The Fund and the Subsidiary will not invest in securities or other financial instruments that have not been described in this proposed rule change.

Other Restrictions

The Fund's investments, including derivatives, will be consistent with the Fund's investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2X or −3X) of the Fund's Reference Benchmark.

Use of Derivatives by the Fund

The Fund may invest in the types of derivatives described in the ''Principal Investments'' section above for the purposes described in that section. Investments in derivative instruments will be made in accordance with the Fund's investment objective and policies.

To limit the potential risk associated with such transactions, the Fund will enter into offsetting transactions or segregate or ''earmark'' assets

backwardation and lowest degree of contango, resulting in net gains through positive roll returns.

[13] Examples of Listed Derivatives the Fund may invest in include: Exchange traded futures contracts similar to those found in the Reference Benchmark, exchange traded futures contracts on the Reference Benchmark, swaps on commodity futures contracts similar to those found in the Reference Benchmark, as well as futures and options that correlate to the investment returns of commodities without investing directly in physical commodities.

[14] As discussed below under ''Application of Generic Listing Requirements'' below, the Fund's and the Subsidiary's holdings in OTC Derivatives will not comply with the criteria in Commentary .01(e) of NYSE Arca Rule 8.600–E.

[15] Examples of OTC Derivatives the Fund may invest in include swaps on commodity futures contracts similar to those found in the Reference Benchmark, options that correlate to the investment returns of commodities without investing directly in physical commodities, and OTC commodity-linked notes.

[16] All statements included in this filing related to the Fund's investments and restrictions are applicable to the Fund and Subsidiary collectively.

[17] As discussed under ''Application of Generic Listing Requirements'', below, the Exchange proposes that such Short-Term Fixed Income Securities be excluded from the requirements of Commentary .01(b)(1)–(4) to NYSE Arca Rule 8.600–E.

[18] To the extent that the Fund and the Subsidiary invest in cash and Short-Term Fixed Income Securities that are cash equivalents (*i.e.,* that have maturities of less than 3 months) as specified in Commentary .01(c) to NYSE Arca Rule 8.600–E, such investments will comply with Commentary .01(c) and may be held without limitation. Non-convertible corporate debt securities and sovereign obligations are not included as cash equivalents in Commentary .01(c).

determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees (the ''Board''). In addition, the Fund has included appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged.

Impact on Arbitrage Mechanism

The Adviser believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the Fund's use of derivatives. The Adviser understands that market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Adviser believes that the price at which Shares of the Fund trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem Shares of the Fund at their net asset value (''NAV''), which should ensure that Shares of the Fund will not trade at a material discount or premium in relation to their NAV.

The Adviser does not believe there will be any significant impacts to the settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives.

Creation and Redemption of Shares

According to the Registration Statement, the Trust will issue and sell Shares of the Fund only in Creation Units on a continuous basis through the Distributor or its agent at a price based on the Fund's NAV next determined after receipt, on any business day of an order received by the Distributor or its agent in proper form. The size of a Creation Unit is 50,000 Shares. The Trust may increase or decrease the number of the Fund's Shares that constitute a Creation Unit.

The consideration for purchase of Creation Units of the Fund is generally cash (which may include the currency in which the underlying securities are denominated). However, in some cases the consideration consists of an in-kind deposit of a designated portfolio of securities (''Deposit Securities'') and the Cash Component computed as described below. Together, the Deposit Securities and the Cash Component constitute the ''Fund Deposit,'' which, when combined with the Fund's portfolio securities, is designed to generate performance that has a collective investment profile similar to that of the Reference Benchmark. The Fund Deposit represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund.

The ''Cash Component'' is an amount equal to the difference between the NAV of the shares (per Creation Unit) and the ''Deposit Amount,'' which is an amount equal to the market value of the Deposit Securities, and serves to compensate for any differences between the NAV per Creation Unit and the Deposit Amount.

The Fund's current policy is to accept cash in substitution for the Deposit Securities it might otherwise accept as in-kind consideration for the purchase of Creation Units. The Fund may, at times, elect to receive Deposit Securities (*i.e.,* the in-kind deposit of a designated portfolio of securities) and a Cash Component as consideration for the purchase of Creation Units. If the Fund elects to accept Deposit Securities, a purchaser's delivery of the Deposit Securities together with the Cash Component will constitute the ''Fund Deposit,'' which will represent the consideration for a Creation Unit of the Fund.

The Fund reserves the right to permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through the Depository Trust Company (''DTC'') or the clearing process (as discussed below) or that the ''Authorized Participant'' as defined below, is not able to trade due to a trading restriction, during times the Fund has elected to receive Deposit Securities. The Fund also reserves the right to permit or require a ''cash in lieu'' amount in certain circumstances.

To be eligible to place orders with the Distributor and to create a Creation Unit of the Fund, an entity must be: (i) A ''Participating Party,'' *i.e.,* a broker-dealer or other participant in the clearing process through the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC'') (the ''Clearing Process''), a clearing agency that is registered with the SEC, or (ii) a DTC Participant, and must have executed an agreement with the Distributor, with respect to creations and redemptions of Creation Units (''Authorized Participant Agreement'') (discussed below). A Participating Party or DTC Participant who has executed an Authorized Participant Agreement is referred to as an ''Authorized Participant.

To initiate an order for a Creation Unit, an Authorized Participant must submit to the Distributor or its agent an irrevocable order to purchase shares of the Fund, in proper form, generally before 4:00 p.m., Eastern time on any business day to receive that day's NAV.

Shares of the Fund may be redeemed by only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Distributor or its agent and only on a business day. The Fund generally redeems Creation Units solely for cash (which may include the currency in which the underlying securities are denominated).

BFA makes available through the NSCC, prior to the opening of business on the Exchange on each business day, the designated portfolio of securities (including any portion of such securities for which cash may be substituted) that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form (as defined below) on that day (''Fund Securities''), and an amount of cash (the ''Cash Amount,'' as described below). Such Fund Securities and the corresponding Cash Amount (each subject to possible amendment or correction) are applicable, in order to effect redemptions of Creation Units of the Fund until such time as the next announced composition of the Fund Securities and Cash Amount is made available. Where redemptions are permitted in-kind, Fund Securities received on redemption may not be identical to Deposit Securities that are applicable to creations of Creation Units. Procedures and requirements governing redemption transactions are set forth in the handbook for Authorized Participants and may change from time to time.

The Trust may, in its sole discretion, substitute a ''cash in lieu'' amount to replace any Fund Security. The Trust also reserves the right to permit or require a ''cash in lieu'' amount in certain circumstances. The amount of cash paid out in such cases will be equivalent to the value of the substituted security listed as a Fund Security. In the event that the Fund Securities have a value greater than the NAV of the shares, a compensating cash payment equal to the difference is required to be made by or through an Authorized Participant by the redeeming shareholder. The Fund generally redeems Creation Units for cash.

Redemption requests for Creation Units of the Fund must be submitted to the Distributor or its agent by or through an Authorized Participant. An Authorized Participant must submit an irrevocable request to redeem shares of the Fund generally before 4:00 p.m., Eastern time on any business day in order to receive that day's NAV.

Application of Generic Listing Requirements

The Exchange is submitting this proposed rule change because the portfolio for the Fund will not meet all of the ''generic'' listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E applicable to the listing of Managed Fund Shares. The Fund's portfolio will meet all such requirements except for those set forth in Commentary .01 (b)(1)–(4) (with respect to Short-Term Fixed Income Securities) and (e) (with respect to OTC Derivatives), as described below.

The Fund's Short-Term Fixed Income Securities will not comply with the requirements set forth in Commentary .01(b)(1)–(4) to NYSE Arca Rule 8.600–E.[19] While the requirements set forth in Commentary .01(b)(1)–(4) include rules intended to ensure that the fixed income securities included in a fund's portfolio are sufficiently large and diverse, and have sufficient publicly available information regarding the issuances. The Exchange believes that any such concerns, regarding non-compliance are mitigated by the types of instruments that the Fund would hold. The Fund's Short-Term Fixed Income Securities primarily will include those instruments that are included in the definition of cash and cash equivalents, but are not considered cash and cash equivalents because they have maturities of three months or longer. The Exchange believes, however, that, because all Short-Term Fixed Income Securities, including non-convertible corporate debt securities and sovereign obligations (which are not cash equivalents as enumerated in Commentary .01(c) to Rule 8.600–E), are highly liquid they are less susceptible than other types of fixed income instruments both to price manipulation and volatility and that the holdings as proposed are generally consistent with the policy concerns which Commentary .01(b)(1)–(4) is intended to address. Because the Short-Term Fixed Income Securities will consist of high-quality fixed income securities described above, the Exchange believes that the policy concerns that Commentary .01(b)(1)–(4) is intended to address are otherwise mitigated and that the Fund should be permitted to hold these securities in a manner that may not comply with Commentary .01(b)(1)–(4).

The Fund's portfolio also will not comply with the requirements set forth in Commentary .01(e) (with respect to OTC Derivatives) to NYSE Arca Rule 8.600–E.[20] Specifically, the Fund's investments in OTC Derivatives may exceed 20% of Fund assets, calculated as the aggregate gross notional value of such OTC Derivatives. The Exchange proposes that up to 60% of the Fund's assets (calculated as the aggregate gross notional value) may be invested in OTC Derivatives. The Adviser believes that it is important to provide the Fund with additional flexibility to manage risk associated with its investments. Depending on market conditions, it may be critical that the Fund be able to utilize available OTC Derivatives to efficiently gain exposure to the multiple commodities that underlie the Reference Benchmark, as well as commodity futures contracts similar to those found in the Reference Benchmark.

OTC Derivatives can be tailored to provide specific exposure to the Fund's Reference Benchmark, as well as commodity futures contracts similar to those found in the Reference Benchmark, allowing the Fund to more efficiently meet its investment objective. For example, the Reference Benchmark is composed of 22 futures contracts across 20 physical commodities, which may not be sufficiently liquid and would not provide the commodity exposure the Fund requires to meet its investment objective if the Fund were to invest in the futures directly. A total return swap can be structured to provide exposure to the same futures contracts as exist in the Reference Benchmark, as well as commodity futures contracts similar to those found in the Reference Benchmark, while providing sufficient efficiency to allow the Fund to more easily meet its investment objective.

In addition, if the Fund were to gain commodity exposure exclusively through the use of listed futures, the Fund's holdings in Listed Derivatives would be subject to position limits and accountability levels established by an exchange. Such limitations would restrict the Fund's ability to gain efficient exposure to the commodities in the Reference Benchmark, or futures contracts similar to those found in the Reference Benchmark, thereby impeding the Fund's ability to satisfy its investment objective.

The Adviser represents that the basket or index on which much of the Fund's OTC Derivatives will be based will satisfy the criteria applicable to holdings in Listed Derivatives in Commentary .01(d)(2) on an initial and continued listing basis.[21] With respect to the Fund's holdings in OTC Derivatives, the aggregate gross notional value of OTC Derivatives based on any five or fewer underlying reference assets will not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross

[19] Commentary .01(b)(1)–(4) to NYSE Arca Rule 8.600–E provides as follows:

(b) Fixed Income—Fixed income securities are debt securities that are notes, bonds, debentures or evidence of indebtedness that include, but are not limited to, U.S. Department of Treasury securities (''Treasury Securities''), government-sponsored entity securities (''GSE Securities''), municipal securities, trust preferred securities, supranational debt and debt of a foreign country or a subdivision thereof, investment grade and high yield corporate debt, bank loans, mortgage and asset backed securities, and commercial paper. To the extent that a portfolio includes convertible securities, the fixed income security into which such security is converted shall meet the criteria of this Commentary .01(b) after converting. The components of the fixed income portion of a portfolio shall meet the following criteria initially and on a continuing basis:

(1) Components that in the aggregate account for at least 75% of the fixed income weight of the portfolio each shall have a minimum original principal amount outstanding of $100 million or more;

(2) No component fixed-income security (excluding Treasury Securities and GSE Securities) shall represent more than 30% of the fixed income weight of the portfolio, and the five most heavily weighted component fixed income securities in the portfolio (excluding Treasury Securities and GSE Securities) shall not in the aggregate account for more than 65% of the fixed income weight of the portfolio;

(3) An underlying portfolio (excluding exempted securities) that includes fixed income securities shall include a minimum of 13 non-affiliated issuers, provided, however, that there shall be no minimum number of non-affiliated issuers required for fixed income securities if at least 70% of the weight of the portfolio consists of equity securities as described in Commentary .01(a) above;

(4) Component securities that in aggregate account for at least 90% of the fixed income weight of the portfolio must be either (a) from issuers that are required to file reports pursuant to Sections 13 and 15(d) of the Securities Exchange Act of 1934; (b) from issuers that have a worldwide market value of its outstanding common equity held by non-affiliates of $700 million or more; (c) from issuers that have outstanding securities that are notes, bonds debentures, or evidence of indebtedness having a total remaining principal amount of at least $1 billion; (d) exempted securities as defined in Section 3(a)(12) of the Securities Exchange Act of 1934; or (e) from issuers that are a government of a foreign country or a political subdivision of a foreign country; and [sic]

[20] Commentary .01(e) of NYSE Arca Rule 8.600–E provides as follows: ''The portfolio may hold OTC derivatives, including forwards, options and swaps on commodities, currencies and financial instruments (*e.g.,* stocks, fixed income, interest rates, and volatility) or a basket or index of any of the foregoing; however, on both an initial and continuing basis, no more than 20% of the assets in the portfolio may be invested in OTC derivatives. For purposes of calculating this limitation, a portfolio's investment in OTC derivatives will be calculated as the aggregate gross notional value of the OTC derivatives.''

[21] Commentary .01(d)(2) to Rule 8.600–E provides that, with respect to a fund's portfolio, the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).

notional value of OTC Derivatives based on any single underlying reference asset will not exceed 30% of the weight of the portfolio (including gross notional exposures). In addition, the Adviser represents that futures on all commodities in the Reference Benchmark are traded on futures exchanges that are members of the Intermarket Surveillance Group (''ISG'').

The Exchange notes that, other than Commentary .01(b)(1)–(4) (with respect to Short-Term Fixed Income Securities) and .01(e) (with respect to OTC Derivatives) to Rule 8.600–E, as described above, the Fund's portfolio will meet all other requirements of Rule 8.600–E.

Availability of Information

The Fund's website (*www.iShares.com*) will include the prospectus for the Fund that may be downloaded. The Fund's website will include additional quantitative information updated on a daily basis including, for the Fund, (1) daily trading volume, the prior business day's reported closing price, NAV and midpoint of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[22] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its website the Disclosed Portfolio as defined in NYSE Arca Rule 8.600–E(c)(2) that forms the basis for the Fund's calculation of NAV at the end of the business day.[23]

On a daily basis, the Fund will disclose the information required under NYSE Arca Rule 8.600–E(c)(2) to the extent applicable. The website information will be publicly available at no charge.

In addition, a basket composition file, which includes the asset names and share quantities, if applicable, required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the Exchange via the NSCC. The basket represents one Creation Unit of the Fund. Authorized Participants may refer to the basket composition file for information regarding financial instruments that may comprise the Fund's basket on a given day.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and the Fund's Forms N–CSR and Forms N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Trust, and those documents and the Form N–CSR, Form N–PX and Form N–SAR may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.*

Intra-day and closing price information regarding futures and other Listed Derivatives will be available from the exchange on which such instruments are traded and from major market data vendors. Price information regarding cash equivalents, Commodity Investments, Short-Term Fixed Income Securities, and Fixed Income Securities also will be available from major market data vendors. Additionally, the Trade Reporting and Compliance Engine (''TRACE'') of the Financial Industry Regulatory Authority (''FINRA'') will be a source of price information for certain fixed income securities to the extent transactions in such securities are reported to TRACE.[24] Price information regarding U.S. government securities and other cash equivalents generally may be obtained from brokers and dealers who make markets in such securities or through nationally recognized pricing services through subscription agreements. The BCOM index methodology, constituent list, and index price are available via Bloomberg.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. Exchange-traded options quotation and last sale information for options cleared via the Options Clearing Corporation are available via the Options Price Reporting Authority. In addition, the Portfolio Indicative Value (''PIV''), as defined in NYSE Arca Rule 8.600–E(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[25] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Fund's Shares also will be subject to Rule 8.600–E(d)(2)(D) (''Trading Halts'').

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m., E.T. in accordance with NYSE Arca Rule 7.34–E (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Rule 7.6–E, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

With the exception of the requirements of Commentary .01(b)(1)–(4) (with respect to Short-Term Fixed Income Securities) and (e) (with respect to OTC Derivatives) to Rule 8.600–E as described above in ''Application of Generic Listing Requirements,'' the Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E. Consistent with NYSE Arca Rule 8.600–E(d)(2)(B)(ii), the Adviser will

[22] The Bid/Ask Price of the Fund's Shares will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[23] Under accounting procedures followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[24] Broker-dealers that are FINRA member firms have an obligation to report transactions in specified debt securities to TRACE to the extent required under applicable FINRA rules. Generally, such debt securities will have at issuance a maturity that exceeds one calendar year. For fixed income securities that are not reported to TRACE, (i) intraday price quotations will generally be available from broker-dealers and trading platforms (as applicable) and (ii) price information will be available from feeds from market data vendors, published or other public sources, or online information services, as described above.

[25] *See* NYSE Arca Rule 7.12–E.

implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Fund's portfolio. The Exchange represents that, for initial and continued listing, the Fund will be in compliance with Rule 10A–3 [26] under the Act, as provided by NYSE Arca Rule 5.3–E. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. The Fund's investments will be consistent with its investment goal and will not be used to provide multiple returns of a benchmark or to produce leveraged returns.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, or by regulatory staff of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.[27]

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, futures, and certain listed options with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in such securities and financial instruments from such markets and other entities.[28] In addition, the Exchange may obtain information regarding trading in such securities and financial instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolio or reference assets, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares of the Fund on the Exchange.

The issuer must notify the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Rule 9.2–E(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Early and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (4) how information regarding the PIV and the Disclosed Portfolio is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m., Eastern time each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [29] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Rule 8.600–E. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, futures, and certain listed options with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in such securities and financial instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in such securities and financial instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE. The Adviser is not registered as a broker-dealer, but is affiliated with affiliated

[26] 17 CFR 240.10A–3.

[27] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[28] For a list of the current members of ISG, *see www.isgportal.org*. The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[29] 15 U.S.C. 78f(b)(5).

with a broker-dealer, and has implemented and will maintain a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio.

The Exchange notes that, other than Commentary .01(b)(1)–(4) (with respect to Short-Term Fixed Income Securities) and Commentary .01 (e) (with respect to OTC Derivatives) to Rule 8.600–E, as described above, the Fund's portfolio will meet all other requirements of Rule 8.600–E.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Quotation and last sale information for the Shares will be available via the CTA high-speed line. Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Shares will be subject to NYSE Arca Rule 8.600–E (d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, NAV, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

With respect to the Fund's proposed non-compliance with Commentary .01(b)(1)–(4) (with respect to Short-Term Fixed Income Securities), while the requirements set forth in Commentary.01(b) includes rules intended to ensure that the fixed income securities included in a fund's portfolio are sufficiently large and diverse and have sufficient publicly available information regarding the issuances. The Exchange believes that any concerns regarding non-compliance are mitigated by the types of instruments that the Fund would hold. The Fund's Short-Term Fixed Income Securities primarily will include those instruments that are included in the definition of cash and cash equivalents, but are not considered cash and cash equivalents because they have maturities of three months or longer. Short-Term Fixed Income Securities that are cash equivalents under Commentary .01(c) to Rule 8.600–E (that is, short-term instruments with maturities of less than three months, as described in Commentary .01(c)(2)) would comply with Commentary .01(c) and could be held without limit. The Exchange believes, however, that because all Short-Term Fixed Income Securities, including non-convertible corporate debt securities and sovereign obligations, are high quality instruments and are highly liquid they are less susceptible than other types of fixed income instruments both to price manipulation and volatility and that the holdings as proposed are generally consistent with the policy concerns which Commentary .01(b) is intended to address. Because of these factors, the Exchange believes that the policy concerns that Commentary .01(b) is intended to address are otherwise mitigated and that the Fund should be permitted to hold these securities in a manner that may not comply with Commentary .01(b).

With respect to the Fund's proposed non-compliance with the requirements set forth in Commentary .01(e) (with respect to OTC Derivatives) to NYSE Arca Rule 8.600–E,[30] specifically the proposal that up to 60% of the Fund's assets (calculated as the aggregate gross notional value) may be invested in OTC Derivatives, the Adviser believes that it is important to provide the Fund with additional flexibility to manage risk associated with its investments. Depending on market conditions, it may be critical that the Fund be able to utilize available OTC Derivatives to efficiently gain exposure to the multiple commodities markets that underlie the Reference Benchmark.[31]

OTC Derivatives can be tailored to provide specific exposure to the Fund's Reference Benchmark, allowing the Fund to more efficiently meet its investment objective. For example, the Reference Benchmark is composed of 22 futures contracts across 20 physical commodities, which may not be sufficiently liquid and would not provide the commodity exposure the Fund requires to meet its investment objective if the Fund were to invest in the futures directly. A total return swap can be structured to provide exposure to the same futures contracts as exist in the Reference Benchmark, while providing sufficient efficiency to allow the Fund to more easily meet its investment objective.

In addition, if the Fund were to gain commodity exposure exclusively through the use of listed futures, the Fund's holdings in Listed Derivatives would be subject to position limits and accountability levels established by an exchange. Such limitations would restrict the Fund's ability to gain efficient exposure to the commodities in the Reference Benchmark, thereby impeding the Fund's ability to satisfy its investment objective.

The Adviser represents that the basket or index on which much of the Fund's OTC Derivatives will be based will satisfy the criteria applicable to holdings in Listed Derivatives in Commentary .01(d)(2) on an initial and continued listing basis.[32] With respect to the Fund's holdings in OTC Derivatives, the aggregate gross notional value of OTC Derivatives based on any five or fewer underlying reference assets will not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of OTC Derivatives based on any single underlying reference asset will not exceed 30% of the weight of the portfolio (including gross notional exposures). Futures on all commodities in the Reference Benchmark are traded on futures exchanges that are members of the ISG.

The Adviser represents that it is in the best interests of the Fund's shareholders for the Fund to be allowed to reduce commodities-related risks arising from the Fund's investments using the most efficient financial instruments. While certain risks can be hedged via Listed Derivatives, OTC Derivatives can be customized to hedge against precise risks. Accordingly, the Adviser believes that OTC Derivatives may frequently be a more efficient hedging vehicle than Listed Derivatives. Depending on market conditions, it may be critical that the Fund be able to utilize available OTC Derivatives for this purpose to gain exposure to the commodities in the Reference Benchmark in an efficient manner. Therefore, the Exchange believes that increasing the percentage limit in Commentary .01(e) (with

[30] *See* note 20, *supra.*

[31] The Commission has previously approved an exception from requirements set forth in Commentary .01(e) relating to investments in OTC derivatives similar to those proposed with respect to the Fund in Securities Exchange Act Release No. 80657 (May 11, 2017), 82 FR 22702 (May 17, 2017) (SR–NYSEArca–2017–09) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, Regarding Investments of the Janus Short Duration Income ETF Listed Under NYSE Arca Equities Rule 8.600).

[32] *See* note 21, *supra.*

respect to OTC Derivatives), as described above, to the Fund's investments in OTC Derivatives would help protect investors and the public interest.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an actively-managed exchange-traded product that, through permitted use of an increased level of OTC derivatives above that currently permitted by the generic listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E, will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Section 19(b)(2) of the Act [33] provides that within 45 days of the date of publication of a proposed rule change or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–98 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2018–98. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–98 and should be submitted on or before February 28, 2019

V. Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Relating to Listing and Trading Shares of the iShares Commodity Multi-Strategy ETF Under NYSE Arca Rule 8.600–E

Section 19(b)(2) of the Act [34] provides that within 45 days of publication of notice 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 February 4, 2019.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider this proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[35] designates March 21, 2019, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2018–98).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[36]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01387 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[33] 15 U.S.C. 78s(b)(2).

[34] 15 U.S.C. 78s(b)(2). *See also* Section 19(b)(2)(E) of the Act, 15 U.S.C. 78s(b)(2)(E)(concerning publication date).

[35] *Id.*

[36] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rules 8b–1 to 8b–33, SEC File No. 270–135, OMB Control No. 3235–0176.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 30(b) of the Investment Company Act of 1940 (''Investment Company Act'')[1] provides that ''[e]very registered investment company shall file with the Commission . . . such information, documents, and reports (other than financial statements), as the Commission may require to keep reasonably current the information and documents contained in the registration statement of such company. . . .''[2] Rule 30b1–7 under the Investment Company Act, entitled ''Monthly Report for Money Market Funds,'' provides that every registered investment company, or series thereof, that is regulated as a money market funds under rule 2a–7[3] must file with the Commission a monthly report of portfolio holdings on Form N–MFP[4] no later than the fifth business day of each month.[5] Form N–MFP sets forth the specific disclosure items that money market funds must provide. Filers must submit this report electronically using the Commission's electronic filing system (''EDGAR'') in Extensible Markup Language (''XML'') format.

Compliance with rule 30b1–7 is mandatory for any fund that holds itself out as a money market fund in reliance on rule 2a–7. Responses to the disclosure requirements will not be kept confidential. 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 following estimates of average burden hours and costs are made solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms. A fund must comply with the requirement to prepare Form N–MFP in order to hold itself out to investors as a money market fund or the equivalent of a money market fund in reliance on rule 2a–7. The collection of information is mandatory for money market funds that rely on rule 2a–7, and responses to the information collections will not be kept confidential.

The Commission estimates there are currently 429[6] money market funds that report information on Form N–MFP, with approximately 10[7] of them being new money market funds that are filing reports on Form N–PORT for the first time.

We estimate that 35% of money market funds (or 150 money market funds, broken down into 146 existing funds and 4 new funds)[8] license a software solution and file reports on Form N–MFP in house; we further estimate that each fund that files reports on Form N–MFP in house requires an average of approximately 47 burden hours to compile (including review of the information), tag, and electronically file the Form N–MFP for the first time and an average of approximately 13 burden hours for subsequent filings.[9] Therefore, we estimate the per fund average annual hour burden is 96 hours[10] for existing funds and 130 hours[11] for new money market funds. Based on an estimate of 146 existing fund filers and 4 new fund filers each year, we estimate that filing reports on Form N–MFP in house takes 23,536 hours and costs funds, in aggregate, $6,754,832 per year.[12]

We estimate that 65% of money market funds (or 279 money market funds, broken down into 272 existing fund and 7 new funds)[13] retain the services of a third party to provide data aggregation and validation services as part of the preparation and filing of reports on Form N–MFP on the fund's behalf; we further estimate that each fund requires an average of approximately 26 burden hours to compile and review the information with the service provider prior to electronically filing the report for the first time and an average of approximately 9 burden hours for subsequent filings. Therefore, we estimate the per fund average annual hour burden is 108 hours[14] for existing funds and 125 hours[15] for new money market funds. Based on an estimate of 272 existing fund filers and 7 new fund filers each year, we estimate that filing reports on Form N–MFP using a service provider takes 41,131 hours and costs funds, in aggregate, $8,682,037 per year.[16] In sum, we estimate that filing

[1] 15 U.S.C. 80a–1 *et seq.*

[2] 15 U.S.C. 80a–30(b).

[3] 17 CFR 270.2a–7.

[4] 17 CFR 274.201.

[5] 17 CFR 270.30b1–7.

[6] This estimate is based on staff review of reports on Form N–MFP filed with the Commission for the month ended February 28, 2018.

[7] This estimate is based on staff review of reports on Form N–MFP filed with the Commission for 2015 (1 new filer), 2016 (23 new filers), and 2017 (6 new filers). Amortizing those numbers over three years provides an estimate of 10 new filers per year.

[8] The estimate is based on the following calculation: (429 money market funds × 35% = 150 money market funds. Of that amount, we estimate that 4 are new money market funds (10 new money market fund filers each year × 35% = 3.5 funds, rounded to 4). Therefore, 150 money market funds − 4 new money market funds = 146 existing money market funds.

[9] We understand that the required information is currently maintained by money market funds pursuant to other regulatory requirements or in the ordinary course of business. Accordingly, for the purposes of our analysis, we do not ascribe any time to producing the required information.

[10] This estimate is based on the following calculation: 12 filings per year × 13 burden hours per filing = 156 burden hours per year.

[11] This estimate is based on the following calculation: (First month's initial filing × 47 burden hours) + (11 subsequent month filings × 13 burden hours per filing) = 190 burden hours per year.

[12] These estimates are based on the following calculations: Existing fund filers: (156 hours × blended hourly rate of $287 for a Financial Reporting Manager ($280 per hour), Fund Senior Accountant ($209 per hour), Senior Database Administrator ($329 per hour), Senior Portfolio Manager ($317 per hour), Compliance Manager ($298 per hour)) = $44,772. The blended hourly rate was calculated as ($280 + $209 + $329 + $317 + 209)/5 = $287. There are 146 existing money market funds who use in house solutions × 156 hours with a monetized cost of $44,772 per fund = 22,776 hours with a monetized cost of $6,536,712.

New money market fund filers: (190 hours × blended hourly rate of $287 for a Financial Reporting Manager ($280 per hour), Fund Senior Accountant ($209 per hour), Senior Database Administrator ($329 per hour), Senior Portfolio Manager ($317 per hour), Compliance Manager ($298 per hour)) = $54,530. The blended hourly rate was calculated as ($280 + $209 + $329 + $317 + 209)/5 = $287. Four new money market funds × 190 hours with a monetized cost of $54,530 per fund = 760 hours with a monetized cost of $218,120.

Aggregate annual hourly burden for all funds filing reports on Form N–MFP in house: 22,776 hours + 760 hours = 23,536 hours.

Aggregate annual costs for all funds filing reports on Form N–MFP in house: $6,536,712 + $218,120 = $6,754,832.

[13] The estimate is based on the following calculation: (429 money market funds × 65% = 279 money market funds. Of that amount, we estimate that 7 are new money market funds (10 new money market fund filers each year × 65% = 6.5 funds, rounded to 7). Therefore, 279 money market funds − 7 new money market funds = 272 existing money market funds.

[14] This estimate is based on the following calculation: 12 filings per year × 9 burden hours per filing = 108 burden hours per year.

[15] This estimate is based on the following calculation: (First month's initial filing × 26 burden hours) + (11 subsequent month filings × 9 burden hours per filing) = 125 burden hours per year.

[16] These estimates are based on the following calculations: Existing fund filers: (108 hours × blended hourly rate of $287 for a Financial Reporting Manager ($280 per hour), Fund Senior Accountant ($209 per hour), Senior Database Administrator ($329 per hour), Senior Portfolio Manager ($317 per hour), Compliance Manager ($298 per hour)) = $30,996. The blended hourly rate was calculated as ($280 + $209 + $329 + $317 + 209)/5 = $287. There are 272 existing money market funds who use a third-party service provider × 148 hours with a monetized cost of $30,996 per fund = 40,256 hours with a monetized cost of $8,430,912.

New money market fund filers: (125 hours × blended hourly rate of $287 for a Financial Reporting Manager ($280 per hour), Fund Senior Accountant ($209 per hour), Senior Database

Continued

reports on Form N–MFP imposes a total annual hour burden of 64,667 hours,[17] at an aggregate cost of $15,436,869 on all money market funds.[18]

Cost to Respondents

Cost burden is the cost of goods and services purchased in connection with complying with the collection of information requirements of rule 30b1–7 and Form N–MFP. The cost burden does not include the cost of the hour burden discussed in Item 12 above.

Based on discussions with industry participants, we estimate that money market funds that file reports on Form N–MFP in house license a third-party software solution to assist in filing their reports at an average cost of $3,900 per fund per year. In addition, we estimate that money market funds that use a service provider to prepare and file reports on Form N–MFP pay an average fee of $9,300 per fund per year. In sum, we estimate that all money market funds incur on average, in the aggregate, external annual costs of $3,179,700.[19]

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, C/O Candace Kenner, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 1, 2019.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01371 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

Administrator ($329 per hour), Senior Portfolio Manager ($317 per hour), Compliance Manager ($298 per hour)) = $35,875. The blended hourly rate was calculated as ($280 + $209 + $329 + $317 + 209)/5 = $287. Seven new money market funds × 125 hours with a monetized cost of $35,875 per fund = 875 hours with a monetized cost of $251,125.

Aggregate annual hourly burden for all funds filing reports on Form N–MFP in house: 40,256 hours + 875 hours = 41,131 hours.

Aggregate annual costs for all funds filing reports on Form N–MFP in house: $8,430,912 + $251,125= $8,682,037.

[17] This estimate is based on the following calculation: 23,536 hours for filers licensing a software solution and filing in-house + 41,131 hours for filers using a third-party service provider = 64,667 hours in total.

[18] This estimate is based on the following calculation: $6,754,832 (in-house filers) + $8,682,037 (filers using a service provider) = $15,436,869.

[19] This estimate is based on the following calculation: (150 money market funds (146 existing funds + 4 new funds) that file reports on Form N–MFP in house × $3,900 per fund, per year) + (279 money market funds (272 existing funds + 7 new funds) that file reports on Form N–MFP using a service provider × $9,300 per fund, per year) = $3,179,700.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85035; File No. SR–NYSEARCA–2018–101]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges Regarding Credits Applicable To Lead Market Makers and to ETP Holders and Market Makers Affiliated With the LMM That Provide Displayed Liquidity to the NYSE Arca Book in Tape B Securities

February 1, 2019.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 26, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges (the ''Fee Schedule'') regarding credits applicable to Lead Market Makers (''LMMs'')[4] and to ETP Holders and Market Makers affiliated with the LMM that provide displayed liquidity to the NYSE Arca Book in Tape B Securities. The Exchange proposes to implement the proposed fee change on January 2, 2019. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule regarding credits applicable to LMMs[5] and to ETP Holders and Market Makers affiliated with the LMM that provide displayed liquidity to the NYSE Arca Book in Tape B Securities. The Exchange proposes to implement the proposed fee change on January 2, 2019.

The Exchange currently provides tier-based incremental credits for orders that provide displayed liquidity to the NYSE Arca Book in Tape B Securities. Specifically, LMMs that are registered as the LMM in Tape B Securities that have a consolidated average daily volume (''CADV'') in the previous month of less than 100,000 shares, or 0.0070% of Consolidated Tape B ADV, whichever is greater (''Less Active ETP Securities''), and the ETP Holders and Market Makers affiliated with such LMMs, currently receive an additional credit for orders that provide displayed liquidity to the Book in any Tape B Securities that trade on the Exchange.[6] The current incremental credits and volume thresholds are as follows:

- An additional credit of $0.0004 per share if an LMM is registered as the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The term ''Lead Market Maker'' is defined in Rule 1.1(w) to mean a registered Market Maker that is the exclusive Designated Market Maker in listings for which the Exchange is the primary market.

[5] The term ''Lead Market Maker'' is defined in Rule 1.1(w) to mean a registered Market Maker that is the exclusive Designated Market Maker in listings for which the Exchange is the primary market.

[6] The Exchange defines ''affiliate'' to ''mean any ETP Holder under 75% common ownership or control of that ETP Holder.'' *See* Fee Schedule, NYSE Arca Marketplace: General.

LMM in at least 300 Less Active ETP Securities

- An additional credit of $0.0003 per share if an LMM is registered as the LMM in at least 200 but less than 300 Less Active ETP Securities
- An additional credit of $0.0002 per share if an LMM is registered as the LMM in at least 100 but less than 200 Less Active ETP Securities
- An additional credit of $0.0001 per share if an LMM is registered as the LMM in at least 75 but less than 100 Less Active ETP Securities

The incremental credits also apply to ETP Holders and Market Makers affiliated with the LMM whose orders in Tape B Securities provide displayed liquidity to the NYSE Arca Book.

The number of Less Active ETP Securities for the billing month is based on the number of Less Active ETP Securities in which an LMM is registered as the LMM on the last business day of the previous month. The Exchange proposes to amend the manner by which it determines how many Less Active ETP Securities in which an LMM is registered as the LMM. As proposed, the number of Less Active ETP Securities for the billing month would be based on the number of Less Active ETP Securities in which an LMM is registered as the LMM on the average of the first and last business day of the previous month. The Exchange would no longer make this determination based solely on the number of Less Active ETP Securities in which an LMM is registered as the LMM on just the last business day of the previous month.

For example, assume a LMM has 95 Less Active ETP Securities on the last day of the previous month. Further assume that same LMM has 115 Less Active ETP Securities on the first day of that same previous month. For purposes of this pricing tier, the LMM had 105 Less Active ETP Securities (the average of 95 and 115 Less Active ETP Securities) for the previous month and would therefore qualify for an additional credit of $0.0002 per share as that LMM is registered as the LMM in at least 100 but less than 200 Less Active ETP Securities.

* * * * *

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[8] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed rule change to amend the manner by which the Exchange would determine how many Less Active ETP Securities in which an LMM is registered as the LMM is reasonable because it is intended to reduce the impact of relying on one day to count an LMM's registration in Less Active ETP Securities. The Exchange believes that expanding the date for determining registration to also include the first day of the previous billing month would provide greater diversity of calculating LMM registration in Less Active ETP Securities and would reduce the impact to LMMs from relying on one day registration in Less Active ETP Securities. Further, a LMM that loses registration in Less Active ETP Securities after the first day of the previous billing month would have the remainder of the month to register for additional Less Active ETP Securities to make up for any loss of Less Active ETP Securities for that billing month.

The Exchange believes it is equitable and not unfairly discriminatory to amend the manner by which the Exchange would determine how many Less Active ETP Securities in which an LMM is registered as the LMM, as the proposed change would apply to all qualifying participants on an equal basis.

The proposed rule change is intended to encourage LMMs to promote price discovery and market quality in Less Active ETP Securities for the benefit of all market participants. Moreover, the Exchange believes that the proposed fee change would incentivize LMMs to register as an LMM in Less Active ETP Securities and thus, add more liquidity in these and other Tape B Securities to the benefit of all market participants.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition. For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[9] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed fee change would encourage increased participation by LMMs in the trading of ETP securities generally and Less Active ETP Securities, in particular. The proposed change would also encourage the submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders and Market Makers affiliated with LMMs.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that this proposal promotes a competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[10] of the Act and subparagraph (f)(2) of Rule 19b–4[11] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[12] of the Act to determine whether the proposed rule

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and (5).

[9] 15 U.S.C. 78f(b)(8).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(2).

[12] 15 U.S.C. 78s(b)(2)(B).

change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2018–101 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2018–101. 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–NYSEARCA–2018–101, and should be submitted on or before February 22, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01389 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85031; File No. SR–CboeBZX–2018–096]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

February 1, 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 December 26, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fee schedule for its equity options platform (''BZX Options'') to (i) reduce the standard rebates for Market Maker orders that add liquidity in Penny Pilot (''Penny'') and Non-Penny Pilot (''Non-Penny'') Securities; (ii) exclude Firm, Broker Dealer (''BD'') and Joint Back Office (''JBO'') orders that add liquidity from the NBBO Setter Tiers, (iii) amend the criteria for NBBO Setter Tier 3, (iv) reduce the rebates for Tier 1 of both the Market Maker Penny Pilot and Non-Penny Pilot Add Volume Tiers; and (v) add a new Away Market Maker Penny Pilot Add Volume Tier, effective January 2, 2019.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule for its equity options platform (''BZX Options'') to (i) reduce the standard rebates for Market Maker orders that add liquidity in Penny Pilot (''Penny'') and Non-Penny Pilot (''Non-Penny'') Securities; (ii) exclude Firm, Broker Dealer (''BD'') and Joint Back Office (''JBO'') orders that add liquidity from the NBBO Setter Tiers, (iii) amend the criteria for NBBO Setter Tier 3, (iv) reduce the rebates for Tier 1 of both the Market Maker Penny Pilot and Non-Penny Pilot Add Volume Tiers; and (v) add a new Away Market Maker Penny Pilot Add Volume Tier, effective January 2, 2019.

Market Maker Add Rebates, Penny and Non-Penny

Currently, the Exchange applies fee code PM to Market Maker orders that add liquidity in Penny Securities and provides such orders a standard rebate of $0.31 per contract. The Exchange also currently applies fee code NM to Market Maker orders that add liquidity in Non-Penny Securities and provides such orders a rebate of $0.42 per contract. The Exchange proposes to reduce the standard rebates for these orders. Particularly, the Exchange proposes to reduce the rebate for Market Maker orders that add liquidity in Penny Securities from $0.31 per contract to $0.29 per contract. The Exchange proposes to reduce the rebate for Market Maker orders that add liquidity in Non-Penny Securities from $0.42 per contract to $0.40 per contract. The Exchange notes the reduced rebates are in line with the rebates offered at other Exchanges for similar transactions.[3]

[3] *See e.g.,* Nasdaq Gemini Pricing Schedule, Section 3, Regular Order Fees and Rebates, which

NBBO Setter Tiers

Firm, BD and JBO Orders

The Exchange currently offers five NBBO Setter Tiers under footnote 4, which provide an additional rebate per contract ranging from $0.01 to $0.05 for qualifying Non-Customer[4] orders that add liquidity and establish a new National Best Bid or Offer (''NBBO'') and yield fee code PF, PM or PN. The Exchange proposes to limit the applicability of the NBBO Setter Tiers to fee codes PM and PN and exclude orders that yield fee code PF (*i.e.,* Firm/BD/JBO orders that add liquidity in Penny Securities). The Exchange no longer wishes to extend this additional incentive to such orders. The Exchange notes that orders that yield fee code PF already have the opportunity to receive enhanced rebates under the Firm, Broker Dealer and Joint Back Office Penny Pilot Add Volume Tiers.[5]

NBBO Setter Tier 3

The Exchange next proposes to modify the required criteria under NBBO Setter Tier 3. Currently under Tier 3, a Member may receive an additional rebate of $0.03 per share where they have an: (i) ADAV[6] in Non-Customer orders greater than or equal to 0.50% of average OCV;[7] and (ii) an ADAV in Firm, Market Maker and Away Market Maker orders that establish a new NBBO greater than or equal to 0.05% of average OCV.

The Exchange proposes to amend the ADAV threshold in the first prong. Specifically, the first prong of Tier 3 would be amended to require an increased ADAV in Non-Customer orders greater than or equal to 0.80% of average OCV (instead of 0.50%).

Market Maker Volume Tiers

The Exchange currently offers three Market Maker Penny Pilot Add Volume Tiers under Footnote 6, and two Market Maker Non-Penny Pilot Add Volume Tiers under footnote 7, of the Fee Schedule which provide enhanced rebates per contract to a Member's order that yields fee code PM and NM, respectively, upon satisfying monthly volume criteria. The Exchange wishes to reduce the rebates under Tier 1 of both the Market Maker Penny and Non-Penny Add Volume Tier programs. Currently, a member may receive an enhanced rebate of $0.35 per contract under Tier 1 of the Market Maker Penny Add Volume Tier program where the Member has an ADAV in Market Maker orders greater than or equal to 0.05% of average OCV. The Exchange proposes to reduce the rebate under Tier 1 from $0.35 per contract to $0.33 per contract. Under Tier 1 of the Market Maker Non-Penny Add Volume Tier Program, a Member may receive an enhanced rebate of $0.45 per contract where the Member has an ADAV in Market Maker orders greater than or equal to 0.10% of average OCV. The Exchange proposes to reduce this rebate from $0.45 per contract to $0.43 per contract.

Away Market Maker Volume Tier

Currently, Away Market Maker orders that add liquidity in Penny Securities (*i.e.,* yield fee code PN), receive a standard rebate of $0.26 per contract. The Exchange currently offers an enhanced rebate of $0.45 per contract for orders yielding fee code PN under the Away Market Maker Penny Pilot Add Volume Tier program under Footnote 10 of the Fee Schedule, where a Member satisfies specific monthly volume criteria. The Exchange proposes to add a new volume tier under Footnote 10. Particularly, the Exchange proposes to provide that orders yielding fee code PN may qualify for an enhanced rebate of $0.38 per contract where a Member has an ADAV in Non-Customer, Non-Market Maker orders greater than or equal to 0.50% of average OCV. In connection with the proposed new tier, the Exchange proposes to renumber current Tier 1 under this program to Tier 2.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the Section 6 of the Act,[8] in general, and Section 6(b)(4),[9] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

First, the Exchange believes reducing the standard rebates for Market Maker orders that add liquidity in Penny and Non-Penny Securities is reasonable because Market Maker orders that add liquidity still receive a rebate for doing so (albeit a lesser rebate than before) and because the Exchange believes the proposed changes will still continue to encourage such transactions. Additionally, the Exchange notes that the proposed standard rebates are still in line with, and similar to, rebates offered by other exchanges for similar transactions.[10] The Exchange believes the proposed changes are equitable and not unfairly discriminatory because they apply uniformly to all Market Makers that add liquidity.

Next, the Exchange believes that its proposal to remove fee coded PF from footnote 4, NBBO Setter Tiers, is reasonable, equitable and non-discriminatory because orders that yield fee code PF will merely no longer receive an additional incentive rebate. Additionally, although these orders will no longer be able to qualify for NBBO Setter Tiers, there are additional ways for orders yielding fee code PF to receive enhanced rebates, such as via the Firm, Broker Dealer and Joint Back Office Penny Pilot Add Volume Tiers.[11] The Exchange believes the proposed change is equitable and not unfairly discriminatory because it applies uniformly to all orders that yield fee code PF.

The Exchange next notes that volume-based discounts such as those currently maintained on the Exchange have been widely adopted by options exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value of an exchange's market quality; (ii) associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns; and (iii) introduction of higher volumes of orders into the price and volume discovery processes. While the proposed modification to the existing NBBO Setter Tier 3 makes such tier more difficult to attain, the Exchange believes it continues to incentivize Members to send Non-Customer orders to the Exchange in an effort to qualify or continue to qualify for the additional rebate made available by the tier. The Exchange also believes the proposed change is reasonable as the rebate corresponding to NBBO Setter Tier 3 is not changing. The Exchange further

provides a standard Maker rebate for Market Makers of $0.28 per contract for Penny Symbols and $0.40 per contract for Non-Penny Symbols.

[4] ''Non-Customer'' applies to any transaction identified by a Member for clearing which is not in the Customer range at the OCC, excluding any transaction for Broker Dealer or a ''Professional'' as defined in Exchange Rule 16.1.

[5] *See* Cboe BZX Options Fee Schedule, Footnote 2.

[6] ''ADAV'' means average daily added volume calculated as the number of contracts added per day. *See* Cboe BZX Options Fee Schedule.

[7] OCC Customer Volume'' or ''OCV'' means the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation (''OCC'') for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close. *See* Cboe BZX Options Fee Schedule.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

[10] *See e.g.,* Nasdaq Gemini Pricing Schedule, Section 3, Regular Order Fees and Rebates, which provides a standard Maker rebate for Market Makers of $0.28 per contract for Penny Symbols and $0.40 per contract for Non-Penny Symbols.

[11] *See* Cboe BZX Options Fee Schedule, Footnote 2.

notes that the Exchange believes the tier criteria, as amended, is more commensurate with the corresponding rebate offered. The Exchange believes the proposed change is equitable and nondiscriminatory because the proposed change applies uniformly to all Market Makers and Away Market Makers.

The Exchange believes reducing the rebates under Tier 1 of both the Market Maker Penny and Non-Penny Add Volume Tiers is reasonable because Market Maker orders that add liquidity and meet the corresponding required volume criteria still receive an enhanced rebate for doing so (albeit a lesser rebate than before) and because the Exchange believes the proposed changes will continue to encourage such transactions. The Exchange also believes the enhanced rebates, even as amended, will continue to provide an incremental incentive for Members to strive for higher tier level, which provides increasingly higher rebates. Additionally, the Exchange notes that the proposed standard rebates are still in line with, and similar to, rebates offered by other exchanges for similar transactions.[12] The Exchange believes the proposed changes are equitable and not unfairly discriminatory because they apply uniformly to all Market Makers that add liquidity.

The Exchange believes the proposal to add a new Away Market Maker Add Volume Tier under footnote 10 is reasonable because it provides Members an additional opportunity to receive an enhanced rate for orders that add liquidity and is a reasonable means to encourage Members to increase their liquidity on the Exchange. Increased liquidity would benefit all investors. The Exchange further believes the proposed threshold is commensurate with the proposed enhanced rebate. The proposed fee change is equitable and non-discriminatory because it applies uniformly to all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed amendments to its Fee Schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes for each separate type of market participant will be assessed equally to all such market participants. While different fees are assessed to different market participants in some circumstances, these different market participants have different obligations and different circumstances as discussed above. For example, Market Makers have quoting obligations that other market participants do not have. Further, the Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and paragraph (f) of Rule 19b–4[14] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CboeBZX–2018–096 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2018–096. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2018–096 and should be submitted on or before February 22, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01386 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[12] *See e.g.,* Nasdaq Gemini Pricing Schedule, Section 3, Regular Order Fees and Rebates, which provides enhanced Maker rebates for Market Makers between $0.30–$0.45 per contract for Penny Symbols and between $0.42–$0.75 per contract for Non-Penny Symbols.

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85030; File No. SR–ISE–2019–01]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Nonstandard Expirations Pilot Program

February 1, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 28, 2019, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the pilot period for the Exchange's nonstandard expirations pilot program, currently set to expire on February 1, 2019.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

ISE filed a proposed rule change for the listing and trading on the Exchange, on a twelve month pilot basis, of p.m.-settled options on broad-based indexes with nonstandard expirations dates.[3] The pilot program permits both Weekly Expirations and End of Month (''EOM'') expirations similar to those of the a.m.-settled broad-based index options, except that the exercise settlement value of the options subject to the pilot are based on the index value derived from the closing prices of component stocks.

Exchange Rule 2209 [sic] at Supplementary Material .07(a), Weekly Expirations, to Rule 1101A [sic], the Exchange may open for trading Weekly Expirations on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM expiration). Weekly Expirations are be subject to all provisions of Exchange Rule 2209 [sic] and are treated the same as options on the same underlying index that expire on the third Friday of the expiration month. Unlike the standard monthly options, however, Weekly Expirations are p.m.-settled.

Pursuant to Exchange Rule 2209 [sic] at Supplementary Material .07(b), End of Month (''EOM'') Expirations, the Exchange may open for trading EOMs on any broad-based index eligible for standard options trading to expire on the last trading day of the month. EOMs are subject to all provisions of Rule 2209 [sic] and treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, the EOMs are p.m.-settled.

The Exchange now proposes to amend Exchange Rule 2209 [sic] at Supplementary Material .07(c) so that the duration of the pilot program for these nonstandard expirations will be through May 6, 2019. The Exchange continues to have sufficient systems capacity to handle p.m.-settled options on broad-based indexes with nonstandard expirations dates and has not encountered any issues or adverse market effects as a result of listing them. Additionally, there is continued investor interest in these products. The Exchange will make public on its website any data and analysis it submits to the Commission under the pilot program.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5) of the Act,[5] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The Exchange believes the proposed rule change will protect investors and the public interest by providing the Exchange, the Commission and investors the benefit of additional time to analyze nonstandard expiration options. By extending the pilot program, investors may continue to benefit from a wider array of investment opportunities. Additionally, both the Exchange and the Commission may continue to monitor the potential for adverse market effects of p.m.-settlement on the market, including the underlying cash equities market, at the expiration of these options.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Options with nonstandard expirations would be available for trading to all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82458 (January 8, 2018), 83 FR 1636 (January 12, 2018) (approving SR–ISE–2017–111) (Notice of Filing of Proposed Rule Change To Establish a Nonstandard Expirations Pilot Program).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

subparagraph (f)(6) of Rule 19b–4 thereunder.[7]

A proposed rule change filed under Rule 19b–4(f)(6)[8] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[9] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the pilot program to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the pilot program. For this reason, the Commission designates the proposed rule change to be operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2019–01 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–ISE–2019–01. 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–ISE–2019–01 and should be submitted on or before February 28, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01385 Filed 2–6–19; 8:45 am]

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[7] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived this requirement in this case.

[8] *Id.*

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85037; File No. SR–NYSE–2018–67]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List To Modify the Incremental Step Up Tier for Supplemental Liquidity Providers

February 1, 2019.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 26, 2018, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to modify the incremental step up tier for Supplemental Liquidity Providers (''SLPs'') (''Incremental SLP Step Up Tier''). The Exchange proposes to implement the fee change to its Price List effective January 2, 2019. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to modify the Incremental SLP Step Up Tier. The Exchange proposes to implement the fee change to its Price List effective January 2, 2019.

Pursuant to the Incremental SLP Step Up Tier, the Exchange currently provides an incremental credit to a SLP in addition to the SLP's tiered or non-tiered credit for adding displayed liquidity if the SLP (1) meets the 10% average or more quoting requirement in an assigned security pursuant to Rule 107B (quotes of an SLP-Prop and an SLMM of the same member organization shall not be aggregated) (the ''Quoting Requirement''), and (2) adds liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) of an average daily trading volume (''ADV'')[4] of a NYSE consolidated average daily volume (''CADV'') in the billing month over the SLP's adding liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) as a percent of NYSE CADV in the second quarter of 2018, as follows:

- SLPs that (1) meet the Quoting Requirement, and (2) add liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) of an ADV of more than 0.10% of NYSE CADV in the billing month over the SLP's adding liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) as a percent of NYSE CADV in the second quarter of 2018, receive an incremental credit of $0.0001 per share.
- SLPs that (1) meet the Quoting Requirement, and (2) add liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) of an ADV of more than 0.15% of NYSE CADV in the billing month over the SLP's adding liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) as a percent of NYSE CADV in the second quarter of 2018, receive an incremental credit of $0.0002 per share.
- SLPs that (1) meet the Quoting Requirement, and (2) add liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) of an ADV of more than 0.25% of NYSE CADV in the billing month over the SLP's adding liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) as a percent of NYSE CADV in the second quarter of 2018, receive an incremental credit of $0.0003 per share.

SLPs can only qualify for one of the three credits in a billing month. Further, the combined SLP credits are currently capped at $0.0032 per share in a billing month.

The Exchange proposes to modify the second prong of the Incremental SLP Step Up Tier by adopting an alternative qualification basis for SLPs to qualify for the incremental credit. As proposed, SLPs would continue to qualify for the one of the incremental credits if the SLP adds liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) of an ADV of more than 0.10%, 0.15%, or 0.25% of NYSE CADV in the billing month over the SLP's adding liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) as a percent of NYSE CADV either in the second quarter of 2018 or the third quarter of 2018, whichever is lower. The proposed change, which would allow the Exchange to use the lower or more favorable (to the SLP) of the two baseline benchmarks, is intended to allow a greater number of SLPs to qualify for the incremental credits.

For example, assume a SLP adds liquidity of 0.50% in the second quarter of 2018 (the ''2Q Baseline''), and adds liquidity of 0.45% in the third quarter of 2018 (the ''3Q Baseline''). With this proposed rule change, the Exchange would use the 3Q Baseline to determine whether the SLP qualifies for the incremental credit because the 3Q Baseline is more favorable to the SLP than the SLP's 2Q Baseline. If that same SLP adds liquidity of 0.57% in the billing month, that SLP would qualify for the incremental $0.0001 per share credit with a step up of 0.12% over the lessor of the two baselines, or 0.45% using the 3Q Baseline.

* * * * *

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[6] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that providing an additional way to qualify for the Incremental SLP Step Up Tier is reasonable, equitable and not an unfairly discriminatory allocation of fees because it would encourage additional liquidity on the Exchange and because members and member organizations benefit from the substantial amounts of liquidity that are present on the Exchange. The Exchange believes the proposed change to adopt an alternate baseline benchmark for the Incremental SLP Step Up Tier is reasonable because it provides existing SLPs (including SLPs that are also DMMs) with added incentive to bring additional order flow to a public market. In particular, the Exchange believes that making an alternate baseline benchmark available to SLPs would provide SLPs with an increased opportunity to qualify for the incremental credit, and would continue to provide an incentive for SLPs to add liquidity to the Exchange, to the benefit of the investing public and all market participants. The Exchange believes the proposed changes are equitable and not unfairly discriminatory because they would continue to encourage member organizations to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants. The proposed changes would also encourage the submission of additional liquidity to a national securities exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations from the substantial amounts of liquidity that are present on the

[4] Footnote 2 to the Price List defines ADV as ''average daily volume''. The Exchange is not proposing to change this definition.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) & (5).

Exchange. The proposed changes would also encourage the submission of additional orders that add liquidity, thus providing price improving liquidity to market participants and increasing the quality of order execution on the Exchange's market, which would benefit all market participants. Moreover, the proposed changes are equitable and not unfairly discriminatory because they would apply equally to all qualifying SLPs that submit orders to the NYSE and add liquidity to the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[7] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change would foster liquidity provision and stability in the marketplace, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations. In this regard, the Exchange believes that the transparency and competitiveness of attracting additional executions on an exchange market would encourage competition. The Exchange also believes that the proposed rule change is designed to provide the public and investors with a Price List that is clear and consistent, thereby reducing burdens on the marketplace and facilitating investor protection.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[8] of the Act and subparagraph (f)(2) of Rule 19b–4[9] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[10] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2018–67 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–NYSE–2018–67. 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–NYSE–2018–67 and should be submitted on or before February 22, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01391 Filed 2–6–19; 8:45 am]

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[7] 15 U.S.C. 78f(b)(8).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

[10] 15 U.S.C. 78s(b)(2)(B).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85026; File No. SR–NYSEArca–2018–54]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend Commentary .01 to NYSE Arca Rule 8.600–E Relating to Certain Generic Listing Standards for Managed Fund Shares

February 1, 2019.

On July 18, 2018, NYSE Arca, Inc. 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 certain generic listing standards for Managed Fund Shares. The proposed rule change was published for comment in the **Federal Register** on August 7, 2018.[3] On September 19, 2018, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] On November 1, 2018, the Commission issued an order instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.[7] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act [8] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. In this case, the proposed rule change was published for notice and comment in the **Federal Register** on August 7, 2018. February 3, 2019, is 180 days from that date, and April 4, 2019, is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates April 4, 2019, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NYSEArca–2018–54).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01383 Filed 2–6–19; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 83759 (August 1, 2018), 83 FR 38753.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 84195, 83 FR 48474 (September 25, 2018).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 84517, 83 FR 55773 (November 7, 2018).

[8] 15 U.S.C. 78s(b)(2).

[9] *Id.*

[10] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85034; File No. SR–CHX–2019–01]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Date of the Second Amended and Restated Certificate of Incorporation of the Exchange and the Third Amended and Restated Certificate of Incorporation of the Exchange's Parent CHX Holdings, Inc.

February 1, 2019.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 28, 2019, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the date of the Amended [sic] and Restated Certificate of Incorporation of the Exchange (''Exchange Certificate'') and the Second [sic] Amended and Restated Certificate of Incorporation of the Exchange's parent CHX Holdings, Inc. (''Holdings'' and, such certificate, the ''Holdings Certificate''). The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the date of the Exchange Certificate and the Holdings Certificate.

On October 18, 2018, the Exchange filed proposed amendments to the Exchange Certificate, Holdings Certificate, other governing documents, the Exchange rules and its fee schedule, to (1) reflect a name change of the Exchange to ''NYSE Chicago, Inc.'' and a name change of Holdings to ''NYSE Holdings, Inc.''; (2) harmonize certain provisions thereunder with similar provisions in the governing documents of the national securities exchange affiliates of the Exchange and its parent companies; and (3) make clarifying and updating changes.[4] The Exchange proposed that the name changes and other changes described therein would become operative upon the Exchange Certificate becoming effective pursuant

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* SR–CHX–2018–05 (October 18, 2018) (the ''October Filing''), and Securities Exchange Release No. 84494 (October 26, 2018), 83 FR 54953 (November 1, 2018) (SR–CHX–2018–05).

to its filing with the Secretary of State of the State of Delaware.[5]

The proposed amendments to the Exchange Certificate and Holdings Certificate in the October Filing included updates to their respective dates.[6] However, the proposed changes updated the Certificates' month and time, but left 2018 as the year. Because it is now 2019, the Exchange proposes the following changes:

- In the Exchange Certificate, amend the signature line to replace ''2018'' with ''2019''; and
- In the Holdings Certificate, amend Article XIV (Effective Time) and the signature line to replace ''2018'' with ''2019.''

The proposed rule change is a non-substantive administrative change. The Exchange proposes that the changes and described herein would become operative upon the Exchange Certificate becoming effective pursuant to its filing with the Secretary of State of the State of Delaware.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act[7] in general, and with Section 6(b)(1)[8] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act[9] because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed amendments are non-substantive changes that do not impact the governance or ownership of the Exchange. The Exchange believes that the proposed amendments would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that the Exchange Certificate and Holdings Certificate accurately reflect the date they are signed and operative, ensuring that investors and market participants can more easily understand the Exchange Certificate and Holdings Certificate.

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 Exchange Act. The proposed rule change is not designed to address any competitive issue but rather is concerned solely with ensuring that the Exchange Certificate and Holdings Certificate accurately reflect the date they are signed and operative.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(3)[11] thereunder in that the proposed rule change is concerned solely with the administration of the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CHX–2019–01 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–CHX–2019–01. 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–CHX–2019–01, and should be submitted on or before February 28, 2019.

[5] *Id.,* at 54953.

[6] October Filing, Exhibit 5A, at 125, and Exhibit 5C, at 152.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(1).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(3).

[12] 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01388 Filed 2–6–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85024; File No. SR–GEMX–2018–45]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Provisions for Excluding a Day From Its Volume Calculations

February 1, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 21, 2018, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's provisions for excluding a day from its volume calculations for purposes of determining pricing tiers.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's provisions for excluding a day from its volume calculations for purposes of determining pricing tiers. The Exchange is standardizing its practice for removing a day from volume calculations in its Pricing Schedule with its affiliated options market, Nasdaq PHLX LLC (''Phlx'').[3] Each change is discussed below.

Background

To avoid penalizing members when aberrant low volume days result from systems or other issues at the Exchange, or where the Exchange closes early for holiday observance, the Exchange currently has language in its Pricing Schedule allowing it to exclude certain days from its average daily volume (''ADV'') calculations. Currently, language in the Exchange's Pricing Schedule provides that, for purposes of determining ADV for certain incentive programs,[4] any day that the market is not open for the entire trading day or the Exchange instructs members in writing to route their orders to other markets may be excluded from such calculation; provided that the Exchange will only remove the day for members that would have a lower ADV with the day included. The proviso language (hereinafter, the ''better of rule'') ensures that members would only have the day removed when doing so is beneficial for the member. As such, the Exchange only applies the better of rule to ADV calculations, and not for other volume-based pricing where members would not benefit from having the day excluded (*e.g.,* straight volume accumulations).

Proposal

In Options 7, Section 1, the Exchange proposes to adopt subsection (a) with the title ''Removal of Days for Purposes of Pricing Tiers,'' and renumber the existing first paragraph (related to fee disputes) as subsection (b). The Exchange also proposes to adopt new language in subsection (a) that is substantially similar to language currently in place on Phlx.[5] Specifically, as proposed:

(1)(A) Any day that the Exchange announces in advance that it will not be open for trading will be excluded from the options tier calculations set forth in its Pricing Schedule; and (B) any day with a scheduled early market close (''Scheduled Early Close'') may be excluded from the options tier calculations only pursuant to paragraph (3) below.

(2) The Exchange may exclude the following days (''Unanticipated Events'') from the options tier calculations only pursuant to paragraph (3) below, specifically any day that:

(A) The market is not open for the entire trading day, (B) the Exchange instructs members in writing to route their orders to other markets, (C) the Exchange is inaccessible to members during the 30-minute period before the opening of trade due to an Exchange system disruption, or (D) the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours.

(3) If a day is to be excluded as a result of paragraph (1)(B) or (2) above, the Exchange will exclude the day from any member's monthly options tier calculations as follows:

(A) The Exchange may exclude from the ADV calculation any Scheduled Early Close or Unanticipated Event; or

(B) the Exchange may exclude from any other applicable options tier calculation provided for in its Pricing Schedule (together with (3)(A), ''Tier Calculations'') any Scheduled Early Close or Unanticipated Event.

provided, in each case, that the Exchange will only remove the day for members that would have a lower Tier Calculation with the day included.

The proposed language: (i) Applies the rule for excluding days to all volume based calculations rather than specified incentive programs,[6] (ii) expands upon the existing scenarios where the Exchange may remove a day to adopt two additional situations related to Exchange systems disruptions, (iii)

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Phlx Pricing Schedule, Options 7, Section 1(b). The Exchange's other affiliated options markets, Nasdaq ISE, Nasdaq MRX, Nasdaq BX, and The Nasdaq Options Market will also file similar rule change proposals to conform to Phlx's rule.

[4] The current language in the Pricing Schedule applies to the calculations of Total Affiliated Member ADV and Priority Customer Maker ADV used to determine tiered maker rebates and taker fees for members. *See* Options 7, Section 3, Table 1 (Qualifying Tier Thresholds).

[5] *See* note 3 above.

[6] *See* note 4 above. Since the proposed language will now apply to all current and future programs administered by the Exchange that are based on ADV and other applicable volume calculations, the current rule in Options 7, Section 3 will be replaced by the proposed language in Section 1(a) with the modifications described above, including language providing that the rule will apply to all Tier Calculations in its Pricing Schedule.

categorizes the potential excluded days into days that are known in advance (*i.e.,* days in proposed paragraph (1), including Scheduled Early Closes) and days that are not (*i.e.,* Unanticipated Events in proposed paragraph (2)), (iv) clarifies how the potential excluded days proposed above would be removed from the ADV and other applicable volume based tier calculations in the Pricing Schedule, and (v) generally adds more detail to clarify the application of the better of rule. As it relates to Unanticipated Events, the Exchange will inform all members if any such day will be excluded from its Tier Calculations through a system status message disseminated to all members. The Exchange notes that it is not proposing to amend the thresholds a member must achieve to become eligible for, or the dollar amount associated with, the tiered rebates or fees.

Rule Application

Currently, the Exchange's rule for removing a day from its ADV calculations applies to specific ADV calculations of Total Affiliated Member ADV [7] and Priority Customer Maker ADV.[8] As applied, the Exchange can remove a day from tier calculations for the maker rebates [9] and taker fees [10] assessed to members.[11] The Exchange now believes it is appropriate to expand this provision to cover all volume based calculations including ADV rather than limit it to specific enumerated programs. Applying this rule to all volume based calculations will benefit members by permitting the Exchange to exclude atypical low volume days from its volume calculations regardless of the specific pricing program impacted. As is the case today, the Exchange would only remove the day for members that would have a lower volume calculation with the day included. This change will standardize the Exchange's practice with Phlx, which currently applies its rule to cover all ADV and other volume calculations set forth in its pricing schedule rather than specified programs.[12]

Exchange Systems Disruptions

The Exchange proposes to adopt two additional scenarios as ''Unanticipated Events'' that the Exchange may determine to exclude from its Tier Calculations. First, the Exchange proposes to exclude days where the Exchange is inaccessible to members during the 30-minute period before the opening of trade (*i.e.,* between 9:00 a.m. to 9:30 a.m. Eastern Time) due to an Exchange system disruption, even if the Exchange does not instruct members to route away to other markets. As discussed above, the Exchange's current ability to remove days is limited to days where the market is not open for the entire trading day, and where the Exchange instructs members to route away to other markets. This allows the Exchange to exclude days, for example, where the Exchange honors a market-wide trading halt declared by another market, closes early for holiday observance, or instructs members to route away to other markets because of a systems issue in the morning, which ultimately does not carry over into the trading day. The Exchange notes, however, that it may not always instruct members to route away. For instance, the Exchange may be inaccessible to members in the morning due to a systems disruption but the Exchange resolves the issue shortly before 9:30 a.m. and as a result, the Exchange does not instruct members to route away. In such cases, the Exchange is not permitted to exclude the day from its ADV calculations. The Exchange generally experiences a high volume of member participation within the 30-minute window leading up to the opening of trade from members who submit eligible interest be included in the Exchange's opening process. As a result, days where members are precluded from submitting eligible interest during this 30-minute time period due to an Exchange systems disruption, even if the issue is ultimately resolved by the Exchange before the market opens (and members therefore are not instructed to route away), are likely to have lower trading volume. Including such days in calculations of ADV will therefore make it more difficult for members to achieve particular pricing tiers for that month. Accordingly, excluding such days will diminish the likelihood of a cost increase occurring because a member is not able to reach a pricing tier on that date that it would reach on other trading days during the month. Phlx currently has identical language allowing it to remove such days from its volume based tiers.[13]

Second, the Exchange proposes to exclude days where there is an Exchange system disruption that lasts for more than 60 minutes during regular trading hours (*i.e.,* 9:30 a.m. to 4:00 p.m. Eastern Time), even if such disruption would not be categorized as a complete outage of the Exchange's system. Such a disruption may occur where a certain options series traded on the Exchange is unavailable for trading due to an Exchange systems issue, or where the Exchange may be able to perform certain functions with respect to accepting and processing orders, but may have a failure to another significant process, such as routing to other market centers, that would lead members who rely on such processes to avoid using the Exchange until the Exchange's entire system was operational. The Exchange believes that certain system disruptions that are not complete system outages could preclude some members from submitting orders to the Exchange. The Exchange notes that this proposal is consistent with the rules of Phlx and other options exchanges.[14]

The Exchange believes that the two scenarios proposed above are reasonable and equitable because the intent of the current rule has always been to avoid penalizing members that might otherwise qualify for certain tiered pricing but that because of aberrant low volume days resulting, for instance, from Exchange systems disruptions, did not participate on the Exchange to the

[7] The Total Affiliated Member ADV category includes all volume in all symbols and order types, including both maker and taker volume and volume executed in the PIM, Facilitation, Solicitation, and QCC mechanisms. For purposes of determining a member's eligibility for the volume-based tiers in the Total Affiliated Member ADV category, the Exchange uses either numeric thresholds that measure a member's absolute volume or, as an alternative, a percentage-based calculation that considers a member's volume relative to total customer industry volume (*i.e.,* the ''Customer Total Consolidated Volume''). For purposes of measuring Total Affiliated Member ADV, Customer Total Consolidated Volume means the total volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month.

[8] The Priority Customer Maker ADV category includes all Priority Customer volume that adds liquidity in all symbols.

[9] The Exchange provides tiered maker rebates to Market Maker and Priority Customer orders in Penny Symbols and SPY, as well as in Non-Penny Symbols (excluding index options), all of which are based on Total Affiliated Member ADV and Priority Customer Maker ADV. *See* Option 7, Section 3.

[10] Members are charged tiered taker fees in Penny Symbols and SPY, as well as in Non-Penny Symbols (excluding index options), all of which are based on Total Affiliated Member ADV and Priority Customer Maker ADV. *See* Option 7, Section 3.

[11] All eligible volume from affiliated Members will be aggregated in determining applicable tiers, provided there is at least 75% common ownership between the Members as reflected on each Member's Form BD, Schedule A. The highest tier threshold attained applies retroactively in a given month to all eligible traded contracts and applies to all eligible market participants.

[12] *See* note 3 above.

[13] *See id.* at paragraph 2(C).

[14] *See id.* at paragraph 2(D). *See also* BATS [sic] BZX Options Exchange Fee Schedule (defining an ''Exchange System Disruption'' as any day that the exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours); and NYSE Arca Options Fee Schedule (defining an ''Exchange System Disruption'' as a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours).

extent they might have otherwise participated.

In addition, to avoid penalizing members that step up and trade on a day with artificially low volume, the Exchange currently only removes days for members that would have a lower ADV calculation with the day included (*i.e.,* the better of rule). The Exchange believes that applying the better of rule to the proposed system disruption-related scenarios would be similarly helpful as it would ensure that members that continue to execute a large volume of contracts on such days are not inadvertently disadvantaged when the Exchange removes a systems disruption-related day from its calculations of ADV. This is consistent with the treatment of such days on Phlx.[15]

Categories of Excluded Days

Similar to Phlx, the Exchange seeks to restructure the existing rule by separating out the different scenarios between days that are known in paragraph (1) and days that are not in paragraph (2), and define the latter as Unanticipated Events.

For planned days, the Exchange proposes to further distinguish between days that the Exchange announces in advance that it will not be open for trading in paragraph (1)(A) (*e.g.,* Thanksgiving), and Scheduled Early Closes in paragraph (1)(B) (*e.g.,* the trading day after Thanksgiving). The Exchange notes that it currently considers Scheduled Early Closes as a subset of days that the market is not open for the entire trading day. The Exchange believes it would be more clear to distinguish Scheduled Early Closes in paragraph (1) as a day that is planned for in advance, and separately consider days that are not open for the entire trading day as Unanticipated Events in paragraph (2)(A). As proposed, (2)(A) would continue to cover unplanned days where the Exchange declares a trading halt in all securities or honors a market-wide trading halt declared by another market. The other scenarios that will be categorized as Unanticipated Events in paragraph (2) are the two systems-related disruptions proposed above, and days that the Exchange instructs members in writing to route their orders to other markets, which is an existing scenario covered under the current rule as described above.

Exclusion of Days by Tier Calculation

The Exchange proposes to further amend the existing rule to align with the Phlx rule by specifying how the days in paragraphs (1) and (2) will be excluded from its Tier Calculations. As it relates to days where the Exchange announces in advance that it will not be open for trading, the Exchange notes that it will exclude those days from all options tier calculations set forth in its Pricing Schedule.[16] This is also the case today since no trading activity occurs on those days, and the Exchange is only clarifying its current practice within the proposed rule text in paragraph (1)(A).

As discussed above, the Exchange currently removes Scheduled Early Closes as provided in paragraph (1)(B), and the Unanticipated Events in paragraphs (2)(A) and (2)(B), from its calculations of ADV only for members that would have a lower ADV with the day included. The Exchange is not changing how it currently excludes these days from the ADV calculations. And as further discussed above, the Exchange is proposing to adopt the same principle-based approach for excluding the two Unanticipated Events related to Exchange system disruptions as provided in paragraphs (2)(C) and (2)(D). Accordingly, the proposed language in paragraph (3)(A) will clarify for the ADV calculation that the Exchange may exclude any Scheduled Early Close or Unanticipated Event, subject to the better of rule.[17]

Similar to Phlx, the proposal also adds a ''catch-all'' provision in paragraph (3)(B) that would apply to other applicable volume based tier calculations that are set forth in its Pricing Schedule, but are not specified within paragraph (3)(A) (*i.e.,* not an ADV calculation).[18] This catch-all provision will provide the Exchange with flexibility to apply the better of rule going forward to all pricing programs administered by the Exchange that are based on volume calculations. The Exchange believes that adopting a similar principle-based approach for its options volume calculations would ensure that days are removed from such calculations only if doing so would be beneficial for the member. Accordingly, the proposed language will not apply to straight volume accumulations, as is the case today, and the Exchange will continue to not exclude days from such calculations as members do not benefit when volume executed on an excluded day is removed from straight volume accumulations.

Clarifying Changes

The Exchange proposes to add further details similar to Phlx's rule to bring greater transparency as to how the Exchange will apply the better of rule when removing days from its Tier Calculations. In particular, the Exchange proposes to make clear that it will only remove days pursuant to the better of rule by specifying in paragraphs (1)(B) and (2) that such days may be excluded from the Tier Calculations only pursuant to paragraph (3).[19] Paragraph (3) will then provide that if a day is to be excluded as a result of paragraph (1)(B) or (2), the Exchange will be required to exclude the day from any member's monthly options volume tier calculations as detailed within paragraph (3).[20] With the proposed changes, the Exchange seeks to clarify that it will exclude days from any member's Tier Calculations in a uniform manner to ensure that days are removed only in situations where the member benefits. The Exchange will look at each potential excluded day in a month and determine for every member their ADV or other applicable volume calculation based on their trading volume on that day. If any member would have a lower Tier Calculation with the particular day included, the Exchange will exclude that day for that member. This is how the Exchange applies the better of rule today for ADV calculations. As such, the proposed changes are intended to make clear that the Exchange will apply the better of rule in a uniform manner for all members, and that there is no arbitrary selection of ''winners'' or ''losers'' when the Exchange excludes days. In addition, the Exchange proposes to make two technical changes within the better of rule; first, to clarify that the rule applies in each case of the tier calculations specified in paragraph (3), and second, to use the defined term Tier Calculations instead of ADV to reflect the changes proposed herein.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[22] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair

[15] *See* note 3 above at paragraph 3.

[16] *See id.* at paragraph (1)(A) for similar language on Phlx.

[17] *See id.* at paragraph (3)(A) for similar language on Phlx.

[18] *See id.* at paragraph (3)(C) for similar language on Phlx.

[19] *See id.* at paragraphs (1)(B) and (2) for similar language on Phlx.

[20] *See id.* at paragraph (3) for similar language on Phlx.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(4) and (5).

discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change is reasonable and equitable as it provides a new framework for removing days from the Exchange's volume calculations that the Exchange believes is beneficial to members and consistent with similar provisions already in place on Phlx. The proposed rule change would permit the Exchange to remove a day from its pricing tiers in more circumstances, and ensures that the Exchange will only do so in circumstances where beneficial for the member because the member would have a lower volume calculation with the day included.

By applying the rule to all volume based calculations rather than specified incentive programs based on Total Affiliated Member ADV and Priority Customer Maker ADV, the Exchange believes that members will be further protected if the Exchange experiences a systems or other issue that results in a day being excluded from the Exchange's volume calculations. Without this change, members would only have the day excluded for the specific ADV based pricing programs described above, and would not get the benefit for other un-enumerated programs.

The Exchange believes it is reasonable and equitable to exclude a day from its volume based calculations when the Exchange's system experiences a disruption during the 30-minute period prior to the opening of trade that renders the Exchange inaccessible to members as this preserves the Exchange's intent behind adopting volume-based pricing. Without this change, members that are precluded from submitting eligible interest during the 30-minute window before the opening of trade may be negatively impacted, even if the Exchange resolves the issue before the market opens and as a result, does not instruct members to route away. The proposed change to exclude such days will diminish the likelihood of a cost increase occurring because a member is not able to reach a volume tier calculation on that date that it would reach on other trading days during the month.

Similarly, excluding a day where the Exchange's system experiences a disruption that lasts for more than 60 minutes intra-day is reasonable and equitable because the proposal seeks to avoid penalizing members that might otherwise qualify for certain tiered pricing but that, because of an Exchange systems disruption, did not participate on the Exchange to the extent they might have otherwise participated. The Exchange believes that certain systems disruptions could preclude some members from sending order flow to the Exchange even if such issue is not actually a complete systems outage.

In addition, the Exchange believes that it is reasonable and equitable to apply the better of rule to both systems disruption-related scenarios. Without these changes, members that step up and trade significant volume on excluded trading days may be negatively impacted, resulting in an effective cost increase for those members. The proposal would align the Exchange's approach to how it applies this rule today for days where the market is not open for the entire trading day or where the Exchange instructs members to route away.

Furthermore, the Exchange believes that categorizing the potential excluded days is reasonable and equitable because it will bring greater transparency to the application of its rule. Specifically, the Exchange is distinguishing between planned and unplanned days in paragraphs (1) and (2), defining the latter as Unanticipated Events, and stipulating how the Exchange will exclude such days pursuant to this rule. Categorizing days in this manner will clarify the application of its rule in light of the Exchange's proposal to expand the rule to adopt additional days that may be excluded from its tier calculations. Providing in paragraph (1)(A) that the Exchange will always exclude from its tier calculations days that it announces in advance it will not be open for trading will clarify current practice. Furthermore, the Exchange believes that the proposed changes to specify how days in paragraphs (1) and (2) may be excluded from its tier calculations will bring greater transparency by delineating the various circumstances in which the better of rule will apply. Providing in paragraph (3) that the Exchange may exclude any Scheduled Early Close or Unanticipated Event from the ADV and other Tier Calculations, subject to the better of rule, will make clear that the Exchange will take a consistent approach when excluding days for purposes of its volume based pricing tiers. In addition, having a catch-all in paragraph (3)(B) so that the better of rule applies to other options volume calculations than ADV to allow the Exchange to apply the rule going forward to all pricing programs based on volume calculations will further protect members. The Exchange notes that aberrant low volume days resulting from, for instance, an Unanticipated Event, impacts all volume-based calculations, and allowing the Exchange to exclude such days from any Tier Calculation if the member would have a lower Tier Calculation with the day included will further protect members from being inadvertently penalized.

Furthermore, the proposed changes specifying that the days in paragraphs (1)(B) and (2) may be excluded only pursuant to paragraph (3), and requiring the Exchange to exclude such days pursuant to the specifications in paragraph (3) will likewise make clear that the Exchange will take a consistent approach with respect to excluding days from its volume calculations. As discussed above, these modifications will clarify that the Exchange will apply the better of rule in a uniform manner to all members, and that there is no arbitrary selection of ''winners'' or ''losers.'' The Exchange also believes that the two technical changes proposed in the better of rule to reflect the changes proposed herein will likewise bring greater clarity to its rule.

Finally, the Exchange further believes that the proposed rule change is not unfairly discriminatory because it will apply equally to all members. While the Exchange currently has rules in place for removing a day from its pricing, the Exchange believes that the proposed changes will benefit all members by providing more circumstances to remove a day, and ensuring that such days are removed only in situations where the member benefits.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to protect members from the possibility of a cost increase by excluding days when overall member participation might be significantly lower than a typical trading day. The Exchange believes that the proposed modifications to its tier calculations are pro-competitive and will result in lower total costs to end users, a positive outcome of competitive markets. Furthermore, other options exchanges have adopted rules that are substantially similar to the Exchange's proposal.[23]

The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the

[23] *See* notes 3 and 14 above.

Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[24] 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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2018–45 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–GEMX–2018–45.* 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–GEMX–2018–45* and should be submitted on or before February 22, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01381 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–01–P

[24] 15 U.S.C. 78s(b)(3)(A)(ii).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85046; File No. 4–618]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing and Order Approving and Declaring Effective an Amendment to the Plan for the Allocation of Regulatory Responsibilities Between Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., BOX Exchange LLC, Cboe Exchange, Inc., Cboe C2 Exchange, Inc., Chicago Stock Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., Nasdaq ISE, LLC, Nasdaq GEMX, LLC, Nasdaq MRX, LLC, Investors Exchange LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, MIAX Emerald, LLC, The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX, Inc., NYSE National, Inc., New York Stock Exchange LLC, NYSE American LLC, and NYSE Arca, Inc.

February 4, 2019.

Notice is hereby given that the Securities and Exchange Commission (''Commission'') has issued an Order, pursuant to Section 17(d) of the Securities Exchange Act of 1934 (''Act''),[1] approving and declaring effective an amendment to the plan for allocating regulatory responsibility (''Plan'') filed on January 18, 2019, pursuant to Rule 17d–2 of the Act,[2] by Cboe BZX Exchange, Inc. (''BZX''), Cboe BYX Exchange, Inc. (''BATS Y''), BOX Exchange LLC (''BOX''), Cboe Exchange, Inc. (''Cboe''), Cboe C2 Exchange, Inc. (''C2''), Chicago Stock Exchange, Inc. (''CHX''), Cboe EDGA Exchange, Inc. (''EDGA''), Cboe EDGX Exchange, Inc. (''EDGX''), Financial Industry Regulatory Authority, Inc. (''FINRA''), Nasdaq ISE, LLC (''ISE''), Nasdaq GEMX, LLC (''GEMX''), Nasdaq MRX, LLC (''MRX''), Investors Exchange LLC (''IEX''), Miami International Securities Exchange, LLC (''MIAX''), MIAX PEARL, LLC (''MIAX PEARL''), MIAX Emerald, LLC (''MIAX Emerald''), The Nasdaq Stock Market LLC (''Nasdaq''), Nasdaq BX, Inc. (''BX''), Nasdaq PHLX, Inc. (''PHLX''), NYSE National, Inc. (''NYSE National''), New York Stock Exchange LLC (''NYSE''), NYSE American LLC (''NYSE American''), and NYSE Arca, Inc. (''NYSE Arca'') (each, a ''Participating Organization,'' and, together, the ''Participating Organizations'' or the ''Parties''). This Agreement amends and restates the

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

agreement by and among the Participating Organizations approved by the Commission on February 2, 2017.[3]

I. Introduction

Section 19(g)(1) of the Act,[4] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or Section 19(g)(2) of the Act.[5] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[6] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[7] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[8] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[9] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[10] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors; to foster cooperation and coordination among the SROs; to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system; and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

On December 3, 2010, the Commission approved the SRO participants' plan for allocating regulatory responsibilities pursuant to Rule 17d–2.[11] On October 29, 2015, the Commission approved an amended plan that added Regulation NMS Rules 606, 607, and 611(c) and (d) and added additional Participating Organizations that are options markets to the Plan.[12] On August 11, 2016, the Commission approved an amended plan that added IEX and ISE Mercury as Participating Organizations.[13] On February 2, 2017, the Commission approved an amended plan that added MIAX PEARL as a Participating Organization.[14]

The proposed 17d–2 Plan is intended to reduce regulatory duplication for firms that are members of more than one Participating Organization.[15] The Plan provides for the allocation of regulatory responsibility according to whether the covered rule pertains to NMS stocks or NMS securities. For covered rules that pertain to NMS stocks (*i.e.,* Rules 607, 611, and 612), FINRA serves as the ''Designated Regulation NMS Examining Authority'' (''DREA'') for common members that are members of FINRA, and assumes certain examination and enforcement responsibilities for those members with respect to specified Regulation NMS rules. For common members that are not members of FINRA, the member's DEA serves as the DREA, provided that the DEA exchange operates a national securities exchange or facility that trades NMS stocks and the common member is a member of such exchange or facility. Section 1(c) of the Plan contains a list of principles that are applicable to the allocation of common members in cases not specifically addressed in the Plan. An exchange that does not trade NMS stocks would have no regulatory authority for covered Regulation NMS rules pertaining to NMS stocks. For covered rules that pertain to NMS securities, and thus include options (*i.e.,* Rule 606), the Plan provides that the DREA will be the same as the DREA for the rules pertaining to NMS stocks. For common members that are not members of an exchange that trades NMS stocks, the common member would be allocated according to the principles set forth in Section 1(c) of the Plan.

The text of the Plan delineates the proposed regulatory responsibilities with respect to the Parties. Included in the proposed Plan is an exhibit (the ''Covered Regulation NMS Rules'') that lists the federal securities laws, rules, and regulations, for which the applicable DREA would bear examination and enforcement responsibility under the Plan for common members of the Participating Organization and their associated persons.

Specifically, the applicable DREA assumes examination and enforcement responsibility relating to compliance by common members with the Covered Regulation NMS Rules. Covered Regulation NMS Rules do not include the application of any rule of a Participating Organization, or any rule or regulation under the Act, to the extent that it pertains to violations of insider trading activities, because such matters are covered by a separate multiparty agreement under Rule 17d–

[3] *See* Securities Exchange Act Release No. 79928, 82 FR 9814 (February 8, 2017).

[4] 15 U.S.C. 78s(g)(1).

[5] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2), respectively.

[6] 15 U.S.C. 78q(d)(1).

[7] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[8] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[9] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[10] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[11] *See* Securities Exchange Act Release No. 63430, 75 FR 76758 (December 9, 2010).

[12] *See* Securities Exchange Act Release No. 76311, 80 FR 68377 (November 4, 2015).

[13] *See* Securities Exchange Act Release No. 78552, 81 FR 54905 (August 17, 2016).

[14] *See* Securities Exchange Act Release No. 79928, 82 FR 9814 (February 8, 2017).

[15] The proposed 17d–2 Plan refers to these members as ''Common Members.''

2.[16] Under the Plan, Participating Organizations retain full responsibility for surveillance and enforcement with respect to trading activities or practices involving their own marketplace.[17]

III. Proposed Amendment to the Plan

On January 18, 2019, the parties submitted a proposed amendment to the Plan. The primary purpose of the amendment is to add MIAX Emerald as a Participant to the Plan and to reflect name changes of certain Participating Organizations.

The text of the proposed amended 17d–2 Plan is as follows (additions are in italics; deletions are in brackets):

* * * * *

Agreement for the Allocation of Regulatory Responsibility for the Covered Regulation NMS Rules Pursuant To § 17(d) of the Securities Exchange Act of 1934, 15 U.S.C. 78q(d), and Rule 17d–2 Thereunder

This agreement (the ''Agreement'') by and among [Bats]*Cboe* BZX Exchange, Inc. (''[BATS]*BZX*''), [Bats]*Cboe* BYX Exchange, Inc. (''BATS Y''), BOX [Options] Exchange LLC (''BOX''), [Chicago Board Options]*Cboe* Exchange, Inc.[orporated] (''[CBOE]*Cboe*''), *Cboe* C2 [Options] Exchange, Inc.[orporated] (''C2''), Chicago Stock Exchange, Inc. (''CHX''), [Bats]*Cboe* EDGA Exchange, Inc. (''EDGA''), [Bats]*Cboe* EDGX Exchange, Inc. (''EDGX''), Financial Industry Regulatory Authority, Inc. (''FINRA''), [International Securities Exchange]*Nasdaq ISE,* LLC (''ISE''), [ISE Gemini]*Nasdaq GEMX,* LLC (''[ISE Gemini]*GEMX*''), [ISE Mercury]*Nasdaq MRX,* LLC (''[ISE Mercury]*MRX*''), Investors Exchange LLC (''IEX''), Miami International Securities Exchange, LLC (''MIAX''), MIAX PEARL, LLC (''MIAX PEARL''), *MIAX Emerald, LLC (''MIAX Emerald''),* The [NASDAQ]*Nasdaq* Stock Market LLC (''[NASDAQ]*Nasdaq*''), [NASDAQ]*Nasdaq* BX, Inc. (''BX''), [NASDAQ]*Nasdaq* PHLX, Inc. (''PHLX''), *NYSE* National [Stock Exchange], Inc. (''[NSX]*NYSE National*''), New York Stock Exchange LLC (''NYSE''), NYSE [MKT]*American* LLC (''NYSE [MKT]*American*''), and NYSE Arca, Inc. (''NYSE Arca'') (each, a ''Participating Organization,'' and, together, the ''Participating Organizations''), is made pursuant to § 17(d) of the Securities Exchange Act of 1934 (the ''Act'' or ''SEA''), 15 U.S.C. 78q(d), and Rule 17d–2 thereunder, which allow for plans to allocate regulatory responsibility among self-regulatory organizations (''SROs''). Upon approval by the Securities and Exchange Commission (''Commission'' or ''SEC''), this Agreement shall amend and restate the agreement by and among the Participating Organizations approved by the SEC on [August 11, 2016] *February 2, 2017.*

Whereas, the Participating Organizations desire to: (a) Foster cooperation and coordination among the SROs; (b) remove impediments to, and foster the development of, a national market system; (c) strive to protect the interest of investors; and (d) eliminate duplication in their examination and enforcement of SEA Rules 606, 607, 611 and 612 (the ''Covered Regulation NMS Rules'');

Whereas, the Participating Organizations are interested in allocating regulatory responsibilities with respect to broker-dealers that are members of more than one Participating Organization (the ''Common Members'') relating to the examination and enforcement of the Covered Regulation NMS Rules; and

Whereas, the Participating Organizations will request regulatory allocation of these regulatory responsibilities by executing and filing with the SEC this plan for the above stated purposes pursuant to the provisions of § 17(d) of the Act, and Rule 17d–2 thereunder, as described below.

Now, Therefore, in consideration of the mutual covenants contained hereafter, and other valuable consideration to be mutually exchanged, the Participating Organizations hereby agree as follows:

1. *Assumption of Regulatory Responsibility.* The Designated Regulation NMS Examining Authority (the ''DREA'') shall assume examination and enforcement responsibilities relating to compliance by Common Members with the Covered Regulation NMS Rules to which the DREA is allocated responsibility (''Regulatory Responsibility''). A list of the Covered Regulation NMS Rules is attached hereto as Exhibit A.

a. For Covered Regulation NMS Rules Pertaining to ''NMS stocks'' (as defined in Regulation NMS) (*i.e.,* Rules 607, 611 and 612): FINRA shall serve as DREA for Common Members that are members of FINRA. The Designated Examining Authority (''DEA'') pursuant to SEA Rule 17d–1 shall serve as DREA for Common Members that are not members of FINRA, provided that the DEA operates a national securities exchange or facility that trades NMS stocks and the Common Member is a member of such exchange or facility. For all other Common Members, the Participating Organizations shall allocate Common Members among the Participating Organizations (other than FINRA) that operate a national securities exchange that trades NMS stocks based on the principles outlined below and the Participating Organization to which such a Common Member is allocated shall serve as the DREA for that Common Member. (A Participating Organization that operates a national securities exchange that does not trade NMS stocks has no regulatory responsibilities related to Covered Regulation NMS Rules pertainining to NMS stocks and will not serve as DREA for such Covered Regulation NMS Rules.)

b. For Covered Regulation NMS Rules Pertaining to ''NMS securities'' (as defined in Regulation NMS) (*i.e.,* Rule 606), the DREA shall be same as the DREA for Covered Regulation NMS Rules pertaining to NMS stocks. For Common Members that are not members of a national securities exchange that trades NMS stocks and thus have not been appointed a DREA under paragraph a., the Participating Organizations shall allocate the Common Members among the Participating Organizations (other than FINRA) that operate a national securities exchange that trades NMS securities based on the principles outlined below and the Participating Organization to which such a Common Member is allocated shall serve as the DREA for that Common Member with respect to Covered Regulation NMS Rules pertaining to NMS securities. The allocation of Common Members to DREAs (including FINRA) for all Covered Regulation NMS Rules is provided in Exhibit B.

c. For purposes of this paragraph 1, any allocation of a Common Member to a Participating Organization other than as specified in paragraphs a. and b. above shall be based on the following principles, except to the extent all affected Participating Organizations consent to one or more different principles and any such agreement to different principles would be deemed an amendment to this Agreement as provided in paragraph 22:

i. The Participating Organizations shall not allocate a Common Member to a Participating Organization unless the Common Member is a member of that Participating Organization.

[16] *See* Securities Exchange Act Release No. 58350 (August 13, 2008), 73 FR 48247 (August 18, 2008) (File No. 4–566) (notice of filing of proposed plan). *See also* Securities Exchange Act Release No. 58536 (September 12, 2008), 73 FR 54646 (September 22, 2008) (File No. 4–566) (order approving and declaring effective the plan).

[17] *See* paragraph 1(d) of the Plan.

ii. To the extent practicable, Common Members shall be allocated among the Participating Organizations of which they are members in such a manner as to equalize, as nearly as possible, the allocation among such Participating Organizations.

iii. To the extent practicable, the allocation will take into account the amount of NMS stock activity (or NMS security activity, as applicable) conducted by each Common Member in order to most evenly divide the Common Members with the largest amount of activity among the Participating Organizations of which they are a members. The allocation will also take into account similar allocations pursuant to other plans or agreements to which the Participating Organizations are party to maintain consistency in oversight of the Common Members.[1]

iv. The Participating Organizations may reallocate Common Members from time-to-time and in such manner as they deem appropriate consistent with the terms of this Agreement.

v. Whenever a Common Member ceases to be a member of its DREA (including FINRA), the DREA shall promptly inform the Participating Organizations, who shall review the matter and reallocate the Common Member to another Participating Organization.

vi. The DEA or DREA (including FINRA) may request that a Common Member be reallocated to another Participating Organization (including the DEA or DREA (including FINRA)) by giving 30 days written notice to the Participating Organizations. The Participating Organizations shall promptly consider such request and, in their discretion, may approve or disapprove such request and if approved, reallocate the Common Member to such Participating Organization.

vii. All determinations by the Participating Organizations with respect to allocations shall be by the affirmative vote of a majority of the Participating Organizations that, at the time of such determination, share the applicable Common Member being allocated; a Participating Organization shall not be entitled to vote on any allocation related to a Common Member unless the Common Member is a member of such Participating Organization.

[1] For example, if one Participating Organization was allocated responsibility for a particular Common Member pursuant to a separate Rule 17d–2 Agreement, that Participant Organization would be assigned to be the DREA of that Common Member, unless there is good cause not to make that assignment.

d. The Participating Organizations agree that they shall conduct meetings among them as needed for the purposes of ensuring proper allocation of Common Members and identifying issues or concerns with respect to the regulation of Common Members.

Notwithstanding anything herein to the contrary, it is explicitly understood that the term ''Regulatory Responsibility'' does not include, and each of the Participating Organizations shall retain full responsibility for, examination, surveillance and enforcement with respect to trading activities or practices involving its own marketplace unless otherwise allocated pursuant to a separate Rule 17d–2 Agreement.

2. *No Retention of Regulatory Responsibility.* The Participating Organizations do not contemplate the retention of any responsibilities with respect to the regulatory activities being assumed by the DREA under the terms of this Agreement. Nothing in this Agreement will be interpreted to prevent a DREA from entering into Regulatory Services Agreement(s) to perform its Regulatory Responsibility.

3. *No Charge.* A DREA shall not charge Participating Organizations for performing the Regulatory Responsibility under this Agreement.

4. *Applicability of Certain Laws, Rules, Regulations or Orders.* Notwithstanding any provision hereof, this Agreement shall be subject to any statute, or any rule or order of the SEC. To the extent such statute, rule, or order is inconsistent with one or more provisions of this Agreement, the statute, rule, or order shall supersede the provision(s) hereof to the extent necessary to be properly effectuated and the provision(s) hereof in that respect shall be null and void.

5. *Customer Complaints.* If a Participating Organization receives a copy of a customer complaint relating to a DREA's Regulatory Responsibility as set forth in this Agreement, the Participating Organization shall promptly forward to such DREA a copy of such customer complaint. It shall be such DREA's responsibility to review and take appropriate action in respect to such complaint.

6. *Parties to Make Personnel Available as Witnesses.* Each Participating Organization shall make its personnel available to the DREA to serve as testimonial or non-testimonial witnesses as necessary to assist the DREA in fulfilling the Regulatory Responsibility allocated under this Agreement. The DREA shall provide reasonable advance notice when practicable and shall work with a Participating Organization to accommodate reasonable scheduling conflicts within the context and demands as the entity with ultimate regulatory responsibility. The Participating Organization shall pay all reasonable travel and other expenses incurred by its employees to the extent that the DREA requires such employees to serve as witnesses, and provide information or other assistance pursuant to this Agreement.

7. *Sharing of Work-Papers, Data and Related Information.*

a. Sharing. A Participating Organization shall make available to the DREA information necessary to assist the DREA in fulfilling the Regulatory Responsibility assumed under the terms of this Agreement. Such information shall include *any* information collected by a Participating Organization in the course of performing its regulatory obligations under the Act, including information relating to an on-going disciplinary investigation or action against a member, the amount of a fine imposed on a member, financial information, or information regarding proprietary trading systems gained in the course of examining a member (''Regulatory Information''). This Regulatory Information shall be used by the DREA solely for the purposes of fulfilling the DREA's Regulatory Responsibility.

b. No Waiver of Privilege. The sharing of documents or information between the parties pursuant to this Agreement shall not be deemed a waiver as against third parties of regulatory or other privileges relating to the discovery of documents or information.

8. *Special or Cause Examinations and Enforcement Proceedings.* Nothing in this Agreement shall restrict or in any way encumber the right of a Participating Organization to conduct special or cause examinations of a Common Member, or take enforcement proceedings against a Common Member as a Participating Organization, in its sole discretion, shall deem appropriate or necessary.

9. *Dispute Resolution Under this Agreement.*

a. Negotiation. The Participating Organizations will attempt to resolve any disputes through good faith negotiation and discussion, escalating such discussion up through the appropriate management levels until reaching the executive management level. In the event a dispute cannot be settled through these means, the Participating Organizations shall refer the dispute to binding arbitration.

b. Binding Arbitration. All claims, disputes, controversies, and other matters in question between the

Participating Organizations to this Agreement arising out of or relating to this Agreement or the breach thereof that cannot be resolved by the Participating Organizations will be resolved through binding arbitration. Unless otherwise agreed by the Participating Organizations, a dispute submitted to binding arbitration pursuant to this paragraph shall be resolved using the following procedures:

(i) The arbitration shall be conducted in a city selected by the DREA in which it maintains a principal office or where otherwise agreed to by the Participating Organizations in accordance with the Commercial Arbitration Rules of the American Arbitration Association and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof; and

(ii) There shall be three arbitrators, and the chairperson of the arbitration panel shall be an attorney. The arbitrators shall be appointed in accordance with the Commercial Arbitration Rules of the American Arbitration Association.

10. *Limitation of Liability.* As between the Participating Organizations, no Participating Organization, including its respective directors, governors, officers, employees and agents, will be liable to any other Participating Organization, or its directors, governors, officers, employees and agents, for any liability, loss or damage resulting from any delays, inaccuracies, errors or omissions with respect to its performing or failing to perform regulatory responsibilities, obligations, or functions, except: (a) As otherwise provided for under the Act; (b) in instances of a Participating Organization's gross negligence, willful misconduct or reckless disregard with respect to another Participating Organization; or (c) in instances of a breach of confidentiality obligations owed to another Participating Organization. The Participating Organizations understand and agree that the regulatory responsibilities are being performed on a good faith and best effort basis and no warranties, express or implied, are made by any Participating Organization to any other Participating Organization with respect to any of the responsibilities to be performed hereunder. This paragraph is not intended to create liability of any Participating Organization to any third party.

11. *SEC Approval.*

a. The Participating Organizations agree to file promptly this Agreement with the SEC for its review and approval. FINRA shall file this Agreement on behalf, and with the explicit consent, of all Participating Organizations.

b. If approved by the SEC, the Participating Organizations will notify their members of the general terms of the Agreement and of its impact on their members.

12. *Subsequent Parties; Limited Relationship.* This Agreement shall inure to the benefit of and shall be binding upon the Participating Organizations hereto and their respective legal representatives, successors, and assigns. Nothing in this Agreement, expressed or implied, is intended or shall: (a) Confer on any person other than the Participating Organizations hereto, or their respective legal representatives, successors, and assigns, any rights, remedies, obligations or liabilities under or by reason of this Agreement, (b) constitute the Participating Organizations hereto partners or participants in a joint venture, or (c) appoint one Participating Organization the agent of the other.

13. *Assignment.* No Participating Organization may assign this Agreement without the prior written consent of the DREAs performing Regulatory Responsibility on behalf of such Participating Organization, which consent shall not be unreasonably withheld, conditioned or delayed; provided, however, that any Participating Organization may assign the Agreement to a corporation controlling, controlled by or under common control with the Participating Organization without the prior written consent of such Participating Organization's DREAs. No assignment shall be effective without Commission approval.

14. *Severability.* Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

15. *Termination.* Any Participating Organization may cancel its participation in the Agreement at any time upon the approval of the Commission after 180 days written notice to the other Participating Organizations (or in the case of a change of control in ownership of a Participating Organization, such other notice time period as that Participating Organization may choose). The cancellation of its participation in this Agreement by any Participating Organization shall not terminate this Agreement as to the remaining Participating Organizations.

16. *General.* The Participating Organizations agree to perform all acts and execute all supplementary instruments or documents that may be reasonably necessary or desirable to carry out the provisions of this Agreement.

17. *Written Notice.* Any written notice required or permitted to be given under this Agreement shall be deemed given if sent by certified mail, return receipt requested, or by a comparable means of electronic communication to each Participating Organization entitled to receipt thereof, to the attention of the Participating Organization's representative at the Participating Organization's then principal office or by email.

18. *Confidentiality.* The Participating Organizations agree that documents or information shared shall be held in confidence, and used only for the purposes of carrying out their respective regulatory obligations under this Agreement, provided, however, that each Participating Organization may disclose such documents or information as may be required to comply with applicable requlatory requirements or requests for information from the SEC. Any Participating Organization disclosing confidential documents or information in compliance with applicable regulatory or oversight requirements will request confidential treatment of such information. No Participating Organization shall assert regulatory or other privileges as against the other with respect to Regulatory Information that is required to be shared pursuant to this Agreement.

19. *Regulatory Responsibility.* Pursuant to Section 17(d)(1)(A) of the Act, and Rule 17d–2 thereunder, the Participating Organizations request the SEC, upon its approval of this Agreement, to relieve the Participating Organizations which are participants in this Agreement that are not the DREA as to a Common Member of any and all responsibilities with respect to the matters allocated to the DREA pursuant to this Agreement for purposes of §§ 17(d) and 19(g) of the Act.

20. *Governing Law.* This Agreement shall be deemed to have been made in the State of New York, and shall be construed and enforced in accordance with the law of the State of New York, without reference to principles of conflicts of laws thereof. Each of the Participating Organizations hereby consents to submit to the jurisdiction of the courts of the State of New York in

connection with any action or proceeding relating to this Agreement.

21. *Survival of Provisions.* Provisions intended by their terms or context to survive and continue notwithstanding delivery of the regulatory services by the DREA and any expiration of this Agreement shall survive and continue.

22. *Amendment.*

a. This Agreement may be amended to add a new Participating Organization, provided that such Participating Organization does not assume regulatory responsibility, by an amendment executed by all applicable DREAs and such new Participating Organization. All other Participating Organizations expressly consent to allow such DREAs to jointly add new Participating Organizations to the Agreement as provided above. Such DREAs will promptly notify all Participating Organizations of any such amendments to add a new Participating Organization.

b. All other amendments must be approved by each Participating Organization. All amendments, including adding a new Participating Organization but excluding changes to Exhibit B, must be filed with and approved by the Commission before they become effective.

23. *Effective Date.* The Effective Date of this Agreement will be the date the SEC declares this Agreement to be effective pursuant to authority conferred by § 17(d) of the Act, and Rule 17d–2 thereunder.

24. *Counterparts.* This Agreement may be executed in any number of counterparts, including facsimile, each of which will be deemed an original, but all of which taken together shall constitute one single agreement among the Participating Organizations.

* * * * *

Exhibit A

Covered Regulation NMS Rules

SEA Rule 606—Disclosure of Order Routing Information.*
SEA Rule 607—Customer Account Statements.
SEA Rule 611—Order Protection Rule.
SEA Rule 612—Minimum Pricing Increment.

* Covered Regulation NMS Rules with asterisks (*) pertain to NMS securities. Covered Regulation NMS Rules without asterisks pertain to NMS stocks.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. 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 4–618 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 4–618. 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 plan that are filed with the Commission, and all written communications relating to the proposed plan 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 plan also will be available for inspection and copying at the principal offices of the Participating Organizations. 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 4–618 and should be submitted on or before February 28, 2019.

V. Discussion

The Commission finds that the Plan, as amended, is consistent with the factors set forth in Section 17(d) of the Act [18] and Rule 17d–2(c) thereunder [19] in that the proposed amended Plan is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of the national market system. In particular, the Commission believes that the proposed amended Plan should reduce unnecessary regulatory duplication by allocating to the applicable DREA certain examination and enforcement responsibilities for Common Members that would otherwise be performed by multiple Parties. Accordingly, the proposed amended Plan promotes efficiency by reducing costs to Common Members. Furthermore, because the Parties will coordinate their regulatory functions in accordance with the proposed amended Plan, the amended Plan should promote investor protection.

The Commission is hereby declaring effective a plan that allocates regulatory responsibility for certain provisions of the federal securities laws, rules, and regulations as set forth in Exhibit A to the Plan. The Commission notes that any amendment to the Plan must be approved by the relevant Parties as set forth in Paragraph 22 of the Plan and must be filed with and approved by the Commission before it may become effective.[20]

Under paragraph (c) of Rule 17d–2, the Commission may, after appropriate notice and comment, declare a plan, or any part of a plan, effective. In this instance, the Commission believes that appropriate notice and comment can take place after the proposed amendment is effective. In particular, the purpose of the amendment is to add MIAX Emerald as a Participating Organization and to reflect the name changes of certain Participating Organizations. The Commission notes that the most recent prior amendment to the Plan was published for comment and the Commission did not receive any comments thereon.[21] The Commission believes that the current amendment to the Plan does not raise any new regulatory issues that the Commission has not previously considered, and therefore believes that the amended Plan should become effective without any undue delay.

VI. Conclusion

This order gives effect to the amended Plan filed with the Commission that is contained in File No. 4–618.

It is therefore ordered, pursuant to Section 17(d) of the Act, that the Plan, as amended, filed with the Commission

[18] 15 U.S.C. 78q(d).

[19] 17 CFR 240.17d–2(c).

[20] *See* Paragraph 22 of the Plan. The Commission notes, however, that changes to Exhibit B to the Plan (the allocation of Common Members to DREAs) are not required to be filed with, and approved by, the Commission before they become effective.

[21] *See* Securities Exchange Act Release No. 79928 (February 2, 2017), 82 FR 9814 (February 8, 2017).

pursuant to Rule 17d–2 on January 18, 2019, is hereby approved and declared effective.

It is further ordered that those SRO participants that are not the DREA as to a particular common member are relieved of those regulatory responsibilities allocated to the common member's DREA under the amended Plan to the extent of such allocation.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–01485 Filed 2–6–19; 8:45 am]

BILLING CODE 8011–09–P

[22] 17 CFR 200.30–3(a)(34).

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–0335]

Plexus Fund IV–A, L.P.; Notice Seeking Exemption Under the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Plexus Fund IV–A, L.P., 4242 Six Forks Road, Suite 950, Raleigh, NC 27609, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Plexus Fund IV–A, L.P. is seeking a prior written exemption from SBA to make a debt financing to Bonita Marie International, 1960 Rutgers University Blvd., Lakewood, NJ 08701.

The financing is brought within the purview of § 107.730(a)(4) of the Regulations because Plexus IV–A, L.P., Plexus III, L.P., and Plexus QP III, L.P. are Associates by Common Control, therefore, since the proposed transaction is providing Financing which will discharge Plexus III, L.P.'s and Plexus QP III, L.P.'s obligation, prior SBA written exemption is required.

Notice is hereby given that any interested person may submit written comments on this transaction within fifteen days of the date of this publication to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

A. Joseph Shepard,

Associate Administrator for Office of Investment and Innovation.

[FR Doc. 2019–01532 Filed 2–6–19; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15855 and #15856; WASHINGTON Disaster Number WA–00075]

Administrative Declaration of a Disaster for the State of Washington

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Washington dated 01/25/2019.

Incident: Kitsap County Tornado.

Incident Period: 12/18/2018.

DATES: Issued on 01/25/2019.

Physical Loan Application Deadline Date: 03/26/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 10/25/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Kitsap

Contiguous Counties:

Washington: King, Mason, Pierce.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	4.000
Homeowners without Credit Available Elsewhere	2.000
Businesses with Credit Available Elsewhere	7.480
Businesses without Credit Available Elsewhere	3.740
Non-Profit Organizations with Credit Available Elsewhere	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.740
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 15855 C and for economic injury is 15856 0.

The State which received an EIDL Declaration # is Washington.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: January 25, 2019.

Linda E. McMahon,

Administrator.

[FR Doc. 2019–01537 Filed 2–6–19; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Computer Matching Agreement Between U.S. Small Business Administration and U.S. Department of Homeland Security, Federal Emergency Management Agency

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Computer Matching Agreement between the U.S. Small Business Administration and the U.S. Department of Homeland Security, Federal Emergency Management Agency.

SUMMARY: The purpose of this Agreement is to ensure that applicants for SBA Disaster Assistance Loan Programs and DHS/FEMA's Other Needs Assistance and Housing Assistance Grant programs do not receive a duplication of benefits for the same disaster.

DATES: Issued on September 4, 2018.

ADDRESSES: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Pursuant to the Robert T. Stafford Disaster and Emergency Assistance Act (Pub. L. 93–288), as amended at 42 U.S.C. 5121 *et seq.*, DHS/FEMA and SBA may not provide duplicative disaster assistance to individuals, businesses, including

Private-Not-for Profits (PNPs), or other entities for the same disaster or emergency losses. To accomplish this, DHS/FEMA and SBA will participate in a Computer Matching program to share data and financial/benefits award decisions of individuals, businesses, and/or other entities to verify eligibility for benefits, prevent duplicative aid from being provided in response to the same disaster or emergency, and recover aid when duplication of benefits is identified.

This Agreement establishes the Computer Matching program between DHS/FEMA and SBA. The Computer Matching program seeks to ensure that applicants for SBA Disaster Loans and DHS/FEMA Individuals and Households Program (IHP), which provides Other Needs Assistance (ONA) and Housing Assistance (HA), are eligible to receive benefits and do not receive a duplication of benefits for the same disaster. Additionally, the Computer Matching program seeks to establish or verify initial eligibility for DHS/FEMA and SBA disaster assistance as well as provide updates on disaster recipients SBA Loan status. This will be accomplished by matching specific DHS/FEMA disaster applicant data with SBA disaster loan application and decision data for a declared disaster, as set forth in this Agreement.

James Rivera,

Associate Administrator for Disaster Assistance.

COMPUTER MATCHING AGREEMENT BETWEEN U.S. SMALL BUSINESS ADMINISTRATION AND U.S. DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY

I. INTRODUCTION

The SMALL BUSINESS ADMINISTRATION (SBA) and the DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (DHS/FEMA) have entered into this Computer Matching Agreement (Agreement) pursuant to section (o) of the Privacy Act of 1974, (Privacy Act), 5 U.S.C. § 552a, as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), and as amended by the Computer Matching Privacy Protection Act Amendments of 1990 (Pub. L. 101–508, 5 U.S.C. § 552a(p) (1990)). For purposes of this Agreement, both SBA and DHS/FEMA are the recipient agency and the source agency as defined in 5 U.S.C. § 552a(a)(9) and (11). For this reason, the financial and administrative responsibilities will be evenly distributed between SBA and DHS/FEMA unless otherwise set forth in this agreement.

II. PURPOSE AND LEGAL AUTHORITY

A. Purpose of the Matching Program

Pursuant to the Robert T. Stafford Disaster and Emergency Assistance Act (Pub. L. 93–288), as amended at 42 U.S.C. § 5121 et seq, DHS/FEMA and SBA may not provide duplicative disaster assistance to individuals, businesses, including Private-Not-for Profits (PNPs), or other entities for the same disaster or emergency losses. To accomplish this, DHS/FEMA and SBA will participate in a Computer Matching program to share data and financial/benefits award decisions of individuals, businesses, and/or other entities to verify eligibility for benefits, prevent duplicative aid from being provided in response to the same disaster or emergency, and recover aid when duplication of benefits is identified.

This Agreement establishes the Computer Matching program between DHS/FEMA and SBA. The Computer Matching program seeks to ensure that applicants for SBA Disaster Loans and DHS/FEMA Individuals and Households Program (IHP), which provides Other Needs Assistance (ONA) and Housing Assistance (HA), are eligible to receive benefits and do not receive a duplication of benefits for the same disaster. Additionally, the Computer Matching program seeks to establish or verify initial eligibility for DHS/FEMA and SBA disaster assistance as well as provide updates on disaster recipients SBA Loan status. This will be accomplished by matching specific DHS/FEMA disaster applicant data with SBA disaster loan application and decision data for a declared disaster, as set forth in this Agreement.

B. Legal Authority

This Agreement is executed in compliance with the Privacy Act and other statutes discussed in this Agreement, their implementing regulations, and related notices and guidance.

1. The Robert T. Stafford Disaster and Emergency Assistance Act, as amended (Stafford Act), 42 U.S.C. § 5121 et seq., requires each federal agency that administers any program that provides financial assistance as a result of a major disaster or emergency to assure that no individual or entity receives duplicate financial assistance under any program or from insurance or any other source, 42 U.S.C. § 5155(a). The Stafford Act requires DHS/FEMA or SBA (whichever agency provided the duplicative assistance) to recover all duplicative assistance from the recipient, when the head of such agency considers it to be in the best interest of the Federal Government, 42 U.S.C. § 5155(c).

2. Pursuant to Section 408(i) of the Stafford Act, 42 U.S.C. § 5174(i), in carrying out Section 408 (Federal Assistance to Individuals and Households), DHS/FEMA is directed and authorized to ''develop a system, including an electronic database,'' to:

1. Verify the identity and address of recipients of assistance to provide reasonable assurance that payments are made only to an individual or household that is eligible for such assistance by sharing personally identifiable information (PII);
2. Minimize the risk of making duplicative payments or payments for fraudulent claims;
3. Collect any duplicate payment on a claim, or reduce the amount of subsequent payments to offset the amount of any such duplicate payment;
4. Provide instructions to recipients of assistance regarding the proper use of any such assistance, regardless of how such assistance is distributed; and
5. Conduct an expedited and simplified review and appeal process for an individual or household whose application for assistance is denied.

3. FEMA collects and maintains personally identifiable information of individuals who apply for FEMA disaster assistance under Section 408 of the Stafford Act. In accordance with the Privacy Act of 1974, DHS/FEMA is authorized to provide States (impacted by disasters) with access to DHS/FEMA's electronic records of individuals and households receiving assistance in order for the States to make available any additional State and local assistance to the affected individuals and households. The provision of these records is further allowed under Routine Uses H.1 and R of the DHS/FEMA Disaster Recovery Assistance Files System of Records, 78 Fed. Reg. 25,282 (April 30, 2013). RU H.1 states that DHS/FEMA may disclose applicant information to other federal agencies and agencies of state, tribal, and local governments to prevent duplication of benefits and/or to address unmet needs of eligible, ineligible, or partially eligible FEMA applicants. RU R permits FEMA to share information to other federal, state, local, or tribal government agencies, and voluntary organizations under approved computer matching efforts.

4. Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C.

agencies are required to collect the taxpayer identification number (i.e., Social Security Number) of each person who receives payments from the federal government; and each person doing business with the federal government is required to furnish his or her taxpayer identification number.

A. For the purposes of 31 U.S.C. § 7701, a person is considered to be doing business with the federal government if the person is:

i. A lender or servicer in a federal guaranteed or insured loan program administered by a federal agency;

ii. An applicant for, or recipient of, a federal license permit, right-of-way, grant or benefit payment administered by a federal agency;

iii. A contractor of a federal agency;

iv. Assessed a fine, fee, royalty or penalty by a federal agency;

v. In a relationship with a federal agency that may give rise to a receivable due to that agency, such as a partner of a borrower in or a guarantor of a federal direct or insured loan administered by the federal agency.

Each federal agency must inform each person required to disclose his or her taxpayer identification number of the agency's intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such person's relationship with the federal government.

5. Fraud, waste, and abuse prevention efforts pursuant to the aforementioned statutory authorities are also applicable to certain FEMA-administered pilot programs, designed to provide alternative or additional federal disaster assistance programs. 6 U.S.C. §§ 776–777.

6. SBA's legal authority to make disaster loans to repair, rehabilitate or replace property, real or personal, damaged or destroyed without duplicating benefits is contained in section 7(b)(1) of the Small Business Act, 15 U.S.C. § 636 (b) (1), provided that such damage or destruction is not compensated for by insurance or otherwise.

7. SBA regulation 13 CFR § 123.108 requires that grant assistance received from FEMA's Individuals and Households Program (IHP) that duplicates the damage covered by the SBA loan must be deducted from the SBA disaster loan eligibility.

8. SBA is allowed to share information with DHS/FEMA pursuant to Routine uses (f) and (g) of SBA-020 Disaster Loan Case Files System of Records, 74 FR 14911 (April 1, 2009).

III. JUSTIFICATION AND EXPECTED RESULTS

A. Justification

DHS/FEMA collaborates with the SBA in determining applicant eligibility for Other Needs Assistance (ONA). ONA is a provision of IHP, authorized by section 408(e) of the of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), that provides financial assistance for disaster-related necessary expenses and serious needs that are not covered by insurance or provided by any other source. There are two categories of ONA: Non-SBA-dependent ONA and SBA-dependent ONA. Non-SBA-dependent ONA is assistance DHS/FEMA provides for funeral, medical, dental, childcare, and miscellaneous expenses without regard to whether a disaster survivor may obtain a SBA loan. SBA-dependent ONA is assistance where the disaster survivor must first apply to SBA for a loan for personal property, moving and storage, and transportation expenses before DHS/FEMA provides assistance for these expenses. 44 CFR 206.119 (a)(1) and 206.191(d)(2).

The Small Business Act authorizes the SBA to provide low-interest disaster loans to applicants who have sustained damage in a disaster. An applicant must meet a minimum income test, which the SBA establishes, to be considered for a loan. DHS/FEMA refers the applicant's registration to SBA if the applicant's income meets SBA minimum guidelines. Once referred to SBA, the applicant must apply for a SBA low-interest disaster loan which is based on credit-worthiness. All denied applicants are referred back to DHS/FEMA for possible SBA-dependent ONA. DHS/FEMA will provide assistance for SBA-dependent ONA if the applicant's SBA loan application is denied or if their income does not meet the SBA minimum threshold to warrant a SBA referral. However, if SBA approves the applicant's loan application and the applicant does not accept the loan, DHS/FEMA will not provide any SBA-dependent ONA to that applicant.

SBA provides low-interest, long-term Federal disaster loans to homeowners, renters, businesses of all sizes and private, non-profit organizations to help repair or replace privately-owned property that was damaged or destroyed in a declared disaster event. SBA disaster loan assistance is for uninsured, underinsured or otherwise uncompensated disaster losses only. A disaster survivor's SBA disaster loan eligibility is determined by total amount of disaster losses, as verified by SBA, less recoveries such as insurance, FEMA grant assistance and other sources. In the normal sequence of delivery, a disaster survivor will initiate the Federal disaster assistance process by registering with FEMA. If the survivor's reported household income is above a minimum threshold, as provided to FEMA by SBA, they will be referred to the SBA disaster loan program and encouraged to apply for disaster loan assistance. After the survivor submits an SBA disaster loan application, SBA will determine loan eligibility by estimating the applicant's disaster losses and verifying other assistance received, including insurance, FEMA grant assistance and other recoveries.

DHS/FEMA and SBA coordinate to ensure that ONA and SBA disaster loans do not cause a duplication of benefits for the same type of assistance. DHS/FEMA and SBA provide benefits for the same type of assistance: personal property damage, moving and storage expenses, and transportation assistance. Additionally, the amount of aid provided by SBA impacts the amount of assistance FEMA provides. This matching program ensures disaster survivors are not receiving duplicative benefits from both agencies.

It is also recognized that the programs covered by this Agreement are part of a Government-wide initiative, Executive Order 13411—Improving Assistance for Disaster Victims (August 29, 2006). This order mandates DHS/FEMA to identify and prevent duplication of benefits received by individuals, businesses, or other entities for the same disaster. That initiative and this matching program are consistent with Office of Management and Budget (OMB) guidance on interpreting the provisions of the Computer Matching and Privacy Protection Act of 1988, 54 Fed. Reg. 25818 (June 19, 1989); and OMB Circular A-130, Appendix I, ''Federal Agency Responsibilities for Maintaining Records about Individuals.''

B. Expected Results

The matching program is to ensure that benefits provided to disaster survivors by DHS/FEMA and SBA are not duplicated. By way of the DHS/FEMA disaster registration identification (ID) number, DHS/FEMA and SBA are able to identify the applications received from mutual DHS/FEMA and SBA disaster survivors.

By the nature of the sequence of delivery, as outlined in FEMA Regulation, 44 CFR Section 206.191, survivors that register with FEMA for possible disaster assistance and meet SBA's minimum income requirements are automatically referred to SBA for

possible loan assistance to homeowners and renters. The Agreement helps to identify instances where the same disaster survivor has submitted applications to both FEMA and SBA, which could result in a duplication of benefits. Since FY 2015 [1] the use of the Agreement has identified 166,234 instances where the same disaster survivor submitted applications to both agencies, a yearly average of 83,117. Over that same time period, SBA approved 62,258 loans to home owners and renters totaling more than $4 billion. This is a yearly average of 31,129 loan files identified with a potential duplication of benefits, with an average loan amount of $64,819. Once the computer match identifies a potential duplication of benefits, SBA staff manually review the files to determine whether a DOB exists and the amount of the duplication of benefits. In FY 2016 and 2017, SBA declined 376 loans due to recoveries from other sources. The verified loss amount for these declined loans totaled more than $23.3 million, an average of $62,042 per loan application declined due to other recoveries.

Prior to the use of this computer match, SBA loan officers used stand-alone PCs to access FEMA's system, National Emergency Management Information System-Individual Assistance (NEMIS-IA). Without the computer matching Agreement, SBA staff performed a manual checking process to avoid a duplication of benefits. This duplication of benefits check procedure took approximately 10-12 minutes per loan application and was performed on all loan applications, not just the approved loans. The matching program between SBA and FEMA will save the federal government nearly $2.5 million.[2]

IV. RECORDS DESCRIPTION

As required by the Privacy Act's subsection 552a(o)(1)(C), the following is a description of the records that will be matched:

A. Systems of Records and Estimated Number of Records Involved

DHS/FEMA accesses records from its Disaster Recovery Assistance Files system of records, as provided by the DHS/FEMA–008 SORN, through its NEMIS-IA system, and matches them to the records that SBA provides from its SBA–020 Disaster Loan Case Files, 74 Fed. Reg. 14,911 (April 1, 2009) system of records.

SBA uses its Disaster Credit Management System (DCMS) to access records from its Disaster Loan Case Files system of records, and match them to the records that DHS/FEMA provides from its Disaster Recovery Assistance Files system of records. Under this agreement, DHS/FEMA and SBA exchange data to: 1) check for initial registrations, 2) check for the duplication of benefits, and 3) update the SBA Loan Status.

Records Estimate

SBA and DHS/FEMA intend to match records after any disaster in which FEMA provides IHP assistance or SBA awards disaster loans. The estimated number of records SBA and DHS/FEMA will match following any disaster fluctuate based on the size and impact area of the disaster and depend upon the number of individuals that are affected. The damage type and cost will be determined after the disaster, and cannot easily be estimated, as the scale and impact of each disaster is unique.

B. Description of the Match

The three types of match processes, for initial registration, duplication of benefits, and status updates, are described below.

1. DHS/FEMA—SBA Automated Import/Export Process for Initial Registrations.

a. SBA is the recipient (i.e. matching) agency. SBA will match records from its Disaster Loans Case Files system of records, as identified in Section (1c), applications and information accessed via the DCMS, to the records extracted and provided by DHS/FEMA from its DHS/FEMA Disaster Recovery Assistance Files system of records, as identified in Section II.B.

b. DHS/FEMA will provide SBA the data elements identified in the current NEMIS-IA Disaster Assistance Improvement Program (DAIP) Interface Control Document (ICD) (See Appendix A), which includes but is not limited to the following information: Applicant's FEMA Registration ID Number; applicant's personally identifiable information, which includes name, address, social security number, and date of birth; damaged property information; insurance policy data; property occupant data; vehicle registration data; and flood zone and flood insurance data.

c. SBA will conduct the match against the Disaster Loans Case Files system of records via DCMS using the FEMA Disaster ID number, FEMA Registration ID number, Product (Home/Business), and Registration Occupant Social Security number (SSN) to create a New Pre-Application. The records SBA receives are of DHS/FEMA applicants who are referred to SBA for disaster loan assistance. Controls on the DHS/FEMA export of data are in place to ensure that SBA only receives unique and valid referral records.

d. When SBA matches its records to those provided by DHS/FEMA, two types of matches are possible: a full match and a partial match. A full match exists when an SBA record matches a DHS/FEMA record on each of the following data fields: FEMA Disaster ID number, FEMA Registration ID number, Product (Home/Business), and Registration Occupant Social Security Number (SSN). A partial match exists when an SBA record matches a DHS/FEMA record on one or more, but not all of the data fields listed above. If an exact (full) match is found among SBA records for the current imported record, the current record is automatically marked as a duplicate by the system with appropriate comments inserted to indicate the corresponding record that matched. If a partial match is found during the import process, the record is routed for manual examination, investigation, and resolution to determine whether it is truly a duplicate record.

2. DHS/FEMA—SBA Duplication of Benefits Automated Match Process:

a. Both DHS/FEMA and SBA will act as the recipient (i.e. matching) agency. SBA will extract and provide to DHS/FEMA data from its Disaster Loans Case Files system of records, as identified in Section (1c), and accessed via the DCMS. DHS/FEMA will match the data SBA provides to records in its Disaster Recovery Assistance Files system of records, as identified in Section II.B., accessed through NEMIS-IA System, via the FEMA Registration ID number. SBA will issue a data call to DHS/FEMA requesting that DHS/FEMA return any records for which NEMIS-IA found a match. For each match found, DHS/FEMA sends all of its applicant information that it collects during the registration process to SBA so that SBA may match these records with its registrant data in the DCMS. SBA's DCMS manual process triggers an automated interface to query NEMIS-IA, using the FEMA Registration ID number as the unique identifier.

b. DHS/FEMA will return the following fields for the matching DHS/FEMA record, if any: FEMA Disaster Number; FEMA Registration ID number; applicant and if applicable, co-applicant name; damaged dwelling address, phone number, SSN, damaged property

[1] The SBA data period is from October 1, 2015 through December 31, 2017.

[2] For more information, please see the SBA Cost Benefit Analysis document.

data, insurance policy information, contact address (if different from damaged dwelling address), flood zone and flood insurance data, FEMA Housing Assistance and Other Needs Assistance data, program, award level, eligibility, inspection data, verification of ownership and occupancy, and approval or rejection data. DHS/FEMA will return no result when the FEMA Registration ID number is not matched.

c. For each matching record received from DHS/FEMA, SBA determines whether DHS/FEMA assistance duplicates SBA loan assistance. If SBA loan officers determine that there is a duplication of benefits, the duplicated amount is deducted from the eligible SBA loan amount.

3. DHS/FEMA—SBA Status Update Automated Match Process:

a. DHS/FEMA will act as the recipient (i.e. matching) agency. DHS/FEMA will match records from its Disaster Recovery Assistance Files system of records, as identified in Section (1b), to the records extracted and provided by SBA from its Disaster Loans Case Files system of records, as identified in Section (1c). The purpose of this process is to update DHS/FEMA applicant information with the status of SBA loan determinations. The records provided by SBA will be automatically imported into NEMIS-IA to update the status of existing applicant records. The records DHS/FEMA receives from SBA are of DHS/FEMA applicants who were referred to SBA for disaster loan assistance. Controls on the SBA export of data are in place to ensure that DHS/FEMA only receives unique and valid referral records.

b. SBA will provide to DHS/FEMA information and data, including but not limited to the following: personal information about SBA applicants, including name, damaged dwelling address, and SSN; application data; loss to personal property data; loss mitigation data; SBA loan data; and SBA event data. DHS/FEMA will conduct the match using FEMA Disaster Number and FEMA Registration ID number.

c. Loan data for matched records will be recorded and displayed in NEMIS-IA. Loan data will also be run through NEMIS-IA business rules; potentially duplicative categories of assistance are sent to FEMA's Program Review process for manual evaluation of any duplication of benefits. If FEMA review staff determines that there is a duplication of benefits, the duplicated amount is deducted from the eligible award. FEMA applicants receive a letter that indicates the amount of their eligible award and their ability to appeal.

C. Projected Starting and Completion Dates

This Agreement will take effect forty (40) days from the date copies of this signed Agreement are sent to both Houses of Congress and OMB, or thirty (30) days from the date the Computer Matching Notice is published in the Federal Register for public comment, at which time comments will be addressed. Additionally, depending on whether comments are received, this Agreement could yield a contrary determination (Commencement Date). DHS/FEMA is the agency that will:

1. Transmit this Agreement to Congress;
2. Notify OMB;
3. Publish the Computer Matching Notice in the Federal Register; and
4. Address public comments that may result from publication in the Federal Register.

Matches under this program will be conducted for every Presidential disaster declaration where IHP assistance has been granted. The aforementioned matching processes shall commence, as needed, following a disaster declaration, and shall last until DHS/FEMA IHP disaster assistance closes out, or until SBA have stopped processing applications, whichever is later.

V. NOTICE PROCEDURES

The Privacy Act's subsection 552a(o)(1)(D) requires CMAs to specify procedures for notifying applicants/recipients at the time of registration and other periodic notice, as directed by the Data Integrity Board of such agency (subject to guidance provided by the Director of OMB pursuant to subsection v), to applicants for and recipients of financial assistance or payments under Federal benefit programs.

As noted under Section V.A. and Section V.B. of this Agreement, DHS/FEMA and SBA have both published SORNs informing applicants/recipients that their information may be subject to verification through matching programs per 5 U.S.C. § 552a(o)(1)(D). As further required by the Privacy Act, DHS/FEMA and SBA shall make a copy of this Agreement available to the public upon request and it shall be published in the **Federal Register**.

A. DHS/FEMA recipients

FEMA Form 009-0-1 ''Application/Registration for Disaster Assistance,'' Form 009-0-3 ''Declaration and Release'' (both part of OMB ICR No. 1660-0002), and various other forms used for financial assistance benefits immediately following a declared disaster, use a Privacy Act statement, *see* 5 U.S.C. § 552a(e)(3), to provide notice to applicants regarding the use of their information. The Privacy Act statements provide notice of computer matching or the sharing of their records consistent with this Agreement. The Privacy Act statement is read to call center applicants and is displayed and agreed to by Internet applicants. Also, FEMA Form 009-0-3 requires the applicant's signature in order to receive financial assistance. Additionally, DHS/FEMA gives public notice via its Individual Assistance Program Privacy Impact Assessment[3] (PIA) and in its system of records notice identified in Section II.B.

B. SBA recipients

SBA Forms 5 ''Disaster Business Loan Application,'' 5C ''Disaster Home Loan Application,'' and the Electronic Loan Application (ELA) include a Privacy Act statement that provides notice that SBA may disclose personal information under a published ''routine use,'' as permitted by law. SBA's published system of records notice, identified in Section II. B), provides notice that a computer match may be performed to share information with another Federal agency in connection with the issuance of a grant, loan or other benefit. In addition, the Privacy Act requires that a copy of each CMA entered into with a recipient agency shall be available upon request to the public.

VI. VERIFICATION PROCEDURE AND OPPORTUNITY TO CONTEST

A. General

The Privacy Act's subsection 552a(o)(1)(E) requires that each CMA outline procedures for verifying information produced in the matching program, as required by 5 U.S.C. § 552a(p). This subsection requires agencies to independently verify the information produced by a matching program and to provide the individual an opportunity to contest the agency's findings, before an adverse action is taken against the individual, as a result of the match. Subsequent amendments and regulations allow for an agency to authorize a waiver of independent verification procedures when it finds a high degree of confidence in the accuracy of the data. (*See* OMB ''Final Guidance Interpreting the Provisions of P.L.100-503, the Computer Matching and Privacy Protection Act'', Sec. 6.g. Providing Due Process to Matching

[3] The PIA can be found at *https://www.dhs.gov/publication/dhsfemapia-049-individual-assistance-ia-program.*

Subjects, 54 Fed. Reg. 25,818 (June 19, 1989).

DHS/FEMA will be responsible for ensuring that DHS/FEMA data is current and accurate at the time it is provided to SBA. SBA will be responsible for ensuring that SBA data is current and accurate at the time it is provided to DHS/FEMA.

B. DHS/FEMA—SBA Automated Import/Export Process for Initial Registrations

The matching program for the initial contact information for individuals and businesses will be accomplished by mapping applicant data for DHS/FEMA NEMIS-IA fields described earlier to the DCMS application data fields. During the automated import process, a computer match is performed against existing DCMS applications as described in Section IV.B.1.

If the applicant's data does not match an existing pre-application or application in the SBA's DCMS, then the applicant's data will be automatically transferred into DCMS to create a new pre-Application. An SBA application for disaster assistance may be mailed to the registrant.

If the applicant's data does match an existing pre-application or application in SBA's DCMS, it indicates that there may be an existing pre-application/application for the applicant in the DCMS. If there is an exact match, the system will transfer the record into SBA's DCMS but will identify it as a duplicate with appropriate comments inserted to indicate the corresponding record that matched. If there is a partial match, the system will insert the record within the SBA's DCMS but will identify it as a potential duplicate. The record is then further reviewed by SBA employees to determine whether the data reported by the DHS/FEMA applicant is a duplicate of previously submitted registration data. Only one of the applications is kept for processing and the other duplicate pre-applications or applications will not be processed.

C. DHS/FEMA—SBA Duplication of Benefits Automated Match

The matching program is to ensure that recipients of SBA disaster loans have not received duplicative benefits for the same disaster from DHS/FEMA. The matching process begins by matching the DHS/FEMA Registration ID number. If the data matches, specific to the application or approved loan, SBA will then proceed with its manual process to determine whether there is a duplication of benefits. Upon determining that there is duplication of benefits, the dollar values for the benefits issued by DHS/FEMA may reduce the eligible amount of the disaster loan or may cause SBA loan proceeds to be used to repay the grant program in the amount of the duplicated assistance.

DHS/FEMA and SBA are responsible for verifying the submissions of data used during each respective benefit process and for resolving any discrepancies or inconsistencies on an individual basis.

At SBA, the matching program for duplication of benefits will be executed as part of loan processing and prior to each disbursement of an approved SBA disaster loan. Any match indicating that there is a possible duplicate benefit will be further reviewed by an SBA employee to determine whether the DHS/FEMA grant monies reported by the applicant or borrower are correct and matches the data reported by DHS/FEMA. If there is a duplication of benefits, the amount of the SBA disaster loan will be reduced accordingly and the applicant will be provided written notice of the changes by processing a loan modification to reduce the loan amount or, where appropriate, to repay the DHS/FEMA grant program. The notice will provide the applicant with an opportunity to apply for reconsideration of the loan modification within six months of the date of the notice. Except in extraordinary or unforeseeable circumstances, SBA will not consider a request for a loan increase received more than two years from the date of the loan approval.

D. DHS/FEMA—SBA Status Update Automated Processes

For informational purposes, SBA sends DHS/FEMA loan status updates as they occur and FEMA updates the loan records in NEMIS-IA based on the loan information received.

E. DHS/FEMA Notice and Opportunity to Contest

As required by the Privacy Act's subsection 552a(p), DHS/FEMA will not terminate, suspend, reduce, deny, or take other adverse action against an applicant for or recipient of temporary housing assistance based on data disclosed from DHS/FEMA records until the individual is notified in writing of the potential adverse action, and provided an opportunity to contest the planned action. ''Adverse action'' means any action resulting in a termination, suspension, reduction, or final denial of eligibility, payment, or benefit. The applicant will follow the current DHS/FEMA process for response as detailed in the written notice or letter.

To enable rapid response and resolution, DHS/FEMA and SBA telephone numbers will be provided to call in the event of a dispute. DHS/FEMA and/or SBA will respond to these calls as soon as reasonably possible, and when requested, in writing.

VII. DISPOSITION AND RECORDS RETENTION OF MATCHED ITEMS

As required by the Privacy Act's subsection 552a(o)(1)(F):

A. DHS/FEMA will retain data it receives from SBA under this Agreement only for the processing times required for the applicable federally funded benefit programs to verify data, and will then destroy all such data.

B. SBA will retain data received from DHS/FEMA under this Agreement only for the processing times required for the applicable federally funded benefit programs to verify data, and will then destroy all such data.

C. An exception applies if the information is required for evidentiary reasons, in which case, the information will be destroyed upon completion of the criminal, civil, or administrative actions and cases.

D. Any paper-based documentation used to determine whether a record was matched in the other agency's system and any documentation that was prepared for, provided to, or used to determine final benefit status will be destroyed by shredding, burning, or electronic erasure of the subject information according to the proper records retention schedules. Other identifiable records that may be created by each agency during the course of the investigation will be destroyed as soon as they have served the matching program's purpose pursuant to records retention requirements established in conjunction with the National Archives and Records Administration (NARA). For electronic matches, electronic records will be housed in DHS/FEMA's NEMIS-IA System, and SBA's DCMS database, retained with and according to the appropriate disaster recovery assistance records determined by the NARA.

E. Pursuant to SBA document retention policy, SBA retains applicant records in DCMS loan files, including records for matched items. DHS/FEMA will retain records pursuant to the Retention and Disposal section of DHS/FEMA—008 Disaster Recovery Assistance Files, 78 FR 25282 (Apr. 30, 2013).

VIII. SECURITY PROCEDURES

As required by the Privacy Act's subsection 552a(o)(1)(G), SBA and DHS/

FEMA agree to the following information security procedures:

A. Administrative

DHS/FEMA and SBA will comply with the existing and future requirements set forth by the Privacy Act, 44 U.S.C. §§ 3541-3549, related OMB circulars and memoranda such as Circular A-130, Managing Information as a Strategic Resource (July 28, 2016), and Memorandum M-06-16, Protection of Sensitive Agency Information (June 23, 2006); NIST directives; and the Federal Acquisition Regulations (FAR), including any applicable amendments published after the effective date of this Agreement. These laws, directives, and regulations include requirements for safeguarding federal information systems and personally identifiable information used in federal agency business processes, as well as related reporting requirements. Specifically, Federal Information System Modernization Act (FISMA), (44 U.S.C. §§3501–3558) requirements apply to all federal contractors, organizations, or entities that possess or use federal information, or that operate, use, or have access to federal information systems on behalf of an agency. Both DHS/FEMA and SBA will ensure that their authorized users will receive training to ensure proper information security and privacy protections are adhered to in a manner consistent with this Agreement. Accordingly, DHS/FEMA and SBA will restrict access to the data matched and to any data created by the match to only those users authorized under this Agreement.

B. Technical

DHS/FEMA will transmit the data (specified in this Agreement) to SBA via the following process:

1. SBA will pull application data from DHS/FEMA Disaster Assistance Center (DAC) via a web services based Simple Object Access Protocol (SOAP), Extensible Markup Language (XML)/ Hypertext Transfer Protocol Secure (HTTPS) request. The data will be used to create applications inside the Disaster Credit Management System. For each record, a National Information Exchange Model (NIEM)-compliant response will be sent back to FEMA DAC indicating success or failure for the transfer of data. The SBA/DCMS to DHS/FEMA DAC export of referral data (specified in this Agreement) will occur via a web services-based SOAP, XML/ HTTPS request.

2. The DHS/FEMA Duplication of Benefits Interface will be initiated from the DCMS to the DHS/FEMA NEMIS-IA through a secured Virtual Private Network tunnel, open only to SBA domain Internet Protocol addresses. The results of the query are returned to the DCMS in real-time and populated in the DCMS for delegated SBA staff to use in the determination of duplication of benefits.

C. Physical

SBA and DHS/FEMA agree to maintain all automated matching records in a secured computer environment that includes the use of authorized access codes (passwords and/or PIV) to restrict access. Those records will be maintained under conditions that restrict access to persons who need them in connection with their official duties related to the matching process. It is the responsibility of the user's supervisor to ensure that DHS/FEMA or SBA, as applicable, are notified when a user has departed or duties have changed such that the user no longer needs access to the system, to ensure timely deletion of the user's account and password.

D. On-Site Inspections

SBA and DHS/FEMA may make on-site inspections of each other's recordkeeping and security practices, or make provisions beyond those in this Agreement to ensure the adequate safeguarding of records exchanged.

IX. MONITORING AND COMPLIANCE

DHS/FEMA and SBA agree that each agency may monitor compliance with the terms of this Agreement, including the non-discrimination provision. Both agencies have the right to monitor and review (1) transactions conducted pursuant to this Agreement, (2) the use of information obtained pursuant to this Agreement, and (3) policies, practices, and procedures related to this Agreement. Both agencies have the right to make onsite inspections to audit compliance with this Agreement for the duration or any extension of this Agreement. DHS/FEMA and SBA will cooperate to ensure the success of each agency's monitoring and compliance activities.

X. NON-DISCRIMINATION

Any action required or permitted under this Agreement shall be conducted in a manner that does not discriminate against an individual based upon his or her national origin, race, color, sex, religion, or disability in accordance with Section 705 of the Homeland Security Act of 2002; Section 504 of the Rehabilitation Act of 1973, and agency implementing regulations at 6 C.F.R Part 15.

In fulfilling their obligations under Executive Order 13,166 (''Improving Access to Services for Persons with Limited English Proficiency,'' 65 Fed. Reg. 50,121 (Aug. 11, 2000)), DHS/FEMA and SBA will take reasonable steps to provide limited English proficiency (LEP) persons with meaningful access to federally conducted programs and activities, including services and benefits. Meaningful access includes providing timely language assistance services to ensure effective communication with LEP persons and providing language services that are sufficient to provide the same level of access to services received by persons who are not LEP. Language assistance services may be oral and written, and must be provided at no charge to the individual. Vital documents, including notices relating to consent, verification of status, and contesting verification failures should be translated.

In accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701) and related agency implementing regulations, DHS/FEMA and SBA will provide accommodations to individuals with disabilities to ensure effective communication; including providing qualified sign language interpreters; providing accessible electronic and information technology; and producing notices and publications in alternate formats, at no charge to the individual. Persons with disabilities that may require accommodation and provision of alternative communication methods to ensure effective communication include persons who are deaf or hard of hearing, persons with vision impairments, and persons with psychiatric and/or developmental disabilities.

XI. RECORDS USAGE, DUPLICATION AND REDISCLOSURE RESTRICTIONS

SBA and DHS/FEMA agree to the following restrictions on use, duplication, and disclosure of information furnished by the other agency:

A. Records obtained for this matching program or created by the match will not be disclosed outside the agency except as may be essential to conduct the matching program, or as may be required by law. Each agency will obtain the written permission of the other agency before making such disclosure. *See* DHS/FEMA and SBA routine uses provided in the systems of records notices identified in Section II.B.

B. Records obtained for this matching program or created by the match will not be disseminated within the agency

except on a need-to-know basis, nor will they be used for any purpose other than that expressly described in this Agreement.

C. Data or information exchanged will not be duplicated unless essential to the conduct of the matching program. All stipulations in this Agreement will apply to any duplication.

D. If required to disclose these records to a state or local agency or to a government contractor in order to accomplish the matching program's purpose, each agency will obtain the written agreement of that entity to abide by the terms of this Agreement.

E. Each agency will keep an accounting of disclosure of an individual's record as required by the Privacy Act (5 U.S.C. § 552a(c)) and will make the accounting available upon request by the individual or other agency.

XII. RECORDS ACCURACY ASSESSMENTS

DHS/FEMA and SBA attest that the quality of the specific records to be used in this matching program is assessed to be at least 99% accurate. The possibility of any erroneous match is extremely small.

In order to apply for DHS/FEMA assistance online via the DAC portal, an applicant's name, address, SSN, and date of birth are sent to a commercial database provider to perform identity verification. The identity verification ensures that a person exists with the provided credentials. In the rare instances where the applicant's identity is not verified online or the applicant chooses, the applicants must call one of the DHS/FEMA call centers to complete the registrations. The identity verification process is performed again.

In order to apply for SBA's Disaster Loan Assistance online via SBA's Electronic Loan Application (ELA) an applicant's name, address, SSN, and date of birth and other information is sent to a commercial database provider to perform identity verification. The identity verification confirms that a person exists with the provided credentials. In the rare instances where the online applicant's identity cannot be verified electronically or if the applicant chooses, the applicant must call SBA's Customer Service Center to complete the online application. Once an application (electronic or paper) is completed and submitted, the information is transmitted to the DCMS system, where it is reviewed and processed by loan officers, who also verify each applicant's identity.

XIII. INCIDENT REPORTING AND NOTIFICATION RESPONSIBILITIES

A. DHS/FEMA and SBA agree to report and track incidents in accordance with the most current, final version of NIST Special Publication 800-61.[4] Upon detection of an incident related to this interconnection, the agency experiencing the incident will promptly notify the other agency's System Security Contact(s) below:

- DHS/FEMA will promptly notify the following contact at SBA simultaneously: SBA Office for Disaster Assistance—Disaster Credit Management System (DCMS) Operations Center: (703) 487-8100, SBA Office of Chief Information Officer (OCIO) Chief Information Security Officer: 202-25-6708.
- SBA will promptly notify the following contact at DHS/FEMA simultaneously: Information System Security Officer (ISSO), Recovery Technology Programs Division (RTPD), Disaster Assistance Improvement Program (DAIP).

B. If the federal agency experiencing the incident is unable to speak with the other federal agency's System Security Contacts within one (1) hour, or if contacting the System Security Contact is not practical (e.g., outside of normal business hours), then the following contact information shall be used:

- FEMA Security Operations Center (SOC): (540) 542-4762 OR FEMA Helpdesk: 1-888-457-3362
- SBA IT Service Center: (855) 620-4780 OR ODA Service Desk (877) 398-1296

C. If either DHS/FEMA and SBA experience an exposure or of personally identifiable information (PII) provided under the terms of this Agreement, the federal agency that experienced the loss incident will also comply with the PII breach reporting and security requirements set forth by OMB M-17-12 ''Preparing for and Responding to a Breach of Personally Identifiable Information'' (January 3, 2017).

D. Neither SBA nor FEMA shall be liable for any cause of action arising from the possession, control, or use by a State or local government of survivor/registrant PII, or for any loss, claim, damage or liability, of whatsoever kind or nature, which may arise from or in connection with this Agreement or the use of survivor/registrant PII.

Nothing in this section shall be construed as a waiver of sovereign immunity against suits by third persons against a State or local government.

Notwithstanding any rights that may be available under the legal authorities referenced in this Agreement, this Agreement itself is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

E. DHS/FEMA and SBA agree to notify all the Security Contact(s) named in this Agreement as soon as possible, but no later than one (1) hour, after the discovery of a breach (or suspected breach) involving PII. The agency that experienced the incident will also be responsible for following its internal established procedures, including:

- Notifying the proper organizations (e.g., United States Computer Emergency Readiness Team (US-CERT), the ISSOs, and other contacts listed in this document);
- Conducting a breach and risk analysis, and making a determination of the need for notice and/or remediation to individuals affected by the loss;
- Providing such notice and credit monitoring to the affected individuals at no cost to the other agency, if the analysis conducted by the agency having experienced the loss incident indicates that individual notice and credit monitoring are appropriate.

F. In the event of any incident arising from or in connection with this Agreement, each Agency will be responsible only for costs and/or litigation arising from a breach of the Agency's own systems or data; FEMA is responsible only for costs and litigation associated with breaches to FEMA systems or data and SBA is responsible only for breaches associated with SBA system or data.

FEMA shall not be liable to SBA or to any third person for any cause of action arising from the possession, control, or use by SBA of survivor/registrant PII, or for any loss, claim, damage or liability, of whatsoever kind or nature, which may arise from or in connection with this Agreement or the use of survivor/registrant PII.

SBA shall not be liable to FEMA or to any third person for any cause of action arising from the possession, control, or use by FEMA of applicant PII, or for any loss, claim, damage or liability, of whatsoever kind or nature, which may arise from or in connection with this Agreement or the use of survivor/registrant PII.

Nothing in this section shall be construed as a waiver of sovereign immunity against suits by third persons.

[4] Cichonski, P., Millar, T., Grance, T., & Scarfone, K. (2012, August). *Computer Security Incident Handling Guide* (Unit, Department of Commerce, National Institute of Standards and Technology). Retrieved from http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-61r2.pdf.

XIV. COMPTROLLER GENERAL ACCESS

The parties authorize the Comptroller General of the United States, upon request, to have access to all SBA and DHS/FEMA records necessary to monitor or verify compliance with this matching agreement, in accordance with 5 U.S.C. § 552a(o)(1)(K). This matching agreement also authorizes the Comptroller General to inspect any records used in the matching process that are covered by this matching agreement pursuant to 31 U.S.C. § 717 and 5 U.S.C. § 552a(b)(10).

XV. INSPECTOR GENERAL ACCESS

By agreeing to this matching Agreement, DHS/FEMA and SBA authorize their respective Offices of Inspector General to use results from data matches conducted under this matching program, for investigation, audit, or evaluation matters, pursuant to5. U.S.C. App. §§1-13.

XVI. DURATION OF AGREEMENT

A. Effective Date of the Agreement

This Agreement shall become effective, and matching may commence, under this Agreement on the later of the following dates:

- Thirty (30) days after notice of the matching program described in this CMA has been published in the Federal Register, or
- Forty (40) days after a report concerning this CMA is transmitted simultaneously to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the U.S. House of Representatives according to 5 U.S.C. § 552a(o)(2)(A)(i), and to OMB, unless OMB waives 10 days of this 40-day period for compelling reasons, in which case 30 days after transmission of the report to OMB and Congress.

The Parties to this Agreement may assume OMB and Congressional concurrence if no comments are received within forty (40) days of the date of the transmittal letter of the Report of the Matching Program. The parties may assume public concurrence if no comment is received within thirty (30) days of the date of the publication of the Notice of Matching Program. This Agreement shall remain in effect for a period not to exceed eighteen (18) months.

B. Renewal of the Agreement

This Agreement may be extended for one twelve (12) month period upon mutual agreement by both Parties, if the renewal occurs within three (3) months of the expiration date of this Agreement. Renewals are subject to the requirements of the Privacy Act, including certification by the Parties to the responsible DIB (as described in Section XV of this Agreement) that:

- The matching program will be conducted without change, and
- The matching program has been conducted in compliance with the original Agreement pursuant to 5 U.S.C. §552a(o)(2)(D).

C. Termination of the Agreement

This Agreement shall terminate when the purpose of the computer match has been accomplished, or after eighteen (18) months from the effective date of the Agreement without notice from either party (whichever comes first). This Agreement may also be terminated, nullified, or voided by either DHS/FEMA or SBA, if:

- Either Party violates the terms of this Agreement; or
- SBA or its authorized users misuse or improperly handle the data provided by DHS/FEMA; or
- DHS/FEMA or its authorized users misuse or improperly handle the data provided by SBA; or
- The Parties mutually agree to terminate this Agreement prior to its expiration after 18 months; or
- Either Party provides the other with 30 days written notice.

XVII. REIMBURSEMENT OF MATCHING COSTS

SBA and DHS/FEMA will bear their own costs for this program.

XVIII. DATA INTEGRITY BOARD REVIEW/APPROVAL

SBA and DHS/FEMA's Data Integrity Boards will review and approve this Agreement prior to the implementation of this matching program. Disapproval by either Data Integrity Board may be appealed in accordance with the provisions of the Computer Matching and Privacy Protection Act of 1988, as amended. Further, the Data Integrity Boards will perform an annual review of this matching program. SBA and DHS/FEMA agree to notify the Chairs of each Data Integrity Board of any changes to or termination of this Agreement.

This Agreement may be modified only by mutual consent of both Parties and approval of the respective DIBs. Any modifications must be in writing and satisfy the requirements of the Privacy Act and the requirements set forth in OMB Guidelines on the Conduct of Matching Programs, 54 Fed. Reg. 25818.

XIV. POINTS OF CONTACTS AND APPROVALS

For general information, please contact: William H. Holzerland (202-212-5100), Senior Director for Information Management, Federal Emergency Management Agency, Department of Homeland Security; and Ana Beskin (202-205-6595), Chief Information Security Officer, Office of the Chief Information Officer, Small Business Administration.

XVI. SIGNATURES

The authorizing officials whose signatures appear below have committed their respective agencies to the terms of this Agreement.

Small Business Administration

Dated: September 4, 2018.

James Rivera,
Associate Administrator for Disaster Assistance, U.S. Small Business Administration.

Dated: June 26, 2018.

Maria Roat,
Chief Information Officer, Data Integrity Board Chair, U.S. Small Business Administration.

U.S. Department of Homeland Security
Federal Emergency Management Agency

Dated: June 26, 2018.

Keith Turi,
Acting Assistant Administrator, Recovery Directorate, Federal Emergency Management Agency, U.S. Department of Homeland Security.

Dated: July 30, 2018.

Philip S. Kaplan,
Chief Privacy Officer, Data Integrity Board Chair, U.S. Department of Homeland Security.

[FR Doc. 2019–01508 Filed 2–6–19; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15857 and #15858; MISSISSIPPI Disaster Number MS–00108]

Administrative Declaration of a Disaster for the State of Mississippi

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Mississippi dated 01/31/2019 .

Incident: Severe Weather and Flooding.

Incident Period: 12/27/2018 through 12/28/2018.

DATES: Issued on 01/31/2019.

Physical Loan Application Deadline Date: 04/01/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 10/31/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Clarke, Forrest, Jones, Perry, Wayne.

Contiguous Counties:

Mississippi: Covington, George, Greene, Jasper, Lamar, Lauderdale, Newton, Pearl River, Smith, Stone.

Alabama: Choctaw, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	4.000
Homeowners without Credit Available Elsewhere	2.000
Businesses with Credit Available Elsewhere	7.480
Businesses without Credit Available Elsewhere	3.740
Non-Profit Organizations with Credit Available Elsewhere	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.740
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 15857 6 and for economic injury is 15858 0.

The States which received an EIDL Declaration # are Mississippi, Alabama.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: January 31, 2019.

Linda E. McMahon,

Administrator.

[FR Doc. 2019–01534 Filed 2–6–19; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 09/14–0009 issued to Bank of America Ventures said license is hereby declared null and void.

United States Small Business Administration.

Dated: October 1, 2018.

A. Joseph Shepard,

Associate Administrator, Office of Investment and Innovation.

Editorial note: This document was received for publication by the Office of the Federal Register on February 4, 2019.

[FR Doc. 2019–01540 Filed 2–6–19; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–0336]

Plexus Fund IV–B, L.P.; Notice Seeking Exemption Under the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Plexus Fund IV–B, L.P., 4242 Six Forks Road, Suite 950, Raleigh, NC 27609, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Plexus Fund IV–B, L.P. is seeking a prior written exemption from SBA to make a debt financing to Bonita Marie International, 1960 Rutgers University Blvd., Lakewood, NJ 08701.

The financing is brought within the purview of § 107.730(a)(4) of the Regulations because Plexus IV–B, L.P., Plexus III, L.P., and Plexus QP III, L.P. are Associates by Common Control, therefore, since the proposed transaction is providing Financing which will discharge Plexus III, L.P.'s and Plexus QP III, L.P.'s obligation, prior SBA written exemption is required.

Notice is hereby given that any interested person may submit written comments on this transaction within fifteen days of the date of this publication to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

A. Joseph Shepard,

Associate Administrator for Office of Investment and Innovation.

[FR Doc. 2019–01511 Filed 2–6–19; 8:45 am]

BILLING CODE P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 570 (Sub-No. 4X)]

Palouse River & Coulee City Railroad, LLC—Discontinuance of Service Exemption—in Walla Walla County, Wash., and Umatilla County, Or.

On December 20, 2018, Palouse River & Coulee City Railroad, LLC (PCC) filed with the Board a petition under 49 U.S.C. 10502 for exemption from the prior approval requirements of 49 U.S.C. 10903 to discontinue its lease operations over approximately 55.56 miles of rail line owned by Union Pacific Railroad Company (UP) in Walla Walla County, Wash., and Umatilla County, Or. (the Line).

The Line is located between: (1) Milepost 3.76, at Zangar Jct., Wash., and milepost 33.0, at Walla Walla, Wash.; and (2) milepost 46.80, at Walla Walla, Wash., and milepost 20.48, at Weston, Or. The Line traverses U.S. Postal Service Zip Codes 99362, 99363, and 97886.

PCC states that, based on information in its possession, the Line does not contain any federally granted rights-of-way. PCC states that any documentation in its possession will be made available to those requesting it.

PCC states that, in 1992, Blue Mountain Railroad, Inc. (BMR), entered into a lease agreement with UP. *See also Blue Mountain R.R.—Lease, Acquis. & Operation Exemption—Union Pac. R.R.,* FD 32193 (ICC served Dec. 1, 1992). In 2000, BMR was merged into PCC. *See Watco Co.—Corporate Family Transaction Exemption,* FD 33898 (STB served July 24, 2000). According to PCC, BMR and then PCC have provided local and overhead service over the Line, as required by the lease. PCC states that, on April 30, 2018, it gave UP notice of its intent to terminate the lease. PCC further states that, once it ceases operations, the 12 customers on the Line will continue to receive service from either UP or a new operator.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

By issuance of this notice,[1] the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by April 9, 2019.

Because this is a discontinuance proceeding and not an abandonment proceeding, trail use/rail banking and public use conditions are not appropriate. Because there will be environmental review during abandonment, this discontinuance does not require an environmental review. *See* 49 CFR 1105.6(c)(5), 1105.8(b).

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) to subsidize continued rail service will be due no later than April 19, 2019, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner.[2] Each OFA must be accompanied by a $1,800 filing fee. *See* 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to Docket No. AB 570 (Sub-No. 4X) and must be sent to: (1) Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001; and (2) Karl Morell, 440 1st Street NW, Suite 440, Washington, DC 20001. Replies to this petition are due on or before February 27, 2019.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment and discontinuance regulations at 49 CFR pt. 1152. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Board decisions and notices are available on our website at *www.stb.gov.*

Decided: February 4, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–01506 Filed 2–6–19; 8:45 am]

BILLING CODE 4915–01–P

[1] Due to the partial shutdown of the Federal government from December 22, 2018, through January 25, 2019, the Board was not able to timely publish this notice of petition. *See* 49 CFR 1152.27(b)(2)(i).

[2] The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. *See Offers of Financial Assistance,* EP 729 (STB served June 29, 2017); 82 FR 30,997 (July 5, 2017).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Release From Federal Surplus Property and Grant Assurance Obligations at Lost Hills Airport, Lost Hills, California

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of request to release airport land and permanently close airport.

SUMMARY: The Federal Aviation Administration (FAA) proposes to rule and invites public comment for the release of approximately 336 acres of airport property at the Lost Hills Airport (Airport) in Lost Hills, California from all conditions contained in the Surplus Property Deed and Grant Assurances because the Airport land is not needed for airport purposes. The land requested to be released is located at the northeast corner of State Route 46 and Lost Hills Road in Lost Hills California. The subject land is adjacent to offsite agricultural uses, sewage treatment ponds and residential and commercial development. On the west side of the Airport there is a small industrial lease area and one water well. Whereas, on the southwest portion of the Airport there is a soccer complex, County public park and fire station. The Airport land will be sold via County public auction at Fair Market Value (FMV) for either its existing use as industrial/public facility or conversion to agricultural use. The County public park and fire station currently located on Airport land will be sold at its FMV for continued uninterrupted use. The proceeds from the sale of airport land will be reinvested into Meadows Field and Kern Valley airports, therefore benefitting general aviation. Unamortized Airport Improvement Program Grant funds in the amount of $426,289 will be reinvested into general aviation grant projects at either Meadows Field Airport or Kern Valley Airport, both located in Kern County, California.

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

FOR FURTHER INFORMATION CONTACT: Comments on the request must be mailed or delivered to the FAA at the following address: George Aiken, Federal Aviation Administration, Office of Airports, Western-Pacific Region, AWP–610.1, **Federal Register** Comment, 777 S Aviation Boulevard, Suite 150, El Segundo, CA 90245. Phone: (424) 405–7306. Additionally, one copy of the comment submitted to the FAA must be mailed or delivered to Mark Witsoe, Director of Airports, County of Kern, 3701 Wings Way, Bakersfield, CA 93308.

SUPPLEMENTARY INFORMATION: In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 106–181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds or grant agreements.

The Following Is a Brief Overview of the Request

The County of Kern, Department of Airports, requested a release from Federal surplus property and grant assurance obligations for approximately 336 acres of airport land, at Lost Hills Airport (L84), to allow for its permanent closure and sale and reinvestment into Meadows Field and Kern Valley Airports. The property was originally acquired pursuant to the Surplus Property Act of 1944 and was deeded to the County of Kern on October 25, 1948. The property is located in the rural community of Lost Hills, in Kern County, California, approximately 46 miles northwest of downtown Bakersfield. The Airport land is not needed for airport purposes, has zero based aircraft and no aviation services are currently available.

The Airport land area includes an industrial lease area, soccer complex, County public park and fire station. The soccer complex lease has been terminated and will be sold as part of the airport land auction. The County park and fire station will be released separately based on Fair Market Value to the County for continued public use. Basic utilities are available in the area for future capital improvements, however, there are no irrigation water rights with the property for agricultural use.

The County of Kern will sell the land at fair market value. The sales proceeds will provide general aviation improvements at Meadows Field and Kern Valley airports, thereby serving the interests of general aviation.

Issued in El Segundo, California, on January 30, 2019.

Brian Q. Armstrong,

Manager, Safety and Standards Branch, Office of Airports, Western-Pacific Region.

[FR Doc. 2019–01493 Filed 2–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2019–01]

Petition for Exemption; Summary of Petition Received; The Boeing Company

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 27, 2019.

ADDRESSES: Send comments identified by docket number FAA–2018–1082 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building, Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building, Ground Floor at 200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Deana Stedman, AIR–673, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198, phone and fax 206–231–3187, email *Deana.Stedman@faa.gov;* or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, phone 202–267–4713, email *Alphonso.Pendergrass@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

Issued in Des Moines, Washington, on January 31, 2019.

Victor Wicklund,

Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2018–1082.

Petitioner: The Boeing Company.

Sections of 14 CFR Affected: §§ 25.1316(b) and 25.1317(c).

Description of Relief Sought: The petitioner is seeking temporary relief from 14 CFR 25.1316(b), related to requirements for lightning protection, and 14 CFR 25.1317(c), related to requirements for high-intensity radiated fields protection, for the aural warning module on Model 737–7 and 737–8200 MAX airplanes.

[FR Doc. 2019–01419 Filed 2–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2019–0002]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for the reinstatement of previously approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on August 10, 2018. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 11, 2019.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2019–0002.

FOR FURTHER INFORMATION CONTACT: Melissa Corder, 202–366–5853, *melissa.corder@dot.gov;* Office of Real Estate Services, Federal Highway Administration, Department of Transportation, New Jersey Avenue SE, Washington, DC 20590–0001. Office hours are from 6:15 a.m. to 3:45 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Fixed Residential Moving Cost Schedule.

Background: Relocation assistance payments to owners and tenants who move personal property for a Federal or federally-assisted program or project are governed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). 49 Code of Federal Regulations (CFR), part 24, is the implementing regulation for the Uniform Act. 49 CFR 24.301 addresses payments for actual and reasonable moving and related expenses. The fixed residential moving cost schedule is an administrative alternative to reimbursement of actual moving costs. This option provides flexibility for the agency and affected property owners and tenants. The FHWA requests the State Departments of Transportation (State DOTs) to analyze moving cost data periodically to assure that the fixed residential moving cost schedules accurately reflect reasonable moving

and related expenses. The regulation allows State DOTs flexibility in determining how to collect the cost data in order to reduce the burden of government regulation. Updated State fixed residential moving costs are submitted to the FHWA electronically.

Respondents: State Departments of Transportation (52, including the District of Columbia and Puerto Rico).

Frequency: Once every 3 years.

Estimated Average Burden per Response: 24 hours per respondent.

Estimated Total Annual Burden Hours: 24 hours for each of the 52 State Departments of Transportation. The total is 1,248 burden hours, once every 3 years, or 416 hours annually.

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 FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: February 1, 2019.

Michael Howell,

Information Collection Officer.

[FR Doc. 2019–01473 Filed 2–6–19; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2019–0005]

Agency Information Collection Activities: Request for Comments for a New Information Collection Request

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by April 8, 2019.

ADDRESSES: You may submit comments identified by DOT Docket ID 2019–0005 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

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

FOR FURTHER INFORMATION CONTACT: R. Kevin. O'Grady 202–366–2030 or Arnold Feldman, 202–366–2028, Office of Real Estate Services, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7 a.m. to 3 p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: An Analysis of the Use of Waiver Valuations by Federal, State and Local Public Agencies (LPAs): Identifying and Measuring Outcomes That Could Further Streamline Project Delivery.

Background: Waiver valuation is a key component of the ''Right-of-Way Flexibilities'' that were an FHWA Every Day Counts (EDC) initiative. This research will provide a detailed analysis of the current state of the waiver valuation program nationwide. It will identify issues, practices, or misinformation/misunderstanding that limit the implementation of the waiver valuation program and reduce its ability to streamline processes. The research will document the steps that are taken to improve implementation of waivers and enhance savings of administrative costs. The research also will identify additional opportunities for improving the existing processes/practices for waiver valuations that can provide significant savings in time and money and provide greater flexibility to acquiring agencies in delivery of their overall right-of-way acquisition program.

Respondents: Each of the 52 state DOT's (for the 50 states, the District of Columbia, and Puerto Rico) will be asked to respond to a written questionnaire. A subset of the state DOT's will be asked to participate in follow-up interviews.

Frequency: One-time survey.

Estimated Average Burden per Response: Approximately 2 hours per survey response and 1 hour per interview.

Estimated Total Annual Burden Hours: Approximately 120 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 FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: February 1, 2019.

Michael Howell,

Information Collection Officer.

[FR Doc. 2019–01472 Filed 2–6–19; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2018–0008–N–13]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA), this notice announces that FRA is forwarding the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On September 17, 2018, FRA published a notice providing a 60-day period for public comment on the ICR.

DATES: Interested persons are invited to submit comments on or before March 11, 2019.

ADDRESSES: Submit written comments on the ICR to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33–497, Washington, DC 20590 (telephone: (202) 493–6292); or Ms. Kim Toone, Information Collection Clearance Officer, Office of Administration, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W34–212, Washington, DC 20590 (telephone: (202) 493–6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On September 17, 2018, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. *See* 83 FR 47000. FRA received no comments in response to this notice.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.10(b); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Driver Awareness of Emergency Notification System (ENS) Signage at Highway-Rail Grade Crossings.

OMB Control Number: 2130–NEW.

Abstract: FRA is interested in knowing more about drivers' awareness and understanding of the ENS signs posted at highway-rail grade crossings. ENS signs are placed at crossings so that if a driver encounters a malfunctioning crossing or an unsafe condition at a crossing the driver can call the number on the sign and use the posted crossing identification number to report the issue. If a driver were to become stuck on the tracks, the driver can also call the phone number displayed on the ENS sign to notify the railroad. This would help the railroad slow or stop any oncoming train and dispatch individuals who could help safely remove the stuck vehicle. Drivers may also choose to call the ENS number if they believe the crossing signage is damaged or obstructed. The study will help shed light on how drivers react when crossing infrastructure appears to be malfunctioning or when they become stuck on or near the crossing. This study will pay particular attention to whether drivers look for or attempt to make use of the information on the ENS sign.

The proposed study will use the FRA Driving Simulator, housed at the Volpe National Transportation Systems Center, to study driver behavior, including drivers' potential interaction with the ENS signage, at a variety of gate types and ENS sign orientations.

Participants will be asked to drive through a variety of scenarios to understand their behaviors under certain circumstances. The data collected in this portion will include information on the vehicle driver's:

a. Behavior to determine what a driver does and where the driver looks when at a crossing equipped with a functioning warning system;

b. behavior to determine how a driver responds to a malfunctioning crossing gate (*e.g.,* violated safety signals, turned around and found another route);

c. eye fixation locations to determine whether the driver notices an ENS sign or if the driver's eye fixates long enough to read it, when crossing warning systems are functioning properly or malfunctioning;

d. response to an ENS sign to determine whether the driver would use the information on the sign to address the issue; and

e. response to an ENS sign to determine whether the driver would use the information on the sign if the driver becomes stuck on the tracks.

This study will evaluate each participant's awareness of the ENS sign and the purpose it serves as well as the participant's response to various functioning and malfunctioning highway-rail grade crossing warning systems.

Type of Request: Approval of a new collection of information.

Affected Public: Individuals.

Form(s): N/A.

Respondent Universe: 100 individual volunteer drivers.

Frequency of Submission: One-time.

Total Estimated Annual Responses: 100.

Total Estimated Annual Burden: 100 hours.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Brett A. Jortland,

Acting Chief Counsel.

[FR Doc. 2019–01337 Filed 2–6–19; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST–2019–0022]

Privacy Act of 1974; System of Records; Department of Transportation Office of the Secretary—DOT/OST 102—Aviation Consumer Complaint Application Online System of Records

AGENCY: Office of the Secretary of Transportation, DOT.

ACTION: Notice of a modified System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Transportation proposes to update and reissue a current Department of Transportation system of records titled, ''Department of Transportation/Office of the Secretary—DOT/OST 102—Aviation

Consumer Complaint Application Online System of Records.'' This system of records allows the Department of Transportation/Office of the Secretary to collect and maintain records on service-related consumer complaints, inquiries, opinions, and compliments regarding air carriers or air travel companies.

The records and information collected and maintained in this system are used to verify compliance with Department's aviation consumer protection requirements. The system receives and is used to process informal complaints regarding aviation consumer issues. The Aviation Consumer Complaint Application Online System of Records utilizes the Department's electronic case management and tracking system to generate reports. It also allows the Department to manage information provided during the course of its investigations and, in the process, to facilitate its management of investigations and investigative resources. Through this system, the Department can enter, update, review, analyze, and manage information regarding case projects and enforcement elements in addition to the ability to run a variety of reports to better manage tracking current and expiring cases. Furthermore, it allows DOT employees to track actions taken to resolve violations, provide a system for creating and reporting statistical information, and tracking government property and other resources used in investigative activities.

This system of records notice has been updated within the system location, system manager, categories of records in the system, record source categories, routine uses, storage, retrievability, retention and disposal, safeguards, notification procedures, exemptions, and history. Additionally, the Department of Transportation is issuing a Notice of Proposed Rulemaking to exempt this system of records from certain provisions of the Privacy Act, elsewhere in the **Federal Register**. Furthermore, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice. It also updates the SORN to reflect changes in the heading names and order as required by the reissuance of Circular A–108 by the Office of Management and Budget. This updated system will be included in the Department of Transportation's inventory of record systems.

DATES: Written comments should be submitted on or before March 7, 2019. The Department may publish an amended SORN in light of any comments received. This new system will be effective March 7, 2019.

ADDRESSES: You may submit comments, identified by docket number OST–2019–0022 by any of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

Instructions: You must include the agency name and docket number OST–2019–0022. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://DocketsInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to the street address listed above. Follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: For general questions please contact [C70/C75 POC]. For privacy issues please contact: Claire W. Barrett, Departmental Chief Privacy Officer, Privacy Office, Department of Transportation, Washington, DC 20590; *privacy@dot.gov*; or 202.527.3284.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Transportation (DOT), Office of the Secretary (OST) proposes to update and reissue a current DOT system of records titled, ''DOT/OST 102—Aviation Consumer Complaint Application Online System of Records.'' The Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, Aviation Consumer Protection Division, operates the Aviation Consumer Complaint Application Online System of Records (CCA), which receives and is used to process informal complaints from members of the public regarding aviation consumer protection matters. The primary intent of this revision is to update and clarify parts of the system of records notice to reflect changes in the Department's organization and programs since its last publication in 2005. Furthermore, the Department is proposing to exempt the CCA from certain provisions of the Privacy Act in accordance with 5 U.S.C. 552a(k)(2).

This system of records notice (SORN) was previously published in the **Federal Register** on February 25, 2005 (70 FR 9436) and became effective without notice on April 6, 2005. The DOT established the CCA to receive, process, investigate, and monitor consumer comments regarding airlines and air travel companies and to determine the extent to which these entities are in compliance with Federal aviation civil rights and consumer protection regulations. Members of the public, including citizens, legal permanent residents, and visitors, submit inquiries, opinions, compliments, and complaints about airlines and air travel companies. The records contain personal information about individuals, which may include: Name, addresses, telephone numbers, email address, reservation information, name of the airline about which the individual is complaining, nature of service issue and/or individual's disability and accommodations requested; and sex, race, color, ethnicity, religion, and/or national origin of the individual. The individuals may provide information, not only regarding their own experiences, but on behalf of others or about other individuals related to the complaints.

The CCA system receives and is used to process these informal complaints and assist DOT in tracking statistics on flight delays, over sales, baggage problems, and consumer complaints. The system assists staff with verifying compliance with DOT's aviation consumer protection requirements, which they then use to provide information to the industry and members of the public. This information helps to record, track, and to allow DOT to take appropriate action on the complaints, opinions, information requests, and compliments pertaining to airlines, aiding in the follow-up and resolution of airline service issues. The Aviation Consumer Protection Division also uses this information to create and publish monthly reports to inform the public about airline customer service issues; to report complaint statistics to Congress and the media; to serve as a

basis for rulemaking, legislation, and research; and to assist airlines in identifying and remedying consumer concerns.

This SORN makes several changes to the existing system of records. It amends the system location, system manager, categories of records in the system, record source categories, routine uses, storage, retrievability, retention and disposal, safeguards, notification procedures, exemptions, and history. It also updates the headings and order of the sections according to the new template prescribed by OMB's Circular A–108.

The Department's headquarters moved since this SORN was last published. This has been updated accordingly. The system manager and address is being changed to reflect a relocation of the Department of Transportation to a new building within the District of Columbia. The categories of records covered by the system have been revised to more clearly reflect OST practice. The revised SORN clarifies and enumerates the specific types of information collected in the records. The revision does not make any substantive change to the categories of records. The record source categories have been updated to include electronic submission of consumer comments through the Air Travel Complaint Comment Form available online. Accordingly this brings the SORN up to date with current DOT practices without making any substantive changes to this section.

The Department is updating the routine uses of records maintained in the system. Routine uses refers to routine disclosures outside of the Department. Consequently, the Department is eliminating the routine use stating that the Department ''may use information from this system of records to determine whether to further investigate or take enforcement against an air carrier or air travel company for possible violations of federal aviation civil rights and consumer protection statutes and regulations.'' Although this continues to be included as one of the purposes of this system of records, this activity does not involve disclosures outside of the Department, other than those disclosures already permitted by the Privacy Act, and therefore, it not appropriately characterized as a ''routine use.'' The DOT also has omitted the routine use that permits disclosures to advocacy organizations when the individual provides the organization with his/her consent to access the records on his/her behalf. Disclosures with the individual's consent are permitted by the Section (b) of the Privacy Act and, therefore, do not need to be included as a routine use. Finally, Office of Management and Budget Circular A–108 recommends that agencies include all routine uses in one notice rather than incorporating general routine uses by reference; therefore, DOT is replacing the routine use that referenced the ''Statement of General Routine Uses'' with all of the general routine uses that apply to this system. This is merely a technical change and doesn't substantively affect any of the routine uses for records in this system.

The revised SORN also updates storage, retrievability, and safeguards to reflect modern standards. For instance, the storage reflects the different ways electronic records may be kept. The retrievability and safeguards have been updated to reflect the current general practice of DOT regarding systems of records.

The retention and disposal section is updated to reflect the disposition schedule that was approved by the National Archives and Records Administration in 1975. Any correspondence with individual complainants, the Department, and the airlines; reports from airlines; and the public complaints will be retained for four years. Computer printouts summarizing data from files will be destroyed when they are no longer needed for reference.

The notification procedures have been updated to account for the Department's change in address and to include the Department's web address. It has also been updated to include the procedures necessary for requesting information. The new notification section details the specific information necessary to include when requesting access to an individual's records. Accordingly there are no substantive changes to these sections.

This SORN is also updating the exemption section as discussed below. Finally, a history section has been added as required by the new standards set by the Office of Management and Budget.

This updated system will be included in DOT's inventory of record systems.

II. Privacy Act

The Privacy Act (5 U.S.C. 552a) governs the means by which the Federal Government collects, maintains, and uses personally identifiable information (PII) in a System of Records. A ''System of Records'' is a group of any records under the control of a Federal agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal Register** a System of Records notice (SORN) identifying and describing each System of Records the agency maintains, including the purposes for which the agency uses PII in the system, the routine uses for which the agency discloses such information outside the agency, and how individuals to whom a Privacy Act record pertains can exercise their rights under the Privacy Act (*e.g.,* to determine if the system contains information about them and to contest inaccurate information).

This SORN is updating the exemptions to include an exemption under 5 U.S.C. 552a(k)(2). A Notice of Proposed Rulemaking was published on February 28, 2005 (70 FR 9607) to exempt this system from certain provisions of the Privacy Act. The Department did not receive any comments on the proposed rule. Nonetheless, given the time that has passed since the original Notice of Proposed Rulemaking, the Department will republish a notice for comment. The current SORN indicates that an exemption applies to this system, however, the Department is updating the SORN to specify the basis of the exemption under 5 U.S.C. 552a(k)(2). An exemption from the Privacy Act's access requirement would be necessary to: Protect confidential information and the sources of the confidential information; prevent unwarranted invasions of another individual's privacy; and support DOT's ability to obtain information relevant to resolving an aviation compliance concern.

As the CCA inquiry and investigative files are compiled for administrative and law enforcement purposes, the 5 U.S.C. 552a(k)(2) exemption is applicable. The CCA assists the Department with receiving and processing allegations of violations of criminal, civil, and administrative laws and regulations relating to airline carriers and entities. The system includes investigative files and allows DOT to manage information provided during the course of its investigations, and in the process, to facilitate its management of investigations and investigative resources. DOT employees, with appropriate privileges, can upload documents for each case for review. As the system is used to track the investigations and used to create reports about the investigations and the complaints, the system should be exempted to protect the information it contains.

In addition, it is may be necessary to give an express promise to withhold the identity of an individual who has

provided relevant information. Sources of information necessary to complete an effective investigation may be reluctant to provide confidential information unless they can be assured that their identities and information will not be revealed. This exemption is proposed to maintain the integrity of the investigative process and to ensure that DOT's efforts to obtain accurate and objective information will not be hindered.

This exemption will assure that the investigative files will not be disclosed inappropriately and that confidential information will be protected. The exemption is necessary to protect the information in the system that may initiate investigations or is collected during investigations. Accordingly, DOT proposes to exempt this system under paragraph (k)(2) of the Privacy act from subsection (d) (Access to Records).

In appropriate circumstances, where compliance with the request would not appear to interfere with or adversely affect the conduct of an aviation compliance inquiry or result in the unauthorized disclosure of classified information, OST may opt to waive these exemptions. In addition, some information may be available under the Freedom of Information Act, 5 U.S.C. 552 (FOIA). Any request for information from this system under the FOIA would be assessed on a case-by-case basis to determine what, if any, information could be released consistent with section (b)(2) of the Privacy Act, 5 U.S.C. 552a(b)(2).

In accordance with 5 U.S.C. 552a(r), DOT has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER:

Department of Transportation (DOT)/ Office of the Secretary (OST) DOT/OST 102 Aviation Consumer Complaint Application Online System of Records (CCA)

SECURITY CLASSIFICATION:

Sensitive, Unclassified

SYSTEM LOCATION:

Records are maintained at the Office of the Secretary Headquarters in Washington, DC and at an offsite facility in Frederick, Maryland.

SYSTEM MANAGER(S):

Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 40127, 41310, 41702, 41705, and 41712

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to monitor complaint records of individual airlines and air travel companies; to determine the extent to which these entities are in compliance with Federal aviation civil rights and consumer protection regulations; to report complaint statistics to Congress, the media, and the general public; to serve as a basis for rulemaking, legislation, and research; and to assist airlines in identifying and remedying consumer concerns.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system contains information on individuals who have filed air travel service complaints or other inquiries with the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings regarding an air carrier and/or air travel company. There may also be information in the system regarding individuals who file complaints on behalf of others or individuals who are related to the complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

- Name.
- Home address.
- Business address.
- Telephone number(s).
- Email address.
- Name of the airline or company about which the individual is complaining.
- Flight date.
- Flight number.
- Reservation number.
- Origin of the flight.
- Destination city of trip.
- Nature of service issue and/or individual's disability and accommodations requested.
- Sex, race, color, ethnicity, religion, and/or national origin of the individual.

RECORD SOURCE CATEGORIES:

Information contained in this system is provided by individuals, or on behalf of individuals, through telephone calls, emails, and written correspondence received by the Department of Transportation or through electronic submission using the Air Travel Complaint Comment Form available online.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DOT as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To authorized representatives of the United States Government or a U.S. or foreign air carrier or air travel company about whom the complaint or record concerns for purposes of improving customer service.

2. To the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of implementing, investigating, prosecuting, or enforcing a statute, regulation, rule or order, when a record in this system indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, including any records from this system relevant to the implementation, investigation, prosecution, or enforcement of the statute, regulation, rule, or order that was or may have been violated;

3. To a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary for DOT to obtain information relevant to a DOT decision concerning the hiring or retention or an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit;

4. To a Federal agency, upon its request, in connection with the requesting Federal agency's hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation or an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information requested is relevant and necessary to the requesting agency's decision on the matter;

5. To the Department of Justice, or any other Federal agency conducting litigation, when (a) DOT, (b) any DOT employee, in his/her official capacity, or in his/her individual capacity if the Department of Justice has agreed to represent the employee, or (c) the United States or any agency thereof, is a party to litigation or has an interest in litigation, and DOT determines that the use of the records by the Department of Justice or other Federal agency conducting the litigation is relevant and necessary to the litigation; provided, however, that DOT determines, in each

case, that disclosure of the records in the litigation is a use of the information contained in the records that is compatible with the purpose for which the records where collected.

6. To parties in proceedings before any court or adjudicative or administrative body before which DOT appears when (a) DOT, (b) any DOT employee in his or her official capacity, or in his or her individual capacity where DOT has agreed to represent the employee, or (c) the United States or any agency thereof is a party to litigation or has an interest in the proceeding, and DOT determined that is relevant and necessary to the proceeding; provided, however, that DOT determines, in each case, that disclosure of the records in the proceeding is a use of the information contained in the records that is compatible with the purpose for which the records where collected.

7. To the Office of Management and Budget (OMB) in connection with the review of privacy relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process set forth in that Circular.

8. To the National Archives and Records Administration for an inspection under 44 U.S.C. 2904 and 2906.

9. To another agency or instrumentality of any government jurisdiction for use in law enforcement activities, either civil or criminal, or to expose fraudulent claims; however, this routine use only permits the disclosure of names pursuant to a computer matching program that otherwise complies with the requirements of the Privacy Act.

10. To appropriate agencies, entities, and persons, when (1) DOT suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) DOT has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DOT or not) that rely on the compromised information; and (3) the disclosure made to such agencies, entities, or persons is reasonably necessary to assist in connection with DOT's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

11. To the Office of Government Information Services (OGIS) for the purpose of resolving disputes between requesters seeking information under the Freedom of Information Act (FOIA) and DOT, or OGIS' review of DOT's policies, procedures, and compliance with FOIA.

12. To DOT's contractors and their agents, DOT's experts, consultants, and others performing or working on a contract, service, cooperative agreement, or other assignment for DOT, when necessary to accomplish an agency function related to this system of records.

13. To an agency, organization, or individual for the purpose of performing an audit or oversight related to this system or records, provided that DOT determines the records are necessary and relevant to the audit or oversight activity. This routine use does not apply to intra-agency sharing authorized under Section (b)(1) of the Privacy Act.

14. To a Federal, State, local, tribal, foreign government, or multinational agency, either in response to a request or upon DOT's initiative, terrorism information (6 U.S.C. 485(a)(5), homeland security information (6 U.S.C. 482(f)(1), or law enforcement information (Guideline 2, report attached to White House Memorandum, ''Information Sharing Environment,'' Nov. 22, 2006), when DOT finds that disclosure of the record is necessary and relevant to detect, prevent, disrupt, preempt, or mitigate the effects of terrorist activities against the territory, people, and interests of the United States, as contemplated by the Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–456, and Executive Order 13388 (Oct. 25, 2005).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS IN THE SYSTEM:

Records in this system are stored electronically and/or on paper in secure facilities. Electronic records may be stored on magnetic disc, tape, digital media, and CD–ROM.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Electronic records may be retrieved by consumer's name, record number, case/project name. Paper records may retrieved by name of air carrier about which the record concerns.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records will be retained in accordance with NC–197–76–1, July 5, 1975, Item Number 20. The public complaints; reports from the airlines; and any correspondence regarding the complaints with individual complainants, the Department, and airlines will be destroyed after four years. Computer printouts summarizing data from the files will be destroyed when they are no longer needed for business purposes.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DOT automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Office of the Secretary FOIA officer, whose contact information can be found at *http://www.transportation.gov/individuals/foia/office-secretary-foia-information* under ''Contact Us.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Departmental Freedom of Information Act Office, U.S. Department of Transportation, Room W94–122, 1200 New Jersey Ave. SE, Washington, DC 20590, ATTN: FOIA request.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 49 CFR part 10. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Freedom of Information Act Officer, *http://www.dot.gov/foia* or 202.366.4542. In addition you should provide the following:

An explanation of why you believe the Department would have information on you;

- Identify which component(s) of the Department you believe may have the information about you;

• Specify when you believe the records would have been created;

• Provide any other information that will help the FOIA staff determine which DOT component agency may have responsive records; and

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

See ''Records Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Records Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from 5 U.S.C. 552a(d).

HISTORY

70 FR 9436, February 25, 2005.

Issued in Washington, DC on February 4, 2019.

Claire W. Barrett,

Departmental Chief Privacy Officer.

[FR Doc. 2019–01467 Filed 2–6–19; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Collection of Data From Property and Casualty Insurers for Reports Concerning the Terrorism Risk Insurance Program

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before March 11, 2019 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Departmental Offices (DO)

Title: Collection of Data from Property and Casualty Insurers for Reports Concerning the Terrorism Risk Insurance Program.

OMB Control Number: 1505–0257.

Type of Review: Revision of a currently approved collection.

Description: The Terrorism Risk Insurance Act of 2002 (TRIA) created the Terrorism Risk Insurance Program (Program) to address disruptions in the market for terrorism risk insurance, to help ensure the continued availability and affordability of commercial property and casualty insurance for terrorism risk, and to allow for the private markets to stabilize and build insurance capacity to absorb any future losses for terrorism events. The Program has been reauthorized on a number of occasions, most recently in the Terrorism Risk Insurance Program Reauthorization Act of 2015. TRIA requires the Secretary of the Treasury (Secretary) to perform periodic analyses of certain matters concerning the Program. In order to assist the Secretary with this process, TRIA requires insurers to submit on an annual basis certain insurance data and information regarding participation in the Program.

Treasury is submitting the data collection forms proposed for use in the 2019 data collection process, pursuant to 31 CFR 50.51(c).

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 875.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 875.

Estimated Time per Response: Large Insurers: 75 hours; Small Insurers: 25 hours; Captive Insurers and Alien Surplus Lines Insurers: 50 hours.

Estimated Total Annual Burden Hours: 41,250.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: February 4, 2019.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2019–01425 Filed 2–6–19; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans Community Integration Resources Military Life Cycle Module

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is announcing to the public its intent to develop a ''Community Integration Resources'' (CIR) Military Life Cycle (MLC) module. MLC modules are learning opportunities that are available at designated touchpoints throughout servicemembers' careers and that help servicemembers plan for transition well before separation. This CIR module will help make servicemembers and veterans aware of the community resources and services available; it will also help them learn to use Federal tools like the National Resource Directory to identify and vet those resources and services and decide how and when to engage them for assistance. Organizations interested in supporting servicemembers and veterans as they integrate into their communities are encouraged to register with the National Resource Directory (NRD) by visiting *http://nrd.gov* and selecting ''Submit a Resource.'' Registration in NRD ensures that your organization is included in the MLC module's resources and makes your organization visible and accessible to servicemembers and veterans across the Nation.

FOR FURTHER INFORMATION CONTACT: Robert Sanders, Military to Civilian Transition (MCT), Office of Transition and Economic Development, Veterans Benefit Administration (VBA), Department of Veterans Affairs (VA), 1800 G St. NW, Washington, DC 20420, (202) 461–8481 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Executive Order 13822 (Supporting Our Veterans During Their Transition from Uniformed Service to Civilian Life) requires VA, Department of Defense (DoD), and Department of Homeland Security (DHS) to address the complex challenges faced by our transitioning

uniformed servicemembers and veterans. The Executive Order (E.O.) 13822 required VA, DoD, and DHS to submit a Joint Action Plan that described concrete actions to provide seamless access to mental health treatment and suicide prevention resources for transitioning servicemembers (TSM). In response, VA is leading an interagency collaboration to create a MLC module called the ''Community Integration Resources,'' whose goal is to provide awareness of community resources and services and teach servicemembers how to identify, vet, and engage with them for assistance. MLC will meet the mandate of the E.O.; it will also go beyond to encompass a broad range of other resources that a TSM may need.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on January 18, 2019, for publication.

Dated: February 4, 2019.

Luvenia Potts,

Program Specialist, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2019–01495 Filed 2–6–19; 8:45 am]

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FEDERAL REGISTER

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Part II

Environmental Protection Agency

40 CFR Part 63

National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2018–0794; FRL–9988–93–OAR]

RIN 2060–AT99

National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing a revision to its response to the U.S. Supreme Court decision in *Michigan* v. *EPA* which held that the EPA erred by not considering cost in its determination that regulation under section 112 of the Clean Air Act (CAA) of hazardous air pollutant (HAP) emissions from coal- and oil-fired electric utility steam generating units (EGUs) is appropriate and necessary. After considering the cost of compliance relative to the HAP benefits of regulation, the EPA proposes to find that it is not ''appropriate and necessary'' to regulate HAP emissions from coal- and oil-fired EGUs, thereby reversing the Agency's prior conclusion under CAA section 112(n)(1)(A) and correcting flaws in the Agency's prior response to *Michigan* v. *EPA.* We further propose that finalizing this new response to *Michigan* v. *EPA* will not remove the Coal- and Oil-Fired EGU source category from the CAA section 112(c) list of sources that must be regulated under CAA section 112(d) and will not affect the existing CAA section 112(d) emissions standards that regulate HAP emissions from coal- and oil-fired EGUs. We are soliciting comment, however, on whether the EPA has the authority or obligation to delist EGUs from CAA section 112(c) and rescind (or to rescind without delisting) the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coal- and Oil-Fired EGUs, commonly known as the Mercury and Air Toxics Standards (MATS). The EPA is also proposing the results of the residual risk and technology review (RTR) of the NESHAP that the Agency is required to conduct in accordance with CAA section 112. The results of the residual risk analysis indicate that residual risks due to emissions of air toxics from this source category are acceptable and that the current standards provide an ample margin of safety to protect public health. No new developments in HAP emission controls to achieve further cost-effective emissions reductions were identified under the technology review. Therefore, based on the results of these analyses and reviews, we are proposing that no revisions to MATS are warranted. Finally, the EPA is also taking comment on establishing a subcategory for emissions of acid gas HAP from existing EGUs firing eastern bituminous coal refuse.

DATES: *Comments.* Comments must be received on or before April 8, 2019. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before March 25, 2019.

Public Hearing. The EPA is planning to hold at least one public hearing in response to this proposed action. Information about the hearing, including location, date, and time, along with instructions on how to register to speak at the hearing, will be published in a second **Federal Register** document.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2018–0794, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. See **SUPPLEMENTARY INFORMATION** for detail about how the EPA treats submitted comments. *Regulations.gov* is our preferred method of receiving comments. However, the following other submission methods are also accepted:

- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2018–0794 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2018–0794.
- *Mail:* To ship or send mail via the United States Postal Service, use the following address: U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2018–0794, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* Use the following Docket Center address if you are using express mail, commercial delivery, hand delivery, or courier: EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. Delivery verification signatures will be available only during regular business hours.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Mary Johnson, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5025; fax number: (919) 541–4991; and email address: *johnson.mary@epa.gov* or Nick Hutson, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2968; fax number: (919) 541–4991; and email address: *hutson.nick@epa.gov.* For specific information regarding the risk modeling methodology, contact Mark Morris, Health and Environmental Impacts Division (C539–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5416; and email address: *morris.mark@epa.gov.* For information about the applicability of the NESHAP to a particular entity, contact Sara Ayres, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, U.S. EPA Region 5 (E–19J), 77 West Jackson Boulevard, Chicago, Illinois 60604; telephone number: (312) 353–6266; and email address: *ayres.sara@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2018–0794. All documents in the docket are listed in *Regulations.gov.* Although listed, some information is not publicly available, *e.g.,* CBI (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. Publicly available docket materials are available either electronically in *Regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue 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 EPA Docket Center is (202) 566–1742.

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2018–0794. The EPA's policy is that all

comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. This type of information should be submitted by mail as discussed below.

The EPA may publish any comment received to its public docket. 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.*

The *https://www.regulations.gov* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

The EPA is soliciting comment on numerous aspects of the proposed rule. The EPA has indexed each comment solicitation with an alpha-numeric identifier (*e.g.,* ''C–1,'' ''C–2,'' ''C–3'') to provide a consistent framework for effective and efficient provision of comments. Accordingly, the EPA asks that commenters include the corresponding identifier when providing comments relevant to that comment solicitation. The EPA asks that commenters include the identifier in either a heading, or within the text of each comment (*e.g.,* ''In response to solicitation of comment C–1, . . .'') to make clear which comment solicitation is being addressed. The EPA emphasizes that the Agency is not limiting comment to these identified areas and encourages provision of any other comments relevant to this proposal.

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in *Instructions* above. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2018–0794.

Preamble Acronyms and Abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

AEGL acute exposure guideline level
AERMOD air dispersion model used by the HEM–3 model
ATSDR Agency for Toxic Substances and Disease Registry
CAA Clean Air Act
CalEPA California EPA
CAMR Clean Air Mercury Rule
CBI Confidential Business Information
CEMS continuous emissions monitoring systems
CFR Code of Federal Regulations
CPMS continuous parameter monitoring system
ECMPS Emissions Collection and Monitoring Plan System
EGU electric utility steam generating unit
EIA Energy Information Administration
EPA Environmental Protection Agency
EPRI Electric Power Research Institute
ERPG Emergency Response Planning Guideline
fPM filterable particulate matter
HAP hazardous air pollutant(s)
HCl hydrochloric acid
HEM–3 Human Exposure Model, Version 1.1.0
HF hydrogen fluoride
Hg mercury
HI hazard index
HQ hazard quotient
ICR information collection request
IGCC integrated gasification combined cycle
IRIS Integrated Risk Information System
km kilometer
lb/GWh pounds per gigawatt-hour
lb/MMBtu pounds per million British thermal units
lb/MWh pounds per megawatt-hour
lb/TBtu pounds per trillion British thermal units
MACT maximum achievable control technology
MATS Mercury and Air Toxics Standards
mg/m^3 milligrams per cubic meter
MIR maximum individual risk
MMBtu million British thermal units
MMBtu/hr million British thermal units per hour
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NEEDS National Electric Energy Data System
NEI National Emissions Inventory
NESHAP national emission standards for hazardous air pollutants
NO_X nitrogen oxides
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
PB–HAP hazardous air pollutants known to be persistent and bio-accumulative in the environment
PDF Portable Document Format
PM particulate matter
$PM_{2.5}$ fine particulate matter
POM polycyclic organic matter
PRA Paperwork Reduction Act
RDL representative detection level
REL reference exposure level
RFA Regulatory Flexibility Act
RfC reference concentration
RfD reference dose
RIA regulatory impact analysis
RTR residual risk and technology review
SAB Science Advisory Board
SO_2 sulfur dioxide
TOSHI target organ-specific hazard index
tpy tons per year

TRIM.FaTE Total Risk Integrated Methodology.Fate, Transport, and Ecological Exposure model
UARG Utility Air Regulatory Group
UF uncertainty factor
μg/m³ microgram per cubic meter
UMRA Unfunded Mandates Reform Act
URE unit risk estimate
USGS United States Geological Survey

Organization of this Document. The information in this preamble is organized as follows:

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A. Does this action apply to me?
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C. The EPA's Proposed Finding Under CAA Section 112(n)(1)(A)
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IV. Background on the RTR Action
A. What is the statutory authority for this action?
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C. What data collection activities were conducted to support this action?
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J. National Technology Transfer and Advancement Act (NTTAA)
K. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

I. General Information

A. Does this action apply to me?

Table 1 of this preamble lists the NESHAP and associated regulated industrial source categories that are the subject of this proposal. Table 1 is not intended to be exhaustive, but rather provides a guide for readers regarding the entities that this proposed action is likely to affect. The proposed standards, once promulgated, will be directly applicable to the affected sources. Federal, state, local, and tribal government entities that own and/or operate EGUs subject to 40 CFR part 63, subpart UUUUU would be affected by this proposed action. The Coal- and Oil-Fired EGU source category was added to the list of categories of major and area sources of HAP published under section 112(c) of the CAA on December 20, 2000 (65 FR 79825). CAA section 112(a)(8) defines an electric utility steam generating unit as: *Any fossil fuel fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale. A unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 megawatts electrical output to any utility power distribution system for sale* is also considered an EGU.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS PROPOSED ACTION

Source category	NESHAP	NAICS code [1]
Coal- and Oil-Fired EGUs	40 CFR part 63, subpart UUUUU	221112, 221122, 921150

[1] North American Industry Classification System.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this action is available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this proposed action at *https://www.epa.gov/mats/regulatory-actions-final-mercury-and-air-toxics-standards-mats-power-plants.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the proposal and key technical documents at this same website. Information on the overall RTR program is available at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.*

II. Appropriate and Necessary Finding

A. Overview

The EPA proposes this revised action in response to the U.S. Supreme Court decision in *Michigan* v. *EPA,* 135 S.Ct. 2699 (2015), which held that the EPA erred by not considering cost in its determination that regulation of HAP emissions from coal- and oil-fired EGUs is appropriate and necessary under CAA section 112. In this action, after considering the cost of compliance relative to the HAP benefits of regulation, the EPA proposes to find that it is not ''appropriate and necessary'' to regulate HAP emissions from coal- and oil-fired EGUs, thereby reversing the Agency's conclusion under CAA section 112(n)(1)(A), first made in 2000 and later affirmed in 2012 and 2016. This proposed response corrects flaws in the EPA's prior 2016 response to *Michigan* (82 FR 24420) and, if finalized, would supplant that 2016 action. We also propose that finalizing this action will not remove the Coal- and Oil-Fired EGU source category from the CAA section 112(c)(1) list, nor will finalizing this action affect the existing CAA section 112(d) emissions standards promulgated in 2012 that regulate HAP emissions from coal- and oil-fired EGUs, although this action requests comment on that proposed conclusion and whether the EPA has the authority or obligation to

delist the source category and rescind the standards, or to rescind the standards without delisting (Comment C–1).

B. Background

In the 1990 Amendments to the CAA, Congress substantially modified CAA section 112, the provision of the CAA addressing HAP. That provision includes CAA section 112(b)(1), which sets forth a list of 187 identified HAP, and CAA sections 112(b)(2) and (3), which give the EPA the authority to add or remove pollutants from the list. CAA section 112(a)(1) and (2) also specify the two types of sources to be addressed: Major sources and area sources. A major source is any stationary source or group of stationary sources at a single location and under common control that emits or has the potential to emit, considering controls, 10 tons per year (tpy) or more of any HAP or 25 tpy or more of any combination of HAP. CAA section 112(a)(1). Any stationary source of HAP that is not a major source is an area source. CAA section 112(a)(2). All major source categories, besides EGUs, were required to be included on a published list of sources subject to regulation under CAA section 112, *see* CAA sections 112(a)(1) and (c)(1), and area sources ''which the Administrator finds presents a threat of adverse effects to human health or the environment (by such sources individually or in the aggregate) warranting regulation under this section'' were also required to be added to the list, *see* CAA section 112(c)(3). The EPA was to promulgate emission standards under CAA section 112(d) for those source categories on the list.

This general CAA section 112(c) process of listing and regulation does not apply to EGUs. Instead, Congress enacted a special provision, CAA section 112(n)(1)(A), which established a separate process by which the EPA was to determine whether to regulate emissions of HAP from EGUs under CAA section 112. CAA section 112(n)(1)(A) directs the EPA to conduct a study to evaluate the hazards to public health that are reasonably anticipated to occur as a result of the HAP emissions from EGUs, after the imposition of other CAA provisions. The provision directs that the EPA shall regulate EGUs under CAA section 112 if the Administrator determines, after considering the results of the study, that such regulation is ''appropriate and necessary.'' CAA section 112(n)(1)(A), therefore, sets a unique process by which the Administrator is to determine whether to establish CAA section 112(d) standards for EGUs. Moreover, the statute includes a separate definition of ''EGU'' which does not distinguish between major and area sources. CAA section 112(a)(8).

On December 20, 2000, the EPA determined, pursuant to CAA section 112(n)(1)(A), that it was appropriate and necessary to regulate coal- and oil-fired EGUs under CAA section 112(d) and added such units to the CAA section 112(c) List of Categories of Major and Area Sources. 65 FR 79825 (2000 Finding). The EPA reversed that finding in 2005, concluding that it was neither appropriate nor necessary to regulate EGUs under CAA section 112(n)(1)(A), and stating that the effect of its reversal of the appropriate and necessary finding was removal of coal- and oil-fired EGUs from the CAA section 112(c)(1) source category list. 70 FR 15994 (March 29, 2005) (2005 Delisting Rule). The EPA concurrently issued the Clean Air Mercury Rule (CAMR), which regulated mercury (Hg) from new and existing coal-fired EGUs under CAA sections 111(b) and (d). The United States Court of Appeals for the District of Columbia (DC) Circuit (the Court) vacated the EPA's 2005 Delisting Rule in *New Jersey* v. *EPA,* 517 F.3d 574 (D.C. Cir. 2008). The Court ruled that the fact that the EPA had reversed its prior appropriate and necessary finding did not mean that the Agency could remove the Coal- and Oil-Fired EGU source category from the CAA section 112(c)(1) list without going through the generally applicable CAA section 112(c)(9) delisting procedures. *Id.* Instead, the Court held that the Agency could only remove EGUs from the CAA section 112(c)(1) list after finding that the statutory criteria for delisting set forth in CAA section 112(c)(9) had been met. *Id.* In addition, the Court also vacated CAMR in light of the EPA's concession that it had no authority to regulate Hg from EGUs under CAA section 111 so long as EGUs remained on the CAA section 112(c)(1) source category list. 517 F.3d 574 (D.C. Cir. 2008). (The Court did not address the merits of CAMR under CAA section 111; its vacatur was based solely on its holding that the delisting from CAA section 112 was improper.)

On May 3, 2011, the EPA proposed to reaffirm the 2000 appropriate and necessary finding and proposed NESHAP for coal- and oil-fired EGUs, known as MATS. 76 FR 24976. The final MATS rule was subsequently issued on February 16, 2012. 77 FR 9304. Industry, states, environmental organizations, and public health organizations challenged many aspects of both the re-affirmed appropriate and necessary finding and the final MATS rule in the D.C. Circuit. The Court denied all challenges. *White Stallion Energy Center* v. *EPA,* 748 F.3d 1222 (D.C. Cir. 2014). Some industry and state petitioners sought further review of the final MATS rule, and the U.S. Supreme Court granted *certiorari* to determine whether the EPA erred when it concluded that it could properly make the appropriate and necessary finding under CAA section 112(n)(1)(A) without consideration of cost. On June 29, 2015, the Supreme Court ruled that the EPA ''strayed far beyond [the] bounds'' of reasonable interpretation when it determined cost was irrelevant to the appropriate and necessary finding. *Michigan* v. *EPA,* 135 S Ct. 2699, 2707 (2015). Specifically, the Supreme Court held that cost was ''an important aspect of the problem'' and that the Agency was required to consider the cost of regulation before deciding whether it was appropriate and necessary to impose that regulation on EGUs under CAA section 112. *Id.* On remand from the Supreme Court, the D.C. Circuit left MATS in effect while the Agency addressed the *Michigan* decision. Order, *White Stallion Energy Center* v. *EPA,* No. 12–1100 (D.C. Cir. Dec. 15, 2015) (ECF No. 1588459).

On April 25, 2016, after public notice and comment,[1] the EPA finalized a supplemental finding (2016 Supplemental Finding) concluding that its consideration of cost did not change its previous determination that regulation of HAP emissions from coal- and oil-fired EGUs is appropriate and necessary. 82 FR 24420. In the 2016 Supplemental Finding, the EPA considered costs under two alternative approaches. Under the first approach, the EPA evaluated compliance costs in comparison to the industry's historical annual revenues and annual capital expenditures, and examined impacts of the rule on retail electricity prices. The EPA concluded that because these costs were within the range of historical variability, the cost of MATS was reasonable. The EPA also found that the power sector could continue to perform its primary function—the generation, transmission, and distribution of reliable electricity at reasonable cost—after imposition of the MATS rule. Based on the conclusion that the costs of the rule were ''reasonable'' and considering the benefits of reducing HAP that had been identified in earlier agency determinations, the Agency affirmed the appropriate and necessary finding under CAA section 112(n)(1)(A).

In the 2016 Supplemental Finding, the EPA also presented a second, alternative and independent, approach

[1] 80 FR 75025 (December 1, 2015).

to considering cost. This approach considered the results of the formal cost-benefit analysis that the Agency had previously performed for the regulatory impact analysis (RIA) for the final MATS rule.[2] That RIA cost-benefit analysis accounted for the monetized and non-monetized benefits of MATS, including HAP-related benefits that could not be quantified or monetized, as well as the monetized co-benefits of reducing pollutants other than HAP. The RIA analysis found that its projection of these aggregated benefits ($37 to $90 billion each year) exceeded the costs of compliance ($9.6 billion) by three to nine times. The EPA, therefore, concluded that the RIA's cost-benefit analysis also supported its affirmation of the prior appropriate and necessary finding under CAA section 112(n)(1)(A). 82 FR 24420.

A number of state and industry groups petitioned for review of the 2016 Supplemental Finding in the D.C. Circuit. *Murray Energy Corp.* v. *EPA,* No. 16–1127 (D.C. Cir. filed April 25, 2016). In April 2017, given its interest in reviewing the 2016 action, the EPA moved the Court to continue oral argument and hold the case in abeyance in order to give the new Administration an opportunity to undertake that review. The Court granted the EPA's request for a continuance on April 27, 2017. Order, *Murray Energy Corp.* v. *EPA,* No. 16–1127 (D.C. Cir. April 27, 2017) (ECF No. 1672987).

C. The EPA's Proposed Finding Under CAA Section 112(n)(1)(A)

In this action, the EPA proposes to conclude that the 2016 Supplemental Finding was flawed and that, after considering the cost of compliance relative to the HAP benefits of MATS, it is not appropriate and necessary to regulate coal- and oil-fired EGUs under section 112 of the CAA. CAA section 112(n)(1)(A) requires the EPA to determine that both the appropriate *and* the necessary prongs are met. Therefore, if the EPA finds that either prong is not satisfied, it cannot make an affirmative appropriate and necessary finding. *Cf.* 70 FR 16000. The EPA's reexamination of its determination in this proposal focuses on the first prong of that analysis: Whether regulation is ''appropriate,'' after consideration of the costs and benefits of such regulation. The EPA has reexamined the cost analyses presented in the 2016 Supplemental Finding and proposes to determine that neither of the Finding's approaches to considering cost satisfies the Agency's obligation under CAA section 112(n)(1)(A) as interpreted by the Supreme Court in *Michigan.* Instead, we use a different consideration of cost for purposes of the appropriate and necessary finding, one that we believe aligns with the purpose of CAA section 112(n)(1)(A) as set forth in *Michigan.*[3] We propose to directly compare the cost of compliance with MATS with the benefits specifically associated with reducing emissions of HAP as the primary inquiry in this finding, in order to satisfy our duty to consider cost in the context of CAA section 112(n)(1)(A).

The EPA also proposes that, because a negative appropriate and necessary finding cannot by itself remove a source category from the CAA section 112(c) list, *see New Jersey,* 517 F.3d at 582, finalizing this finding will neither remove the Coal- and Oil-Fired EGU source category from the CAA section 112(c) list, nor will it alter or eliminate the CAA section 112(d) emissions standards imposed by MATS. The EPA solicits public comment on all aspects of this proposal, and retains the discretion, as always, to make changes in response to those comments prior to finalizing this rule or to decide not to finalize some or all aspects of this proposal after considering public comments.

1. The 2016 Supplemental Finding Was an Improper Response to *Michigan* v. *EPA*

a. The ''Cost Reasonableness'' Approach Does Not Satisfy the Agency's Obligation Under CAA Section 112(n)(1)(A)

We propose to find that the Agency's 2016 Supplemental Finding erred in its consideration of cost. Specifically, we find that what was described in the 2016 Supplemental Finding as the preferred approach, or ''cost reasonableness test,'' does not meet the statute's requirements to fully consider costs, and was an unreasonable interpretation of CAA section 112(n)(1)(A)'s mandate, as informed by the Supreme Court's opinion in *Michigan.* In its 2016 Supplemental Finding, the EPA developed a ''cost reasonableness test'' based on D.C. Circuit opinions that had evaluated the Agency's consideration of cost in the context of setting new source performance standards under section 111 of the CAA. *See Legal Memorandum Accompanying the Proposed Supplemental Finding that it is Appropriate and Necessary to Regulate Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units (EGUs)* (2015 Legal Memorandum). Because those opinions interpreted CAA section 111 to only prohibit the Agency from adopting standards for new sources whose cost would be ''exorbitant,'' *Lignite Energy Council* v. *EPA,* 198 F.3d 930, 933 (D.C. Cir. 1999), ''excessive,'' or ''unreasonable,'' *Sierra Club* v. *Costle,* 657 F.2d 298, 383 (D.C. Cir. 1981), we concluded that we could consider cost for CAA section 112(n)(1)(A) by determining whether cost of compliance was ''reasonable''—in other words, whether the cost of regulation could be absorbed by the power sector without negatively affecting the industry's ability to continue performing its primary function. That ''cost reasonableness test'' compared compliance costs of MATS relative to historical annual revenues and annual capital expenditures, and evaluated the impacts of the rule on retail electricity prices. Because we found that the costs of compliance with the rule across the entire utility sector were within historical variability and would not shut down the sector as a whole, the EPA

[2] U.S. EPA. 2011. *Regulatory Impact Analysis for the Final Mercury and Air Toxics Standards.* EPA–452/R–11–011. Available at *https://www3.epa.gov/ttn/ecas/docs/ria/utilities_ria_final-mats_2011-12.pdf.* Docket ID No. EPA–HQ–OAR–2009–0234–20131.

[3] Agencies have inherent authority to reconsider past decisions and to revise, replace, or repeal a decision to the extent permitted by law and supported by a reasoned explanation. *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009); *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual Auto. Ins. Co.,* 463 U.S. 29, 42 (1983) (''*State Farm*''). The EPA's interpretations of the statutes it administers are not ''carved in stone,'' but must be evaluated ''on a continuing basis,'' for example, ''in response to . . . a change in administrations.'' *Nat'l Cable & Telecomms. Ass'n* v. *Brand X internet Servs.,* 545 U.S. 967, 981 (2005) (internal quotation marks and citations omitted). An agency's reasoning can include a change in policy on the basis that ''the agency *believes* it to be better,'' even if a court might disagree. *White Stallion,* 748 F.3d at 1235; *see also Nat'l Ass'n of Home Builders* v. *EPA,* 682 F.3d 1032, 1038 & 1043 (D.C. Cir. 2012) (a revised rulemaking based ''on a reevaluation of which policy would be better in light of the facts'' is ''well within an agency's discretion,'' and '' '[a] change in administration brought about by the people casting their votes is a perfectly reasonable basis for an executive agency's reappraisal of the costs and benefits of its programs and regulations' '') (quoting *State Farm,* 463 U.S. at 59 (Rehnquist, J., concurring in part and dissenting in part)). The CAA complements the EPA's inherent authority to reconsider prior rulemakings by providing the Agency with broad authority to prescribe regulations as necessary to carry out the Administrator's authorized functions under the statute. 42 U.S.C. 7601(a). This broad discretion can be limited by Congress, however. In *New Jersey* v. *EPA,* the D.C. Circuit held that a reversal of the appropriate and necessary finding would not have the effect of removing Coal- and Oil-Fired EGUs from the CAA section 112(c)(1) source category list because Congress ''unambiguously limit[ed] EPA's discretion'' by fashioning a statutorily mandated avenue for removing source categories from the list in CAA section 112(c)(9). 517 F.3d 574, 582–83. (D.C. Cir. 2008).

concluded that the cost of compliance with MATS was reasonable.

The Agency claimed that use of the ''cost reasonableness test'' for its CAA section 112(n)(1)(A) appropriate and necessary finding was supported by the ''overall statutory objectives of section 112,'' and stated that ''cost was but one factor among many'' that the EPA must consider. *See* Legal Memorandum at 20. We also interpreted CAA section 112(n)(1)(A) and *Michigan* not to require the EPA to assume that a consideration of cost should predominate or take primary significance to the subordination of other considerations, because of CAA section 112's overall concern with the nature of HAP emissions and populations that might be particularly sensitive to harms associated with those emissions. *Id.*

In this notice, we are proposing to find that the EPA did not comply with its statutory duty to consider cost as part of the appropriate and necessary finding in the 2016 Supplemental Finding. The 2016 Supplemental Finding repeatedly emphasized that the *Michigan* Court did not hold that the CAA ''unambiguously required'' the EPA to perform a formal cost-benefit analysis to satisfy CAA 112(n)(1)(A). 135 S. Ct. at 2711. But, as discussed below, the 2016 Supplemental Finding, among other flaws, ignored observations about the importance of the cost consideration to the appropriate and necessary finding, as provided by the Court in *Michigan.*

Contrary to the 2015 Legal Memorandum's suggestion that cost should not ''trump'' or ''predominate'' other considerations, the Supreme Court observed that ''[a]gencies have long treated cost as a *centrally relevant factor* when deciding whether to regulate.'' *Id.* at 2707 (emphasis added). The Supreme Court rejected arguments that the general goals of CAA section 112 make cost irrelevant to a CAA section 112(n)(1)(A) appropriate and necessary finding. As such, the EPA must meaningfully consider cost when making this threshold finding. In addition, the Supreme Court emphasized that CAA section 112(n)(1)(A) reflects Congress's intent that the EPA treat EGUs *differently* from other sources. *Id.* at 2710. The attempt made in the 2016 Supplemental Finding to ''harmonize'' CAA section 112(n)(1)(A) with the remainder of CAA section 112 is, therefore, not consistent with Congress's intent and the Supreme Court's decision in *Michigan* v. *EPA.*

The 2016 Supplemental Finding's reliance on case law pertaining to CAA section 111(b) new source rules was similarly misguided. The methodologies that courts have approved for considering costs of control technologies for new sources that have not yet been constructed are not particularly informative in the context of EPA's deciding whether it is appropriate to impose control requirements on sources that are already operating. Costs of control technologies for new sources are borne as each source is added to the fleet of existing sources and are not imposed on the entire fleet of existing sources within a period of a few years, as is required under CAA section 112. Moreover, the case law cited by the 2015 Legal Memorandum is distinguishable even without regard to the fact that different statutory provisions (CAA section 111 versus 112) are at issue. For example, in *Lignite Council,* the D.C. Circuit found that the ''new standards will only modestly increase the cost of producing electricity in newly constructed boilers.'' *Lignite Energy Council* v. *United States EPA,* 198 F.3d at 933. Even in its flawed conclusion that the cost of MATS was ''reasonable,'' the EPA did not go so far as to say that the costs of that rule were in any way ''modest.''

The primary, fatal flaw of the 2016 Supplemental Finding's ''preferred approach'' was its disregard for the *Michigan* Court's suggestion that, under CAA section 112(n)(1)(A), the Agency must meaningfully consider cost within the context of a regulation's benefits. The decision contemplated that a proper consideration of cost would be relative to benefits. For example, the Court questioned whether a regulation could be considered ''rational'' where there was a gross imbalance between costs and benefits and stated that ''[n]o regulation is ''appropriate'' if it does more harm than good.'' *Id.* The Court also made numerous references to a direct comparison of the costs of MATS with benefits from reducing emissions of HAP. For instance, the Court pointed out that ''[t]he costs [of MATS] to power plants were thus between 1,600 and 2,400 times as great as the quantifiable benefits from reduced emissions of hazardous air pollutants.'' *Id.* at 2706. Although the decision established no bright-line rules, it suggested that CAA section 112(n)(1)(A)'s requisite consideration of cost would not be met if the cost analysis did not ''ensure cost-effectiveness'' or ''prevent the imposition of costs far in excess of benefits.'' *Id.* at 2710.

For these reasons, the 2016 Supplemental Finding's ''test'' of whether an industry can bear the cost of regulation does not demonstrate that the cost of MATS was ''reasonable'' under the particular statutory context. More importantly, the metrics ''tested'' by the Agency in the 2016 Supplemental Finding are irrelevant to the determination of whether it is ''appropriate and necessary'' to impose that regulation. Each cost metric the Agency examined compared the cost of MATS to other costs borne by the industry, but never in its ''preferred approach'' did the Agency make the statutorily mandated assessment of whether the benefits garnered by the rule were worth it—*i.e.,* a direct comparison of costs and benefits. Because the ''cost reasonableness test'' failed to consider cost in a meaningful way relative to benefits, we, therefore, conclude that approach did not adequately address the Supreme Court's instruction that a reasonable regulation requires an agency to fully consider ''the advantages *and* the disadvantages'' of a decision. *See Michigan,* 135 S. Ct. at 2707 (emphasis in original). Instead, we propose to reconsider cost using a more direct comparison of benefits and costs to address the Supreme Court's remand of the appropriate and necessary determination, as described below. As noted below, final action on this proposal would replace the 2016 Supplemental Finding.

b. The Cost-Benefit Approach in the 2016 Supplemental Finding's Alternative Approach Improperly Considered Co-benefits From Non-HAP Emissions Reductions

In the 2016 Supplemental Finding's alternative approach, the EPA improperly made an independent finding under CAA section 112(n)(1)(A) that was based on a formal benefit-cost analysis, which evaluates whether a regulation will increase economic efficiency, to find that it was appropriate and necessary to regulate EGUs under CAA section 112. *See* 81 FR 24425.[4] The formal benefit-cost analysis relied on information reported in the RIA performed for the MATS rule. The quantified benefits accounted for in the formal benefit-cost analysis in the 2016 Supplemental Finding's alternative approach included both HAP and non-HAP air quality benefits. In this action, we propose to find that the EPA's equal reliance on the particulate matter (PM) air quality co-benefits projected to occur as a result of the reductions in HAP was flawed as the focus of CAA section

[4] We use the term ''formal benefit-cost analysis'' to refer to an economic analysis that attempts to quantify all significant consequences of an action in monetary terms in order to determine whether an action increases economic efficiency. Assuming that all consequences can be monetized, actions with positive net benefits (*i.e.,* benefits exceed costs) improve economic efficiency.

112(n)(1)(A) is HAP emissions reductions.

The EPA developed an RIA for the 2012 final MATS rule pursuant to Executive Orders 12866 and 13563 and other applicable statutes (*e.g.,* the Regulatory Flexibility Act and the Unfunded Mandates Reform Act), as informed by OMB guidance [5] and the EPA's Economic Guidelines.[6] The analyses the EPA conducted generated an estimate of the quantifiable benefits of HAP reductions under the rule of $4 to $6 million annually.[7] The EPA also analyzed the PM air quality co-benefits of MATS and attributed these benefits to the rule. The RIA included in its analysis a consideration of the co-benefit reductions in the emissions of pollutants other than the HAP regulated by MATS, such as nitrogen oxides (NO_X) and sulfur dioxide (SO_2), which contribute to the formation of fine particulate matter ($PM_{2.5}$). Reductions of these NO_X and SO_2 emissions result from installing control technologies and implementing the compliance strategies necessary to reduce the HAP emissions directly regulated by MATS. The EPA projected that the co-benefits associated with reducing these non-HAP pollutants would be substantial. Indeed, these projected co-benefits comprised the overwhelming majority (approximately 99.9 percent) of the monetized benefits of MATS reflected in the EPA's RIA ($36 billion to $89 billion). By comparison, compliance costs of the final MATS rule were projected to be $9.6 billion in 2015, and $8.6 billion and $7.4 billion in 2020 and 2030, respectively.[8] These compliance costs are an estimate of the increased expenditures in capital, fuel, and other inputs by the entire power sector to comply with the EPA's requirements, while continuing to provide a given level of electricity demand. In the 2016 Supplemental Finding's alternative approach, to satisfy the required consideration of cost when determining whether it is appropriate and necessary to regulate under CAA section 112(n)(1)(A), the EPA compared these monetized costs to the monetized benefits, along with unquantified and unmonetized effects, to conclude that MATS would increase economic efficiency and, therefore, reaffirmed its earlier finding that it was appropriate and necessary to regulate EGUs.

The EPA's justification for its equal reliance on the co-benefits of non-HAP emissions when setting the MATS standards in its CAA section 112(n)(1)(A) determination was flawed. The Agency erred in concluding that the statutory text of CAA section 112(n)(1)(A) and the legislative history of CAA section 112 more generally ''expressly support[ed]'' the position that it was reasonable to consider co-benefits, and give equal weight to those co-benefits, in a CAA section 112(n)(1)(A) appropriate and necessary finding. 81 FR 24439. The 2016 Supplemental Finding pointed to CAA section 112(n)(1)(A)'s directive to ''perform a study of the hazards to public health reasonably anticipated to occur as a result of emissions by electric utility steam generating units of [HAP] after imposition of the requirements of [the CAA],'' and noted that the requirement to consider co-benefit reduction of HAP resulting from other CAA programs highlighted Congress' understanding that programs targeted at reducing non-HAP pollutants can and do result in the reduction of HAP emissions. *Id.* The finding also noted that the Senate Report on CAA section 112(d)(2) recognized that maximum achievable control technology (MACT) standards would have the collateral benefit of controlling criteria pollutants. *Id.* However, these statements acknowledging that reductions in HAP can have the collateral benefit of reducing non-HAP emissions and vice versa, provides no support for the proposition that any such co-benefits should be the Agency's primary consideration when making a finding under CAA section 112(n)(1)(A). Indeed, it would be highly illogical for the Agency to make a determination that regulation under CAA section 112, which is expressly designed to deal with HAP, is justified principally on the basis of the criteria pollutant impacts of these regulations. That is, if the HAP-related benefits are not at least moderately commensurate with the cost of HAP controls, then no amount of co-benefits can offset this imbalance for purposes of a determination that it is appropriate to regulate under CAA section 112(n)(1)(A). *Cf. Michigan,* 135 S. Ct. at 2707 (''One would not say that it is even rational, never mind ''appropriate,'' to impose billions of dollars in economic costs in return for a few dollars in health or environmental benefits.'').

The 2016 Supplemental Finding's benefit-cost approach also erred in implying that the results of an economic efficiency test, as informed by the benefit-cost analysis presented in the MATS RIA, should govern the cost consideration assessment in CAA section 112(n)(1)(A). A formal benefit-cost analysis does not dictate how cost should be considered under CAA section 112(n)(1)(A), particularly where, as noted above, the statutory provision indicates Congress' particular concern about risks associated with HAP and the benefits that would accrue from reducing those risks. Although an analysis of all benefits and costs in accordance with generally recognized benefit-cost analysis practices is appropriate for informing the public about the potential effects of any regulatory action, as well as for complying with the requirements of Executive Order 12866, this does not mean that equal consideration of all benefits and costs, including co-benefits, is appropriate for the specific statutory appropriate and necessary finding called for under CAA section 112(n)(1)(A). Rather this finding is necessarily governed by the particular statutory language and context of this provision, as discussed below.

In sum, the Agency did not provide any meaningful support for its conclusion that the statutory text and legislative history support placing consideration of co-benefits in a CAA section 112(n)(1)(A) determination on equal footing with the consideration of HAP-specific benefits and, as explained below, the statutory text strongly supports the use of a different approach.

2. It Is Not Appropriate and Necessary To Regulate EGUs Under CAA Section 112

In this action, the EPA proposes to conclude that it is not appropriate and necessary to regulate HAP from EGUs under CAA section 112 because the costs of such regulation grossly outweigh the HAP benefits. The EPA is taking comment on its proposal that direct comparison of the rule's costs and benefits is a reasonable approach, if not the only permissible approach, to considering costs in response to *Michigan,* and, further, that such a comparison performed under CAA section 112(n)(1)(A) should focus primarily on benefits associated with reduction of HAP (Comment C–2). A proper consideration of costs based on this approach demonstrates that the

[5] U.S. OMB. 2003. *Circular A–4 Guidance to Federal Agencies on Preparation of Regulatory Analysis.* Available at *https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf.*

[6] U.S. EPA. 2014. *Guidelines for Preparing Economic Analyses.* EPA–240–R–10–001. National Center for Environmental Economics, Office of Policy. Washington, DC. December. Available at *https://www.epa.gov/environmental-economics/guidelines-preparing-economic-analyses.* Docket ID No. EPA–HQ–OAR–2009–0234–20503.

[7] Like the MATS RIA, all benefits and costs in this and subsequent sections are reported in 2007 dollars.

[8] *See* Table 3–5 of the RIA: *https://www3.epa.gov/ttn/ecas/docs/ria/utilities_ria_final-mats_2011-12.pdf.*

total cost of compliance with MATS ($7.4 to $9.6 billion annually) dwarfs the monetized HAP benefits of the rule ($4 to $6 million annually). As discussed further below, while there are unquantified HAP benefits and significant monetized PM co-benefits associated with MATS, the Administrator has concluded that the identification of these benefits is not sufficient, in light of the gross imbalance of monetized costs and HAP benefits, to support a finding that it is appropriate and necessary to regulate EGUs under CAA section 112.

The statutory text of CAA section 112(n)(1)(A) and the *Michigan* decision both support focusing the ''appropriate and necessary'' determination on HAP-specific benefits and costs. The study referenced in CAA section 112(n)(1)(A) specifically focuses on the hazards to public health that will reasonably occur as a result of HAP emissions, not harmful emissions in general. According to this section, ''The Administrator shall regulate electric utility steam generating units under this section, if the Administrator finds such regulation is appropriate and necessary after considering the results of the study required by this subparagraph.'' The text, on its face, thus, suggests that Congress wanted the Administrator's appropriate and necessary determination to be focused on the health hazards related to HAP emissions and the potential benefits of avoiding those hazards by reducing HAP emissions. As noted in section II.C.1.b. of this preamble, while the provision acknowledges the existence of the phenomenon of co-benefits by referencing the potential for ancillary reductions of HAP emissions by way of CAA provisions targeted at other pollutants, acknowledgement of that fact does not address whether ancillary reductions of criteria pollutants should be part of the Administrator's determination under CAA section 112(n)(1)(A), which is undeniably focused on hazards resulting from HAP-specific emissions. Indeed, the direction to consider whether it is appropriate and necessary to regulate HAP after criteria pollutants have been addressed by the CAA's other requirements is, if anything, support for the conclusion that it is *not* proper to place much weight on the co-benefits of further criteria pollutant reductions as part of the CAA section 112(n)(1)(A) determination. Directing the EPA to study HAP effects under CAA section 112 *after* other provisions of the CAA had been implemented suggests that Congress envisioned that the judgement about whether additional regulation was appropriate and necessary should be predicated primarily on an assessment of HAP emissions from this source category. Similarly, the general recognition of the existence of collateral benefits or controlling criteria pollutants in CAA section 112's legislative history [9] does not shed any light on whether such benefits should be given equal consideration in a CAA section 112(n)(1)(A) determination. This is particularly so where that legislative history is unconnected to CAA section 112(n)(1)(A), a special provision written by Congress to address the unique circumstances facing EGUs. In fact, it would not be reasonable to rely on such legislative history in light of the Supreme Court's conclusion that the Agency erred attempting to ''harmonize'' CAA section 112(n)(1)(A) with the remainder of CAA section 112. As the Court noted, ''[t]his line of reasoning overlooks the whole point of having a separate provision about power plants: Treating power plants different from other stationary sources.'' *Michigan,* 135 S. Ct. at 2710.

Finally, we note that this action proposes to primarily consider the costs of MATS in comparison with the HAP benefits of the hazardous pollution reductions from MATS. In keeping with CAA section 112(n)(1)(A) and the overall structure of the CAA, we think it is appropriate not to give equal weight to non-HAP co-benefits in this comparison. Congress established a rigorous system for setting standards of acceptable levels of criteria air pollutants and wrote a comprehensive framework directing the implementation of those standards in order to address the health and environmental impacts associated with those pollutants. *See, e.g.,* 42 U.S.C. 7409; 7410; 7501; 7502; 7505a; 7506; 7506a; 7507; 7509; 7509a; 7511; 7511a; 7511b; 7511c; 7511d; 7511e; 7511f; 7512; 7512a; 7513; 7513a; 7513b; 7514; and 7515. As noted above, the vast majority of estimated monetized benefits resulting from MATS are associated with reductions in $PM_{2.5}$ precursor emissions, principally NO_X and SO_2. Both NO_X and SO_2 are criteria pollutants and precursors to criteria pollutants that are already addressed by the cavalcade of statutory provisions governing levels of these pollutants, including the National Ambient Air Quality Standards (NAAQS) provisions that require the EPA to set standards for criteria pollutants requisite to protect public health with an adequate margin of safety, and by state, regional, and national rulemakings establishing control measures to meet those levels. To the extent that additional reductions of these criteria pollutants are necessary to protect public health, regulation explicitly targeted at these pollutants is best reserved for the NAAQS program, under which Congress provided the EPA ample authority to regulate.

The total cost of compliance with MATS ($7.4 to $9.6 billion annually) [10] vastly outweighs the monetized HAP benefits of the rule ($4 to $6 million annually).[11] Even with the substantial monetized PM co-benefits and the significant unquantified HAP benefits associated with MATS, the gross disparity between monetized costs and HAP benefits, which we believe to be the primary focus of the Administrator's determination in CAA section 112(n)(1)(A), is too large to support an affirmative appropriate and necessary finding. As explained in the MATS RIA, the only health benefit attributed to reducing Hg emissions that the EPA could quantify and monetize was IQ loss in children born to a subset of recreational fishers who consume fish during pregnancy.[12] The EPA also identified benefits associated with regulation of HAP from EGUs that could not be quantified. These effects include impacts of Hg on human health (including neurologic, cardiovascular, genotoxic, and immunotoxic effects), a variety of adverse health effects associated with exposure to certain non-Hg HAP (including cancer, and chronic and acute health disorders that implicate multiple organ systems such as the lungs and kidneys), and effects on wildlife and ecosystems.[13] [14]

The EPA acknowledges the importance of these benefits and the limitations on the Agency's ability to monetize HAP-specific benefits. The

[9] *See* Legal Memorandum at 25 n.28 (citing *A Legislative History of the Clean Air Act Amendments of 1990,* Vol. 5, at 8512 (CAA Amendments of 1989, at 172, *Report of the Committee on Environment and Public Works,* S.1630)).

[10] *See* Table 3–5 on page 3–14 and Table 3–16 on page 3–31 of the MATS RIA.

[11] *See* Table ES–4 on page ES–6 of the MATS RIA.

[12] U.S. EPA, 2011. *Revised Technical Support Document: National-Scale Assessment of Mercury Risk to Populations with High Consumption of Self-Caught Freshwater Fish In Support of the Appropriate and Necessary Finding for Coal- and Oil-Fired Electric Generating Units.* Office of Air Quality Planning and Standards. November. EPA–452/R–11–009. Docket ID No. EPA–HQ–OAR–2009–0234–19913.

[13] *See* Chapters 4 and 5 of the MATS RIA.

[14] In addition, the MATS RIA attributed unquantified health benefits to reductions in emissions of nitrogen dioxide (NO_2) and SO_2. However, as discussed above, these unquantified criteria pollutant co-benefits are no longer relevant given the different approach to considering such co-benefits that the EPA is now proposing to take. *See* Chapter 5 of the MATS RIA.

EPA agrees that such benefits are relevant to any comparison of the benefits and costs of a regulation. Because unquantified benefits are, by definition, not considered in monetary terms, the Administrator must evaluate the evidence of unquantified benefits and determine the extent to which they alter any conclusions based on the comparison of monetized costs and benefits. The MATS RIA accounts for all the monetized *and* unquantified benefits of the rule, and the EPA's proposed approach to the cost-benefit analysis in the RIA does not discount the existence or importance of the unquantified benefits of reducing HAP emissions.[15] Instead, after fully acknowledging the existence and importance of such benefits, the EPA proposes to conclude that substantial and important unquantified benefits of MATS are not sufficient to overcome the significant difference between the monetized benefits and costs of this rule. As noted, the unquantified HAP-related benefits of MATS involve only a limited set of mercury and other HAP-related morbidity effects in humans and ecosystems. The EPA has provided an updated comparison of costs and target pollutant benefits in a memorandum to the rulemaking docket.[16] Table 1 of the memorandum estimates that the net target HAP benefits of the rule (HAP benefits—costs) are negative. As noted elsewhere in the notice, the actual costs and benefits of the MATS rule may differ from the EPA's analysis. However, as explained in the memorandum, given that the CAA section 112(n)(1)(A) finding is a threshold analysis that Congress intended the Agency would complete prior to regulation, the EPA believes it is reasonable for purposes of this reconsideration to rely on the estimates projected prior to the rule's taking effect, *i.e.,* the estimates of costs and benefits calculated in the 2011 RIA. In addition, even assuming that actual costs and benefits differed from projections made in 2011, given the large difference between target HAP benefits and estimated costs, the outcome of the Agency's proposed finding here would likely stay the same.

For all of these reasons, and paying particular heed to the statutory text and purpose of CAA section 112(n)(1)(A) as well as the Supreme Court's direction in *Michigan,* we propose to find that it is not appropriate and necessary to regulate coal- and oil-fired EGUs under section 112 of the CAA.

D. Effects of This Proposed Replacement of the Supplemental Finding

1. Effects of This Proposed Replacement

Final action on this proposed replacement of the 2016 Supplemental Finding will reverse the Agency's conclusion under CAA section 112(n)(1)(A), first made in 2000 and later affirmed in 2012 and 2016, that it is appropriate and necessary to regulate HAP from EGUs. We propose to conclude that finalizing this replacement will not remove the Coal- and Oil-Fired EGU source category from the CAA section 112(c)(1) list, nor will finalizing this revision otherwise affect the existing CAA section 112(d) emissions standards promulgated in 2012. Under D.C. Circuit case law, the EPA's determination that a source category was listed in error does not by itself remove a source category from the CAA section 112(c)(1) list—even EGUs, notwithstanding their special treatment under CAA section 112(n). *New Jersey* v. *EPA,* 517 F.3d 574 (D.C. Cir. 2008). Instead, in order to remove a source category from the CAA section 112(c)(1) list, the EPA must determine that the CAA section 112(c)(9) statutory criteria for delisting have been met. *Id.* The EPA requests comment on its interpretation of *New Jersey* in the context of this proposed finding (Comment C–3).

In 2005, the EPA reversed the December 2000 Finding and concluded that it was neither appropriate nor necessary to regulate coal- and oil-fired EGUs under CAA section 112 and delisted such units from the CAA section 112(c) source category list. 70 FR 15994. In that rule we stated, ''EPA reasonably interprets section 112(n)(1)(A) as providing it authority to remove coal- and oil-fired units from the section 112(c) list at any time that it makes a negative appropriate and necessary finding under the section.'' 70 FR 16032 (2005 Delisting Rule). In the 2005 Delisting Rule, the EPA ''identified errors in the prior [2000] finding and determined that the finding lacked foundation.'' *Id.* at 16033. Because we found that the 2000 Finding had been in error at the time of listing, we concluded that coal- and oil-fired EGUs ''should never have been listed under section 112(c) and therefore the criteria of section 112(c)(9) do not apply'' in removing the source category from the list. *Id.* In addition, we pointed out that the inclusion of EGUs on the 112(c)(1) list was not a ''final agency action.'' *Id.* Therefore, we stated that we had ''inherent authority under the CAA to revise [the listing] at any time based on either identified errors in the December 2000 finding or on new information that bears upon that finding.'' *Id.*

The D.C. Circuit rejected the EPA's interpretations and vacated the 2005 Delisting Rule, holding that the CAA unambiguously requires the delisting criteria in CAA section 112(c)(9) to have been met before ''any'' source category can be removed from the CAA section 112(c)(1) list. *New Jersey,* 517 F.3d at 582. It specified that, under the CAA's plain text and under step one of *Chevron,* ''the *only* way the EPA could remove EGUs from the section 112(c)(1) list'' was to satisfy those criteria. *Id.* (emphasis added). The Court expressly rejected the EPA's argument that, ''[l]ogically, if EPA makes a determination under section 112(n)(1)(A) that power plants should not be regulated at all under section 112 . . . [then] this determination *ipso facto* must result in removal of power plants from the section 112(c) list.'' *Id.* (quoting the EPA's brief). Instead, the Court maintained that CAA section 112(n)(1) governed only how the Administrator determines whether to list EGUs, and that any and all attempts to remove categories from the list were under the exclusive purview of CAA section 112(c)(9). *See id.* The Court further held that the existence of CAA section 112(c)(9) limited the normal discretion an Agency would typically have to reverse its position and undo the administrative determination to list EGUs as a source category. *See Id.* at 582–83.

In this action, we propose to reverse the conclusions presented in the 2016 Supplemental Finding and to find that, after consideration of the cost of compliance with the CAA section 112(d) standards, it is not appropriate and necessary to regulate HAP emissions from EGUs under CAA section 112. Consistent with *New Jersey,* the EPA is proposing to find that this reversal of the CAA section 112(n)(1)(A) determination, if finalized, would not have the effect of removing EGUs from the CAA section 112(c)(1) source category list. Because EGUs would remain on the CAA section 112(c)(1)

[15] *Id.* The Agency is not in this proposed replacement to the 2016 Supplemental Finding reopening the prior findings and risk assessments made over the last two decades. The EPA also explained in the MATS RIA that there are significant obstacles to successfully quantifying and monetizing the public health benefits from reducing HAP emissions. These obstacles include gaps in toxicological data, uncertainties in extrapolating results from high-dose animal experiments to estimate human effects at lower doses, limited monitoring data, difficulties in tracking diseases such as cancer that have long latency periods, and insufficient economic research to support the valuation of the health impacts often associated with exposure to individual HAP.

[16] *Compliance Cost, HAP Benefits, and Ancillary Co-Pollutant Benefits for ''National Emission Standards for Hazardous Air Pollutants: Coal-and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review.''*

source category list, the CAA section 112(d) standards for that category, as promulgated in the MATS rule, would be unaffected by final action on this proposal.

2. Alternative Interpretations of Effects of This Proposed Replacement: Requests for Comment

The EPA also solicits comment on two alternative interpretations of the impact of reversing the 2016 Supplemental Finding. Specifically, the Agency solicits comment under two separate theories on whether, contrary to the interpretation discussed above, the EPA would have authority to rescind the MATS rule and delist EGUs from CAA section 112 if, acting on remand following the Supreme Court's opinion in *Michigan,* it were to finalize its proposed conclusion that it is not appropriate and necessary to regulate HAP from coal- and oil-fired EGUs (Comment C–4). The Agency also solicits comment on whether, in light of the fact that the CAA section 112(n)(1)(A) finding is a threshold determination to setting the CAA section 112(d) standards, we would be obligated to rescind the rule if we were to finalize our proposed finding that it is not appropriate and necessary to regulate HAP from these sources, even if such a finding did not remove EGUs from the list of covered sources under CAA section 112(c) (Comment C–5).

In particular, we solicit comment on whether the EPA could reasonably conclude that the D.C. Circuit's holding in *New Jersey* v. *EPA* does not limit the Agency's authority to rescind the MATS rule, under two alternative interpretations (Comment C–6). Under the first alternative interpretation, we seek comment on whether *New Jersey* is distinguishable because the facts here are sufficiently different from those considered by the Court reviewing the 2005 Delisting Rule at issue (Comment C–7). In that case, the original 2000 Finding and CAA section 112(c)(1) listing were in place, but because the EPA had not yet promulgated CAA section 112(d) standards, the finding itself was not yet reviewable. CAA section 112(e)(4); *see also UARG* v. *EPA,* No. 01–1074, 2001 U.S. App. LEXIS 18436, 2001 WL 936363 (D.C. Cir. July 26, 2001). Here, the 2012 Finding was challenged and reviewed by the Supreme Court in *Michigan* v. *EPA,* which found that the EPA's determination that it was appropriate and necessary to regulate HAP from EGUs was flawed. Because the Supreme Court found that determination to be flawed, the EPA necessarily retains the discretion to reach a different conclusion from that reached in 2012 when we promulgated MATS. This proposed reversal of the 2016 Supplemental Finding is a continuation of the Agency's response to the Supreme Court's remand, and *New Jersey* does not limit the effect of an action made in response to a Supreme Court decision finding the original action flawed, nor does it limit the Agency's ability to revise its response to a Supreme Court decision. Therefore, the EPA would have authority to rescind MATS and remove EGUs from the list of source categories regulation under CAA section 112 after finalizing this reversal of the 2016 Supplemental Finding.

Under the second alternative interpretation, the EPA seeks comment on whether, were the proposed reversal to be finalized, EGUs would remain on the CAA section 112(c) list of sources, but the EPA would have the authority to rescind the standards regulating those source's emissions under CAA section 112(d) in light of the fact that CAA section 112(n)(1)(A) plainly establishes that the Administrator must find regulation under CAA section 112 is appropriate and necessary as a prerequisite to undertaking such regulation (Comment C–8). *New Jersey* v. *EPA* held that the EPA may not remove a source category from the CAA section 112(c) list without demonstrating that the delisting analysis under CAA section 112(c)(9) has been satisfied, but the decision did not address the question whether, in the absence of a valid appropriate and necessary finding, the EPA must regulate EGUs for HAP.

Finally, although the alternative interpretations described immediately above both suggest the EPA would have the discretionary authority to rescind MATS (either with or without delisting), the EPA solicits comment on whether, under either alternative interpretation, the Agency would instead be *obligated* to rescind MATS once it finalized a reversal of the 2016 Supplemental Finding (Comment C–9).

We solicit comment on all aspects of these alternative interpretations of the impacts of replacing the 2016 Supplemental Finding and these potential alternate readings of the Court's decision in *New Jersey* (Comment C–10).

III. Criteria for Delisting a Source Category Under CAA Section 112(c)(9)

As noted above, *New Jersey* held that the EPA cannot remove a source category from the CAA section 112(c) source category list without addressing the delisting criteria in CAA section 112(c)(9). CAA section 112(c)(9)(B) provides that ''[t]he Administrator may delete any source category'' from the CAA section 112(c) source category list if the Agency determines that: (1) For HAP that may cause cancer in humans, ''no source in the category (or group of sources in the case of area sources) emits such hazardous air pollutants in quantities which may cause a lifetime risk of cancer greater than one in one million to the individual in the population who is most exposed to emissions of such pollutants from the source (or group of sources in the case of area sources)''; and (2) for HAP that may result in human health effects other than cancer or adverse environmental effects, ''a determination that emissions from no source in the category or subcategory concerned (or group of sources in the case of area sources) exceed a level which is adequate to protect public health with an ample margin of safety and no adverse environmental effect will result from emissions from any source.''

In this action, the EPA is neither conducting a delisting analysis under CAA section 112(c)(9) for the Coal- and Oil-Fired EGU source category, nor soliciting comment on whether such an analysis should be conducted, or on what any such analysis would demonstrate. Any such comments would be outside the scope of this action.

The Agency notes that the proposed results of its risk review indicate that with the MATS rule in place, the estimated inhalation cancer risk to the individual most exposed to actual emissions from the source category is 9-in-1 million. As noted above, the EPA is not proposing a delisting analysis and any such analysis would likely differ from the analysis done for the CAA section 112(f)(2) risk review in important aspects.

In addition, on two previous occasions, the EPA has examined the statutory delisting criteria with respect to EGUs and found that the criteria were not met. We summarize without adding to those findings below.

In 2011, in response to the EPA's request for comments on the proposed MATS rule, the Utility Air Regulatory Group (UARG) submitted a petition pursuant to CAA section 112(c)(9) requesting that coal-fired EGUs be removed from the CAA section 112(c) List of Categories of Major and Area Sources.[17] In its petition, UARG

[17] *Petition of the Utility Air Regulatory Group for the De-Listing of Coal-Fired Electric Utility Steam Generating Units as a Source Category Subject to Section 112 of the Clean Air Act.* Docket ID No. EPA–HQ–OAR–2009–0234–17777.

asserted that: (1) No coal-fired EGU or group of coal-fired EGUs emit HAP in amounts that will cause a lifetime cancer risk greater than 1-in-1 million; and (2) no coal-fired EGU or group of coal-fired EGUs emit non-carcinogenic HAP in amounts that will exceed a level which is adequate to protect public health with an ample margin of safety or cause adverse environmental effects. The EPA denied this petition on several grounds.[18] First, the EPA rejected UARG's request on the basis that, under D.C. Circuit precedent, the Agency is not permitted to delist a portion of a source category that poses cancer risks.[19] Second, the EPA found that UARG's data and analyses identified a maximum individual cancer risk of 4-in-1 million, which exceeds the statutory threshold in CAA section 112(c)(9)(B)(i) of 1-in-1 million. Additionally, the EPA found that UARG's analysis did not fully characterize noncancer human health effects for the source category and further, that UARG failed to show that ''no adverse environmental effects will result from emissions from any source'' pursuant to CAA section 112(c)(9)(B)(ii). For all these reasons, the EPA denied UARG's petition to delist coal-fired EGUs from the CAA section 112(c) source category list. UARG challenged the EPA's denial of its delisting petition as arbitrary and capricious, and the D.C. Circuit dismissed UARG's challenge on the basis that the EPA had adequately demonstrated that the CAA section 112(c)(9) delisting criteria were not met by UARG's analysis. *White Stallion,* 748 F.3d at 1248.

The EPA also independently conducted an analysis which also confirmed that the Coal- and Oil-Fired EGU source category cannot be delisted pursuant to CAA section 112(c)(9).[20] The EPA analyzed non-Hg inhalation risks from 16 EGU facility case studies, including both coal- and oil-fired EGUs. Of the 16 facilities analyzed, six had cancer risks greater than 1-in-1 million, exceeding the delisting criteria in CAA section 112(c)(9)(B)(i). Because EGUs failed to meet the first delisting requirement, the Agency did not need to determine whether the second delisting requirement was satisfied.

IV. Background on the RTR Action

A. What is the statutory authority for this action?

The statutory authority for this action is provided by sections 112 and 301 of the CAA, as amended (42 U.S.C. 7401 *et seq.*). Section 112 of the CAA establishes a two-stage regulatory process to develop standards for emissions of HAP from stationary sources. Generally, the first stage involves establishing technology-based standards and the second stage involves evaluating those standards that are based on MACT to determine whether additional standards are needed to address any remaining risk associated with HAP emissions. This second stage is commonly referred to as the ''residual risk review.'' In addition to the residual risk review, the CAA also requires the EPA to review standards set under CAA section 112 every 8 years to determine if there are ''developments in practices, processes, or control technologies'' that may be appropriate to incorporate into the standards. This review is commonly referred to as the ''technology review.'' When the two reviews are combined into a single rulemaking, it is commonly referred to as the ''risk and technology review.'' The discussion that follows identifies the most relevant statutory sections and briefly explains the contours of the methodology used to implement these statutory requirements. A more comprehensive discussion appears in the document titled *CAA Section 112 Risk and Technology Reviews: Statutory Authority and Methodology* in the docket for this rulemaking.

In the first stage of the CAA section 112 standard setting process, the EPA promulgates technology-based standards under CAA section 112(d) for categories of sources identified as emitting one or more of the HAP listed in CAA section 112(b). Sources of HAP emissions are either major sources or area sources, and CAA section 112 establishes different requirements for major source standards and area source standards. ''Major sources'' are those that emit or have the potential to emit 10 tpy or more of a single HAP or 25 tpy or more of any combination of HAP. All other sources are ''area sources.'' For major sources, CAA section 112(d)(2) provides that the technology-based NESHAP must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). These standards are commonly referred to as MACT standards. CAA section 112(d)(3) also establishes a minimum control level for MACT standards, known as the MACT ''floor.'' The EPA must also consider control options that are more stringent than the floor. Standards more stringent than the floor are commonly referred to as beyond-the-floor standards. In certain instances, as provided in CAA section 112(h), the EPA may set work practice standards where it is not feasible to prescribe or enforce a numerical emission standard. For area sources, CAA section 112(d)(5) gives the EPA discretion to set standards based on generally available control technologies or management practices (GACT standards) in lieu of MACT standards.

The second stage in standard-setting focuses on identifying and addressing any remaining (*i.e.,* ''residual'') risk according to CAA section 112(f). For source categories subject to MACT standards, section 112(f)(2) of the CAA requires the EPA to determine whether promulgation of additional standards is needed to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect. Section 112(d)(5) of the CAA provides that this residual risk review is not required for categories of area sources subject to GACT standards. Section 112(f)(2)(B) of the CAA further expressly preserves the EPA's use of the two-step approach for developing standards to address any residual risk and the Agency's interpretation of ''ample margin of safety'' developed in the *National Emissions Standards for Hazardous Air Pollutants: Benzene Emissions from Maleic Anhydride Plants, Ethylbenzene/Styrene Plants, Benzene Storage Vessels, Benzene Equipment Leaks, and Coke By-Product Recovery Plants* (Benzene NESHAP) (54 FR 38044, September 14, 1989). The EPA notified Congress in the Risk Report that the Agency intended to use the Benzene NESHAP approach in making CAA section 112(f) residual risk determinations (EPA–453/R–99–001, p. ES–11). The EPA subsequently adopted this approach in its residual risk determinations and the Court upheld the EPA's interpretation that CAA section 112(f)(2) incorporates the approach established in the Benzene

[18] 77 FR 9365 (February 16, 2012).

[19] UARG petitioned the Agency to delist coal-fired EGUs, which represent only a portion of the listed source category. The EPA believed it was not permitted to delist a portion of a source category, where that source category poses cancer risks. *NRDC* v. *U.S. EPA,* 489 F.3d 1364 (D.C. Cir. 2007). Specifically, in *NRDC,* the D.C. Circuit held that the Agency's attempt to delist a ''low-risk'' subcategory was ''contrary to the plain language of the statute,'' and that the statute only authorized the Agency to remove source categories pursuant to CAA section 112(c)(9). *Id.* at 1373 (''Because EPA's interpretation of Section 112(c)(9) as allowing it to exempt the risk-based subcategory is contrary to the plain language of the statute, the EPA's interpretation fails at *Chevron* step one.'').

[20] U.S. EPA, 2011. *Supplement to the Non-Hg Case Study Chronic Inhalation Risk Assessment in Support of the Appropriate and Necessary Finding for Coal- and Oil-Fired Electric Generating Units.* November. EPA–452/R–11–013. Docket ID No. EPA–HQ–OAR–2009–0234–19912.

NESHAP. *See NRDC* v. *EPA,* 529 F.3d 1077, 1083 (D.C. Cir. 2008).

The approach incorporated into the CAA and used by the EPA to evaluate residual risk and to develop standards under CAA section 112(f)(2) is a two-step approach. In the first step, the EPA determines whether risks are acceptable. This determination ''considers all health information, including risk estimation uncertainty, and includes a presumptive limit on maximum individual lifetime [cancer] risk (MIR) [21] of approximately 1 in 10 thousand.'' 54 FR 38045, September 14, 1989. If risks are unacceptable, the EPA must determine the emissions standards necessary to reduce risk to an acceptable level without considering costs. In the second step of the approach, the EPA considers whether the emissions standards provide an ample margin of safety to protect public health ''in consideration of all health information, including the number of persons at risk levels higher than approximately 1 in 1 million, as well as other relevant factors, including costs and economic impacts, technological feasibility, and other factors relevant to each particular decision.'' *Id.* The EPA must promulgate emission standards necessary to provide an ample margin of safety to protect public health. After conducting the ample margin of safety analysis, we consider whether a more stringent standard is necessary to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

CAA section 112(d)(6) separately requires the EPA to review standards promulgated under CAA section 112 and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less often than every 8 years. In conducting this review, which we call the ''technology review,'' the EPA is not required to recalculate the MACT floor. *Natural Resources Defense Council (NRDC)* v. *EPA,* 529 F.3d 1077, 1084 (D.C. Cir. 2008). *Association of Battery Recyclers, Inc.* v. *EPA,* 716 F.3d 667 (D.C. Cir. 2013). The EPA may consider cost in deciding whether to revise the standards pursuant to CAA section 112(d)(6).

B. What is this source category and how does the current NESHAP regulate its HAP emissions?

The NESHAP for the Coal- and Oil-Fired EGU source category (commonly referred to as MATS) were initially promulgated on February 16, 2012 (77 FR 9304), under title 40 part 63, subpart UUUUU. The MATS rule was amended on April 19, 2012 (77 FR 23399), to correct typographical errors and certain preamble text that was inconsistent with regulatory text; on April 24, 2013 (78 FR 24073), to update certain emission limits and monitoring and testing requirements applicable to new sources; on November 19, 2014 (79 FR 68777), to revise definitions for startup and shutdown and to finalize work practice standards and certain monitoring and testing requirements applicable during periods of startup and shutdown; and on April 6, 2016 (81 FR 20172), to correct conflicts between preamble and regulatory text and to clarify regulatory text. In addition, the electronic reporting requirements of the rule were amended on March 24, 2015 (80 FR 15510), to allow for the electronic submission of Portable Document Format (PDF) versions of certain reports until April 16, 2017, while the EPA's Emissions Collection and Monitoring Plan System (ECMPS) is revised to accept all reporting that is required by the rule, and on April 6, 2017 (82 FR 16736), and on July 2, 2018 (83 FR 30879), to extend the interim submission of PDF versions of reports through June 30, 2018, and July 1, 2020, respectively.

The MATS rule applies to coal- and oil-fired EGUs located at both major and area sources of HAP emissions. The sources subject to the MATS rule include each individual or group of coal- or oil-fired EGUs. An existing affected source is the collection of coal- or oil-fired EGUs in a subcategory within a single contiguous area and under common control. A new affected source is each coal- or oil-fired EGU for which construction or reconstruction began after May 3, 2011. As previously stated in section I of this preamble, an electric utility steam generating unit is a fossil fuel-fired combustion unit of more than 25 megawatts (MW) that serves a generator that produces electricity for sale. A unit that cogenerates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 MW electric output to any utility power distribution system for sale is also considered an electric utility steam generating unit. The MATS rule defines additional terms for determining rule applicability, including, but not limited to, definitions for ''Coal-fired electric utility steam generating unit,'' ''Oil-fired electric utility steam generating unit,'' and ''Fossil fuel-fired.'' Certain types of electric generating units are not subject to 40 CFR part 63, subpart UUUUU: Any unit designated as a major source stationary combustion turbine subject to subpart YYYY of part 63 and any unit designated as an area source stationary combustion turbine, other than an integrated gasification combined cycle (IGCC) unit; any EGU that is not a coal- or oil-fired EGU and that meets the definition of a natural gas-fired EGU in 40 CFR 63.10042; any EGU greater than 25 MW that has the capability of combusting either coal or oil, but does not meet the definition of a coal- or oil-fired EGU because it did not fire sufficient coal or oil to satisfy the average annual heat input requirement set forth in the definitions for coal-fired and oil-fired EGUs in 40 CFR 63.10042; and any electric steam generating unit combusting solid waste (*i.e.,* a solid waste incineration unit) subject to standards established under sections 129 and 111 of the CAA.

For coal-fired EGUs, the rule established standards to limit emissions of Hg, acid gas HAP, non-Hg HAP metals (*e.g.,* nickel, lead, chromium), and organic HAP (*e.g.,* formaldehyde, dioxin/furan). Standards for hydrochloric acid (HCl) serve as a surrogate for the acid gas HAP, with an alternate standard for SO_2 that may be used as a surrogate for acid gas HAP for those coal-fired EGUs with flue gas desulfurization (FGD) systems and SO_2 continuous emissions monitoring systems (CEMS) installed and operational. Standards for filterable particulate matter (fPM) serve as a surrogate for the non-Hg HAP metals, with standards for total non-Hg HAP metals and individual non-Hg HAP metals provided as alternative equivalent standards. Work practice standards limit formation and emission of the organic HAP.

For oil-fired EGUs, the rule establishes standards to limit emissions of HCl and hydrogen fluoride (HF), total HAP metals (*e.g.,* Hg, nickel, lead), and organic HAP (*e.g.,* formaldehyde, dioxin/furan). Standards for fPM serve as a surrogate for total HAP metals, with standards for total HAP metals and individual HAP metals provided as alternative equivalent standards. Work practice standards limit formation and emission of the organic HAP.

The MATS rule includes standards for existing and new EGUs for seven subcategories: Two for coal-fired EGUs, one for IGCC EGUs, one for solid oil-derived fuel-fired EGUs, and three for liquid oil-fired EGUs. EGUs in six of the subcategories are subject to numeric emission limits for the pollutants

[21] Although defined as ''maximum individual risk,'' MIR refers only to cancer risk. MIR, one metric for assessing cancer risk, is the estimated risk if an individual were exposed to the maximum level of a pollutant for a lifetime.

described above except for organic HAP. Organic HAP are regulated by a work practice standard that requires periodic combustion process tune-ups. EGUs in the subcategory of limited-use liquid oil-fired EGUs with an annual capacity factor of less than 8 percent of its maximum or nameplate heat input are also subject to a work practice standard consisting of periodic combustion process tune-ups, but are not subject to any numeric emission limits. Emission limits for existing EGUs and new or reconstructed EGUs are summarized in Table 2 and Table 3, respectively.

TABLE 2—EMISSION LIMITS FOR EXISTING AFFECTED EGUS

Subcategory	Pollutant	Emission limit [1]
1. Coal-fired unit not low rank virgin coal	a. fPM	3.0E–2 lb/MMBtu or 3.0E–1 lb/MWh.
	OR	OR
	Total non-Hg HAP metals	5.0E–5 lb/MMBtu or 5.0E–1 lb/GWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	8.0E–1 lb/TBtu or 8.0E–3 lb/GWh.
	Arsenic, As	1.1 lb/TBtu or 2.0E–2 lb/GWh.
	Beryllium, Be	2.0E–1 lb/TBtu or 2.0E–3 lb/GWh.
	Cadmium, Cd	3.0E–1 lb/TBtu or 3.0E–3 lb/GWh.
	Chromium, Cr	2.8 lb/TBtu or 3.0E–2 lb/GWh.
	Cobalt, Co	8.0E–1 lb/TBtu or 8.0E–3 lb/GWh.
	Lead, Pb	1.2 lb/TBtu or 2.0E–2 lb/GWh.
	Manganese, Mn	4.0 lb/TBtu or 5.0E–2 lb/GWh.
	Nickel, Ni	3.5 lb/TBtu or 4.0E–2 lb/GWh.
	Selenium, Se	5.0 lb/TBtu or 6.0E–2 lb/GWh.
	b. HCl	2.0E–3 lb/MMBtu or 2.0E–2 lb/MWh.
	OR	OR
	SO_2 [2]	2.0E–1 lb/MMBtu or 1.5 lb/MWh.
	c. Hg	1.2 lb/TBtu or 1.3E–2 lb/GWh.
2. Coal-fired unit low rank virgin coal	a. fPM	3.0E–2 lb/MMBtu or 3.0E–1 lb/MWh.
	OR	OR
	Total non-Hg HAP metals	5.0E–5 lb/MMBtu or 5.0E–1 lb/GWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	8.0E–1 lb/TBtu or 8.0E–3 lb/GWh.
	Arsenic, As	1.1 lb/TBtu or 2.0E–2 lb/GWh.
	Beryllium, Be	2.0E–1 lb/TBtu or 2.0E–3 lb/GWh.
	Cadmium, Cd	3.0E–1 lb/TBtu or 3.0E–3 lb/GWh.
	Chromium, Cr	2.8 lb/TBtu or 3.0E–2 lb/GWh.
	Cobalt, Co	8.0E–1 lb/TBtu or 8.0E–3 lb/GWh.
	Lead, Pb	1.2 lb/TBtu or 2.0E–2 lb/GWh.
	Manganese, Mn	4.0 lb/TBtu or 5.0E–2 lb/GWh.
	Nickel, Ni	3.5 lb/TBtu or 4.0E–2 lb/GWh.
	Selenium, Se	5.0 lb/TBtu or 6.0E–2 lb/GWh.
	b. HCl	2.0E–3 lb/MMBtu or 2.0E–2 lb/MWh.
	OR	OR
	SO_2 [2]	2.0E–1 lb/MMBtu or 1.5 lb/MWh.
	c. Hg	4.0 lb/TBtu or 4.0E–2 lb/GWh.
3. IGCC unit	a. fPM	4.0E–2 lb/MMBtu or 4.0E–1 lb/MWh.
	OR	OR
	Total non-Hg HAP metals	6.0E–5 lb/MMBtu or 5.0E–1 lb/GWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	1.4 lb/TBtu or 2.0E–2 lb/GWh.
	Arsenic, As	1.5 lb/TBtu or 2.0E–2 lb/GWh.
	Beryllium, Be	1.0E–1 lb/TBtu or 1.0E–3 lb/GWh.
	Cadmium, Cd	1.5E–1 lb/TBtu or 2.0E–3 lb/GWh.
	Chromium, Cr	2.9 lb/TBtu or 3.0E–2 lb/GWh.
	Cobalt, Co	1.2 lb/TBtu or 2.0E–2 lb/GWh.
	Lead, Pb	1.9E+2 lb/MMBtu or 1.8 lb/MWh.
	Manganese, Mn	2.5 lb/TBtu or 3.0E–2 lb/GWh.
	Nickel, Ni	6.5 lb/TBtu or 7.0E–2 lb/GWh.
	Selenium, Se	2.2E+1 lb/TBtu or 3.0E–1 lb/GWh.
	b. HCl	5.0E–4 lb/MMBtu or 5.0E–3 lb/MWh.
	c. Hg	2.5 lb/TBtu or 3.0E–2 lb/GWh.
4. Liquid oil-fired unit—continental (excluding limited-use liquid oil-fired subcategory units).	a. fPM	3.0E–2 lb/MMBtu or 3.0E–1 lb/MWh.
	OR	OR
	Total HAP metals	8.0E–4 lb/MMBtu or 8.0E–3 lb/MWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	1.3E+1 lb/TBtu or 2.0E–1 lb/GWh.
	Arsenic, As	2.8 lb/TBtu or 3.0E–2 lb/GWh.
	Beryllium, Be	2.0E–1 lb/TBtu or 2.0E–3 lb/GWh.
	Cadmium, Cd	3.0E–1 lb/TBtu or 2.0E–3 lb/GWh.
	Chromium, Cr	5.5 lb/TBtu or 6.0E–2 lb/GWh.

TABLE 2—EMISSION LIMITS FOR EXISTING AFFECTED EGUS—Continued

Subcategory	Pollutant	Emission limit [1]
	Cobalt, Co	2.1E+1 lb/TBtu or 3.0E–1 lb/GWh.
	Lead, Pb	8.1 lb/TBtu or 8.0E–2 lb/GWh.
	Manganese, Mn	2.2E+1 lb/TBtu or 3.0E–1 lb/GWh.
	Nickel, Ni	1.1E+2 lb/TBtu or 1.1 lb/GWh.
	Selenium, Se	3.3 lb/TBtu or 4.0E–2 lb/GWh.
	Hg	2.0E–1 lb/TBtu or 2.0E–3 lb/GWh.
	b. HCl	2.0E–3 lb/MMBtu or 1.0E–2 lb/MWh.
	c. HF	4.0E–4 lb/MMBtu or 4.0E–3 lb/MWh.
5. Liquid oil-fired unit—non-continental (excluding limited-use liquid oil-fired subcategory units).	a. fPM	3.0E–2 lb/MMBtu or 3.0E–1 lb/MWh.
	OR	OR
	Total HAP metals	6.0E–4 lb/MMBtu or 7.0E–3 lb/MWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	2.2 lb/TBtu or 2.0E–2 lb/GWh.
	Arsenic, As	4.3 lb/TBtu or 8.0E–2 lb/GWh.
	Beryllium, Be	6.0E–1 lb/TBtu or 3.0E–3 lb/GWh.
	Cadmium, Cd	3.0E–1 lb/TBtu or 3.0E–3 lb/GWh.
	Chromium, Cr	3.1E+1 lb/TBtu or 3.0E–1 lb/GWh.
	Cobalt, Co	1.1E+2 lb/TBtu or 1.4 lb/GWh.
	Lead, Pb	4.9 lb/TBtu or 8.0E–2 lb/GWh.
	Manganese, Mn	2.0E+1 lb/TBtu or 3.0E–1 lb/GWh.
	Nickel, Ni	4.7E+2 lb/TBtu or 4.1 lb/GWh.
	Selenium, Se	9.8 lb/TBtu or 2.0E–1 lb/GWh.
	Hg	4.0E–2 lb/TBtu or 4.0E–4 lb/GWh.
	b. HCl	2.0E–4 lb/MMBtu or 2.0E–3 lb/MWh.
	c. HF	6.0E–5 lb/MMBtu or 5.0E–4 lb/MWh.
6. Solid oil-derived fuel-fired unit	a. fPM	8.0E–3 lb/MMBtu or 9.0E–2 lb/MWh.
	OR	OR
	Total non-Hg HAP metals	4.0E–5 lb/MMBtu or 6.0E–1 lb/GWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	8.0E–1 lb/TBtu or 7.0E–3 lb/GWh.
	Arsenic, As	3.0E–1 lb/TBtu or 5.0E–3 lb/GWh.
	Beryllium, Be	6.0E–2 lb/TBtu or 5.0E–4 lb/GWh.
	Cadmium, Cd	3.0E–1 lb/TBtu or 4.0E–3 lb/GWh.
	Chromium, Cr	8.0E–1 lb/TBtu or 2.0E–2 lb/GWh.
	Cobalt, Co	1.1 lb/TBtu or 2.0E–2 lb/GWh.
	Lead, Pb	8.0E–1 lb/TBtu or 2.0E–2 lb/GWh.
	Manganese, Mn	2.3 lb/TBtu or 4.0E–2 lb/GWh.
	Nickel, Ni	9.0 lb/TBtu or 2.0E–1 lb/GWh.
	Selenium, Se	1.2 lb/Tbtu 2.0E–2 lb/GWh.
	b. HCl	5.0E–3 lb/MMBtu or 8.0E–2 lb/MWh.
	OR	OR
	SO_2 [2]	3.0E–1 lb/MMBtu or 2.0 lb/MWh.
	c. Hg	2.0E–1 lb/TBtu or 2.0E–3 lb/GWh.

[1] Units of emission limits:
lb/MMBtu = pounds pollutant per million British thermal units fuel input;
lb/TBtu = pounds pollutant per trillion British thermal units fuel input;
lb/MWh = pounds pollutant per megawatt-hour electric output (gross); and
lb/GWh = pounds pollutant per gigawatt-hour electric output (gross).
[2] Alternate SO_2 limit may be used if the EGU has some form of FGD system and SO_2 CEMS installed.

TABLE 3—EMISSION LIMITS FOR NEW OR RECONSTRUCTED AFFECTED EGUS

Subcategory	Pollutant	Emission limit [1]
1. Coal-fired unit not low rank virgin coal	a. fPM	9.0E–2 lb/MWh.
	OR	OR
	Total non-Hg HAP metals	6.0E–2 lb/GWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	8.0E–3 lb/GWh.
	Arsenic, As	3.0E–3 lb/GWh.
	Beryllium, Be	6.0E–4 lb/GWh.
	Cadmium, Cd	4.0E–4 lb/GWh.
	Chromium, Cr	7.0E–3 lb/GWh.
	Cobalt, Co	2.0E–3 lb/GWh.
	Lead, Pb	2.0E–2 lb/GWh.
	Manganese, Mn	4.0E–3 lb/GWh.
	Nickel, Ni	4.0E–2 lb/GWh.

TABLE 3—EMISSION LIMITS FOR NEW OR RECONSTRUCTED AFFECTED EGUS—Continued

Subcategory	Pollutant	Emission limit [1]
	Selenium, Se	5.0E–2 lb/GWh.
	b. HCl	1.0E–2 lb/MWh.
	OR	OR
	SO_2 [2]	1.0 lb/MWh.
	c. Hg	3.0E–3 lb/GWh.
2. Coal-fired units low rank virgin coal	a. fPM	9.0E–2 lb/MWh.
	OR	OR
	Total non-Hg HAP metals	6.0E–2 lb/GWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	8.0E–3 lb/GWh.
	Arsenic, As	3.0E–3 lb/GWh.
	Beryllium, Be	6.0E–4 lb/GWh.
	Cadmium, Cd	4.0E–4 lb/GWh.
	Chromium, Cr	7.0E–3 lb/GWh.
	Cobalt, Co	2.0E–3 lb/GWh.
	Lead, Pb	2.0E–2 lb/GWh.
	Manganese, Mn	4.0E–3 lb/GWh.
	Nickel, Ni	4.0E–2 lb/GWh.
	Selenium, Se	5.0E–2 lb/GWh.
	b. HCl	1.0E–2 lb/MWh.
	OR	OR
	SO_2 [2]	1.0 lb/MWh.
	c. Hg	4.0E–2 lb/GWh.
3. IGCC unit	a. fPM	7.0E–2 lb/MWh.[3]
		9.0E–2 lb/MWh.[4]
	OR	OR
	Total non-Hg HAP metals	4.0E–1 lb/GWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	2.0E–2 lb/GWh.
	Arsenic, As	2.0E–2 lb/GWh.
	Beryllium, Be	1.0E–3 lb/GWh.
	Cadmium, Cd	2.0E–3 lb/GWh.
	Chromium, Cr	4.0E–2 lb/GWh.
	Cobalt, Co	4.0E–3 lb/GWh.
	Lead, Pb	9.0E–3 lb/GWh.
	Manganese, Mn	2.0E–2 lb/GWh.
	Nickel, Ni	7.0E–2 lb/GWh.
	Selenium, Se	3.0E–1 lb/GWh.
	b. HCl	2.0E–3 lb/MWh.
	OR	OR
	SO_2 [2]	4.0E–1 lb/MWh.
	c. Hg	3.0E–3 lb/GWh.
4. Liquid oil-fired unit—continental (excluding limited-use liquid oil-fired subcategory units).	a. fPM	3.0E–1 lb/MWh.
	OR	OR
	Total HAP metals	2.0E–4 lb/MWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	1.0E–2 lb/GWh.
	Arsenic, As	3.0E–3 lb/GWh.
	Beryllium, Be	5.0E–4 lb/GWh.
	Cadmium, Cd	2.0E–4 lb/GWh.
	Chromium, Cr	2.0E–2 lb/GWh.
	Cobalt, Co	3.0E–2 lb/GWh.
	Lead, Pb	8.0E–3 lb/GWh.
	Manganese, Mn	2.0E–2 lb/GWh.
	Nickel, Ni	9.0E–2 lb/GWh.
	Selenium, Se	2.0E–2 lb/GWh.
	Hg	1.0E–4 lb/GWh.
	b. HCl	4.0E–4 lb/MWh.
	c. HF	4.0E–4 lb/MWh.
5. Liquid oil-fired unit—non-continental (excluding limited-use liquid oil-fired subcategory units).	a. fPM	2.0E–1 lb/MWh.
	OR	OR
	Total HAP metals	7.0E–3 lb/MWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	8.0E–3 lb/GWh.
	Arsenic, As	6.0E–2 lb/GWh.

TABLE 3—EMISSION LIMITS FOR NEW OR RECONSTRUCTED AFFECTED EGUS—Continued

Subcategory	Pollutant	Emission limit [1]
	Beryllium, Be	2.0E–3 lb/GWh.
	Cadmium, Cd	2.0E–3 lb/GWh.
	Chromium, Cr	2.0E–2 lb/GWh.
	Cobalt, Co	3.0E–1 lb/GWh.
	Lead, Pb	3.0E–2 lb/GWh.
	Manganese, Mn	1.0E–1 lb/GWh.
	Nickel, Ni	4.1 lb/GWh.
	Selenium, Se	2.0E–2 lb/GWh.
	Hg	4.0E–4 lb/GWh.
	b. HCl	2.0E–3 lb/MWh.
	c. HF	5.0E–4 lb/MWh.
6. Solid oil-derived fuel-fired unit	a. fPM	3.0E–2 lb/MWh.
	OR	OR
	Total non-Hg HAP metals	6.0E–1 lb/GWh.
	OR	OR
	Individual HAP metals:	
	Antimony, Sb	8.0E–3 lb/GWh.
	Arsenic, As	3.0E–3 lb/GWh.
	Beryllium, Be	6.0E–4 lb/GWh.
	Cadmium, Cd	7.0E–4 lb/GWh.
	Chromium, Cr	6.0E–3 lb/GWh.
	Cobalt, Co	2.0E–3 lb/GWh.
	Lead, Pb	2.0E–2 lb/GWh.
	Manganese, Mn	7.0E–3 lb/GWh.
	Nickel, Ni	4.0E–2 lb/GWh.
	Selenium, Se	6.0E–3 lb/GWh.
	b. HCl	4.0E–4 lb/MWh.
	OR	OR
	SO_2 [2]	1.0 lb/MWh.
	c. Hg	2.0E–3 lb/GWh.

[1] Units of emission limits:
lb/MWh = pounds pollutant per megawatt-hour electric output (gross); and
lb/GWh = pounds pollutant per gigawatt-hour electric output (gross).
[2] Alternate SO_2 limit may be used if the EGU has some form of FGD system (or, in the case of IGCC EGUs, some other acid gas removal system either upstream or downstream of the combined cycle block) and SO_2 CEMS installed.
[3] Duct burners on syngas; gross output.
[4] Duct burners on natural gas; gross output.

C. What data collection activities were conducted to support this action?

The EPA did not issue a new information collection request (ICR) to affected coal- and oil-fired EGUs to obtain the data used to support this action, but did use some information from the 2010 ICR which collected data during development of the MATS rule. The data and data sources used to conduct the residual risk assessment and technology review for the Coal- and Oil-Fired EGU source category are described below in section IV.D of this preamble.

D. What other relevant background information and data are available?

The EPA used multiple sources of information to support this proposed action. A comprehensive list of facilities and EGUs that are subject to the MATS rule was compiled primarily using publicly available information reported to the EPA and information contained in the Agency's National Electric Energy Data System (NEEDS) database.[22] Affected sources are required to use the 40 CFR part 75-based ECMPS [23] for reporting emissions and related data either directly for EGUs that use Hg, HCl, HF, or SO_2 CEMS or Hg sorbent traps for compliance purposes or indirectly as PDF files for EGUs that use performance test results, PM continuous parameter monitoring system (CPMS) data, or PM CEMS for compliance purposes. Directly submitted data are maintained in ECMPS; indirectly submitted data are maintained in WebFIRE.[24] The NEEDS database contains generation unit information used in the Agency's power sector modeling. Other sources used to refine the facility list included an EPA technical support document that contained a list of potentially affected EGUs in U.S. territories,[25] the U.S. Department of Energy's Energy Information Administration's (EIA's) list of existing generators that reported for 2016 under Form EIA–860,[26] and the list of coal-fired EGUs included in a June 2018 Electric Power Research Institute (EPRI) technical report that summarizes EPRI's evaluation of HAP emissions and their associated inhalation health risks from coal-fired power plants after implementation of MATS.[27] As of early 2018, we estimate

[22] *See https://www.epa.gov/airmarkets/power-sector-modeling-platform-v515.*

[23] *See https://ampd.epa.gov/ampd/.*

[24] *See https://cfpub.epa.gov/webfire; https://www.epa.gov/electronic-reporting-air-emissions/webfire.*

[25] U.S. EPA, October 2014. *Technical Support Document for Calculating Carbon Pollution Goals for Existing Power Plants in Territories and Areas of Indian Country.* Available at *https://archive.epa.gov/epa/sites/production/files/2014-10/documents/20141028tsd-supplemental-proposal.pdf.*

[26] *See https://www.eia.gov/electricity/data/eia860/.*

[27] EPRI. June 8, 2018. *Hazardous Air Pollutants (HAPs) Emission Estimates and Inhalation Human Health Risk Assessment for U.S. Coal-Fired Electric Generating Units: 2017 Base Year Post-MATS Evaluation.* Available at *https://www.epri.com/#/pages/product/3002013577/?lang=en. Note:* There is a companion June 22, 2018 EPRI technical report, *Multi-Pathway Human Health Risk Assessment for Coal-Fired Power Plants,* that describes EPRI's

Continued

that there are 713 existing coal- and oil-fired EGUs located at 323 facilities that are subject to 40 CFR part 63, subpart UUUUU.

In developing the RTR emissions dataset for the risk review, the primary sources used to estimate annual HAP emissions were the emissions data as reported to the ECMPS and WebFIRE databases by facilities with affected EGUs. Emissions release point parameters and locations for each EGU were primarily based on information reported to the ECMPS and generator-level specific information about existing generators and their associated environmental equipment that is collected by the EIA under Form EIA–860. The EPA sources of information that were used to supplement the ECMPS, WebFIRE, and EIA data include emissions information collected through the 2010 ICR during development of the MATS rule and the 2014 National Emissions Inventory (NEI) database. The NEI is a database that contains information about sources that emit criteria air pollutants, their precursors, and HAP. The database includes estimates of annual air pollutant emissions from point, nonpoint, and mobile sources in the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. The EPA collects this information and releases an updated version of the NEI database every 3 years. The NEI includes information necessary for conducting risk modeling, including annual HAP emissions estimates from individual emission points at facilities and the related emissions release parameters. The June 2018 EPRI technical report was also used as a source of supplemental information.

In conducting the technology review, the EPA examined information submitted to the EPA's ECMPS as well as information that supports previous 40 CFR part 63, subpart UUUUU actions to identify technologies currently being used by affected EGUs and determine if there have been developments in practices, processes, or control technologies. In addition to the ECMPS data, we reviewed regulatory actions for similar combustion sources and conducted a review of literature published by industry organizations, technical journals, and government organizations.

multi-pathway human health assessment of HAP emissions from five coal-fired electric facilities based on 2017 configurations (available at *https://www.epri.com/#/pages/product/3002013523/?lang=en*).

V. RTR Analytical Procedures and Decision-Making

In this section, we describe the analyses performed to support the proposed decisions for the RTR and other issues addressed in this proposal.

A. How do we consider risk in our decision-making?

As discussed in section IV.A of this preamble and in the Benzene NESHAP, in evaluating and developing standards under CAA section 112(f)(2), we apply a two-step approach to determine whether or not risks are acceptable and to determine if the standards provide an ample margin of safety to protect public health. As explained in the Benzene NESHAP, ''the first step judgment on acceptability cannot be reduced to any single factor'' and, thus, ''[t]he Administrator believes that the acceptability of risk under section 112 is best judged on the basis of a broad set of health risk measures and information.'' 54 FR 38046, September 14, 1989. Similarly, with regard to the ample margin of safety determination, ''the Agency again considers all of the health risk and other health information considered in the first step. Beyond that information, additional factors relating to the appropriate level of control will also be considered, including cost and economic impacts of controls, technological feasibility, uncertainties, and any other relevant factors.'' *Id.*

The Benzene NESHAP approach provides flexibility regarding factors the EPA may consider in making determinations and how the EPA may weigh those factors for each source category. The EPA conducts a risk assessment that provides estimates of the MIR posed by the HAP emissions from each source in the source category, the hazard index (HI) for chronic exposures to HAP with the potential to cause noncancer health effects, and the hazard quotient (HQ) for acute exposures to HAP with the potential to cause noncancer health effects.[28] The assessment also provides estimates of the distribution of cancer risk within the exposed populations, cancer incidence, and an evaluation of the potential for an adverse environmental effect. The scope of the EPA's risk analysis is consistent with the EPA's response to comments on our policy under the Benzene NESHAP where the EPA explained that:

> [t]he policy chosen by the Administrator permits consideration of multiple measures of health risk. Not only can the MIR figure be considered, but also incidence, the presence of non-cancer health effects, and the uncertainties of the risk estimates. In this way, the effect on the most exposed individuals can be reviewed as well as the impact on the general public. These factors can then be weighed in each individual case. This approach complies with the *Vinyl Chloride* mandate that the Administrator ascertain an acceptable level of risk to the public by employing his expertise to assess available data. It also complies with the Congressional intent behind the CAA, which did not exclude the use of any particular measure of public health risk from the the EPA's consideration with respect to CAA section 112 regulations, and thereby implicitly permits consideration of any and all measures of health risk which the Administrator, in his judgment, believes are appropriate to determining what will 'protect the public health'.

See 54 FR 38057, September 14, 1989. Thus, the level of the MIR is only one factor to be weighed in determining acceptability of risk. The Benzene NESHAP explained that ''an MIR of approximately one in 10 thousand should ordinarily be the upper end of the range of acceptability. As risks increase above this benchmark, they become presumptively less acceptable under CAA section 112, and would be weighed with the other health risk measures and information in making an overall judgment on acceptability. Or, the Agency may find, in a particular case, that a risk that includes an MIR less than the presumptively acceptable level is unacceptable in the light of other health risk factors.'' *Id.* at 38045. Similarly, with regard to the ample margin of safety analysis, the EPA stated in the Benzene NESHAP that: ''EPA believes the relative weight of the many factors that can be considered in selecting an ample margin of safety can only be determined for each specific source category. This occurs mainly because technological and economic factors (along with the health-related factors) vary from source category to source category.'' *Id.* at 38061. We also consider the uncertainties associated with the various risk analyses, as discussed earlier in this preamble, in our determinations of acceptability and ample margin of safety.

The EPA notes that it has not considered certain health information to date in making residual risk determinations. At this time, we do not attempt to quantify the HAP risk that may be associated with emissions from other facilities that do not include the

[28] The MIR is defined as the cancer risk associated with a lifetime of exposure at the highest concentration of HAP where people are likely to live. The HQ is the ratio of the potential exposure to the HAP to the level at or below which no adverse chronic noncancer effects are expected; the HI is the sum of HQs for HAP that affect the same target organ or organ system.

source category under review, mobile source emissions, natural source emissions, persistent environmental pollution, or atmospheric transformation in the vicinity of the sources in the category.

The EPA understands the potential importance of considering an individual's total exposure to HAP in addition to considering exposure to HAP emissions from the source category and facility. We recognize that such consideration may be particularly important when assessing noncancer risk, where pollutant-specific exposure health reference levels (*e.g.,* reference concentrations (RfCs)) are based on the assumption that thresholds exist for adverse health effects. For example, the EPA recognizes that, although exposures attributable to emissions from a source category or facility alone may not indicate the potential for increased risk of adverse noncancer health effects in a population, the exposures resulting from emissions from the facility in combination with emissions from all of the other sources (*e.g.,* other facilities) to which an individual is exposed may be sufficient to result in an increased risk of adverse noncancer health effects. In May 2010, the Science Advisory Board (SAB) advised the EPA ''that RTR assessments will be most useful to decision makers and communities if results are presented in the broader context of aggregate and cumulative risks, including background concentrations and contributions from other sources in the area.'' [29]

In response to the SAB recommendations, the EPA incorporates cumulative risk analyses into its RTR risk assessments, including those reflected in this proposal. The Agency (1) conducts facility-wide assessments, which include source category emission points, as well as other emission points within the facilities; (2) combines exposures from multiple sources in the same category that could affect the same individuals; and (3) for some persistent and bioaccumulative pollutants, analyzes the ingestion route of exposure. In addition, the RTR risk assessments consider aggregate cancer risk from all carcinogens and aggregated noncancer HQs for all noncarcinogens affecting the same target organ or target organ system.

Although we are interested in placing source category and facility-wide HAP risk in the context of total HAP risk from all sources combined in the vicinity of each source, we are concerned about the uncertainties of doing so. Estimates of total HAP risk from emission sources other than those that we have studied in depth during this RTR review would have significantly greater associated uncertainties than the source category or facility-wide estimates. Such aggregate or cumulative assessments would compound those uncertainties, making the assessments too unreliable.

B. How do we perform the technology review?

Our technology review focuses on the identification and evaluation of developments in practices, processes, and control technologies that have occurred since the MACT standards were promulgated. Where we identify such developments, we analyze their technical feasibility, estimated costs, energy implications, and non-air environmental impacts. We also consider the emission reductions associated with applying each development. This analysis informs our decision of whether it is ''necessary'' to revise the emissions standards. In addition, we consider the appropriateness of applying controls to new sources versus retrofitting existing sources. For this exercise, we consider any of the following to be a ''development'':

- Any add-on control technology or other equipment that was not identified and considered during development of the original MACT standards;
- Any improvements in add-on control technology or other equipment (that were identified and considered during development of the original MACT standards) that could result in additional emissions reduction;
- Any work practice or operational procedure that was not identified or considered during development of the original MACT standards;
- Any process change or pollution prevention alternative that could be broadly applied to the industry and that was not identified or considered during development of the original MACT standards; and
- Any significant changes in the cost (including cost effectiveness) of applying controls (including controls the EPA considered during the development of the original MACT standards).

In addition to reviewing the practices, processes, and control technologies that were considered at the time we originally developed (or last updated) the NESHAP, we review a variety of data sources in our investigation of potential practices, processes, or controls to consider. *See* sections IV.C and IV. D of this preamble for information on the specific data sources that were reviewed as part of the technology review.

C. How do we estimate post-MACT risk posed by the source category?

In this section, we provide a complete description of the types of analyses that we generally perform during the risk assessment process. In some cases, we do not perform a specific analysis because it is not relevant. For example, in the absence of emissions of HAP known to be persistent and bioaccumulative in the environment (PB–HAP), we would not perform a multipathway exposure assessment. Where we do not perform an analysis, we state that we do not and provide the reason. While we present all of our risk assessment methods, we only present risk assessment results for the analyses actually conducted (*see* section VI.B of this preamble).

The EPA conducts a risk assessment that provides estimates of the MIR for cancer posed by the HAP emissions from each source in the source category, the HI for chronic exposures to HAP with the potential to cause noncancer health effects, and the HQ for acute exposures to HAP with the potential to cause noncancer health effects. The assessment also provides estimates of the distribution of cancer risk within the exposed populations, cancer incidence, and an evaluation of the potential for an adverse environmental effect. The seven sections that follow this paragraph describe how we estimated emissions and conducted the risk assessment. The docket for this rulemaking contains the following document which provides more information on the risk assessment inputs and models: *Residual Risk Assessment for the Coal- and Oil-Fired EGU Source Category in Support of the 2019 Risk and Technology Review Proposed Rule* (risk document). The methods used to assess risk (as described in the seven primary steps below) are consistent with those described by the EPA in the document reviewed by a panel of the EPA's SAB in 2009;[30] and described in the SAB review report issued in 2010. They are also consistent with the key recommendations contained in that report.

[29] Recommendations of the SAB RTR Panel are provided in their report, which is available at *https://yosemite.epa.gov/sab/sabproduct.nsf/4AB3966E263D943A8525771F00668381/$File/EPA-SAB-10-007-unsigned.pdf.*

[30] U.S. EPA. June 2009. *Risk and Technology Review (RTR) Risk Assessment Methodologies: For Review by the EPA's Science Advisory Board with Case Studies—MACT I Petroleum Refining Sources and Portland Cement Manufacturing* (EPA–452/R–09–006). Available at *https://www3.epa.gov/airtoxics/rrisk/rtrpg.html.*

1. How did we estimate actual emissions and identify the emissions release characteristics?

Data for existing EGUs were used to create the RTR emissions dataset for the risk review as described in section IV.D of this preamble. The RTR emissions dataset includes information for 608 emission release points (*i.e.,* stacks). Because in some cases multiple EGUs are routed to a single stack or a single EGU is routed to two stacks, the number of stacks is not the same as the number of EGUs. The MATS rule regulates emissions of HAP in four pollutant categories: Hg, non-Hg metals, acid gases, and organics. As described in section IV.B of this preamble, EGUs in six subcategories are subject to numeric emission limits for specific HAP, or surrogates for those HAP, in the three pollutant categories of Hg, non-Hg metals, and acid gases. EGUs are not required to meet numeric emission limits for organic HAP or to test and report organic HAP emissions. During the 2010 ICR effort of the original MATS rulemaking process, most of the organic HAP emissions data for EGUs were at or below the detection levels of the prescribed test methods, even when long duration test runs (*i.e.,* approximately 8 hours) were required. In developing the RTR emissions dataset, the EPA reviewed the available organic HAP test results from the 2010 ICR. For each organic HAP tested, if 40 percent or more of the available test data were above test method detection limits, emissions estimates for that HAP were included in the modeling file. Emissions of the following HAP in each of the four pollutant categories were estimated for each emission release point and included in the RTR emissions dataset:

- Hg: elemental gaseous Hg, gaseous divalent Hg, particulate divalent Hg;
- Non-Hg metals: antimony, arsenic, beryllium, cadmium, hexavalent chromium, trivalent chromium, cobalt, lead, manganese, nickel, selenium;
- Acid gases: HCl, HF; and
- Organics: formaldehyde, naphthalene, 2-methylnaphthalene, phenanthrene, two dioxin congeners, three furan congeners, and seven polychlorinated biphenyls congeners.

As explained in section IV.D of this preamble, emissions estimates for the RTR emissions dataset were based primarily on data submitted via the EPA's ECMPS by facilities with affected EGUs. Calendar year 2017 data were used where available because all affected EGUs subject to numeric emission limits would be required to submit compliance data by then. Where calendar year 2017 data were not available, the most recent data available were used. CEMS emissions data for Hg, HCl, and SO_2 reported to the EPA's ECMPS were available as 2017 actual annual values (*i.e.,* pounds per year or tpy).

Some emissions data for Hg, non-Hg HAP metals, HCl, and fPM was submitted to the EPA's ECMPS, but maintained in the WebFIRE database. For those sources, the EPA extracted data associated with operations in summer 2017, when EGUs would be expected to operate more frequently given increased demand for electricity, and used those summertime emissions to estimate annual emissions of the pollutants of interest. Specifically, test averages from third quarter performance stack tests (*i.e.,* conducted between July and September 2017) for any pollutant and 30-day rolling average values as of June 30, 2017, for PM CEMS and PM CPMS were extracted and then converted from pounds of pollutant per million British thermal units or trillion British thermal units (lb/MMBtu or lb/TBtu) or pounds of pollutant per megawatt-hour or gigawatt-hour (lb/MWh or lb/GWh) to actual annual emissions using 2017 total heat input (MMBtu) or total gross load (MWh) values, as appropriate. When ECMPS-submitted data for HAP in the RTR emissions dataset were not available, actual annual emissions estimates were based on data from the 2014 NEI and the June 2018 EPRI technical report. Some annual emissions estimates were also generated using the ratio of non-Hg metals to fPM and acid gases to SO_2 from the 2010 ICR in conjunction with more recent fPM or SO_2 emissions data. Emissions data from the 2010 ICR were used to develop emission factors for the non-Hg metals and acid gases included in the RTR emissions dataset and to develop ratios based on each of those emission factors divided by average fPM or SO_2 values, respectively. Emissions data for EGUs no longer operating were excluded in the calculation of emission factors or average fPM or SO_2 values. In addition, we included in each emission factor and ratio calculation only the 2010 ICR data for EGUs where data for both the non-Hg metal HAP (*e.g.,* antimony) and fPM, or the acid gas HAP (*e.g.,* HCl) and SO_2, were available. Emission factors and emission factor-based ratios were developed for the various combinations of fuel types and emissions control device types. Actual annual HAP-specific emissions for each stack were then estimated by multiplying each emission factor-based ratio by the most recent fPM or SO_2 annual emissions value (*e.g.,* 2017 ECMPS or WebFIRE data or 2014 NEI data). Because EGUs in the subcategory of limited-use liquid oil-fired EGUs are not subject to any numeric emission limits, actual annual HAP-specific emissions were estimated using 2014 NEI data or emission factor-based ratios along with 2014 NEI data for PM and SO_2. Development of the emission factors and emission factor-based ratios is explained in the memorandum, *Emission Factor Development for RTR Risk Modeling Dataset for Coal- and Oil-fired EGUs,* which is available in the docket for this action.

The majority of the total (*i.e.,* non-speciated) Hg actual annual emissions estimates were based on data maintained in the EPA's ECMPS for CEMS data or sorbent traps or in WebFIRE for performance stack tests along with 2017 total heat input or total gross load values, as appropriate. Where such data were not available, total Hg actual annual emissions were estimated using the 2014 NEI or the June 2018 EPRI technical report. For a small number of oil-fired EGUs, EPA-developed emission factors and emission factor-based ratios were used to estimate total Hg actual annual emissions. Hg emissions were modeled as three different species: elemental gaseous Hg, gaseous divalent Hg, and particulate divalent Hg. The EPA utilized Hg speciation factors—percentages based on fuel type and installed emissions control equipment—that were updated versions of those that had been used in the development of the MATS rule.[31] Total Hg emissions were then multiplied by the factors to develop the speciated Hg actual annual emissions estimates.

For the several EGUs that submitted individual non-Hg HAP metals data to the EPA, actual annual emissions were estimated using the stack test values maintained in WebFIRE and 2017 total heat input or total gross load values, as appropriate. The majority of the non-Hg HAP metals actual annual emissions estimates were based on emission factor-based ratios for non-Hg HAP metals and fPM annual emissions values. Chromium emissions were modeled as hexavalent chromium (Cr(VI)) and trivalent chromium (Cr(III)). Actual annual emissions of Cr(VI) and Cr(III) were estimated by multiplying total chromium emissions by the

[31] *See* Attachment E of the *Risk Modeling Dataset Memo* for the list of Hg speciation factors utilized in compiling the RTR emissions dataset for the risk review, available in the docket for this action. *See* Appendix G of the Technical Support Document for the Proposed Rule Emissions Inventories (available in the rulemaking docket at EPA–HQ–OAR–2009–0234–19908) for Hg speciation factors used in the development of MATS.

speciation factors for coal or oil, as appropriate.

Actual annual emissions estimates for HCl for EGUs that submitted data to the EPA's ECMPS were based on those ECMPS CEMS data or WebFIRE performance stack test data and 2017 total heat input or total gross load values, as appropriate. Where acid gas HAP data were not available in the WebFIRE database, but SO_2 data were available in the ECMPS for requirements other than those in the MATS rule (*e.g.,* the acid rain rule), emission factor-based ratios for the acid gas HAP (*i.e.,* HCl and HF) and SO_2 annual emissions values were used to estimate actual annual HCl and HF emissions. In some instances, actual annual HCl and HF emissions were estimated based on emission factor-based ratios and 2014 NEI data for SO_2. In a small number of other instances, actual annual HCl and HF emissions were estimated using the June 2018 EPRI technical report.

As previously explained, EGUs are not required to meet numeric emission limits for organic HAP or to test and report organic HAP emissions. Actual annual emissions for the 16 organic HAP included in the RTR emissions dataset are based on EPA-developed representative detection level (RDL) equivalent emissions values (lb/MMBtu) based on fuel type. RDL equivalent emissions values for 15 of the organic HAP are based on the averages of better-performing unit method detection levels across many source categories. Because we did not have an RDL analysis across source categories for formaldehyde, detection levels from the 2010 ICR data were used to develop the RDL equivalent emissions value for formaldehyde. Actual annual emissions of the 16 organic HAP were estimated by multiplying the RDL equivalent emissions values by 2017 total heat input. Development of the RDL equivalent emissions values is explained in the memorandum, *Development of Representative Detection Levels of Certain Organic HAP Expressed as Pounds per Million British Thermal Units of Fuel Input for RTR Risk Modeling Dataset for Coal- and Oil-fired EGUs,* which is available in the docket for this action.

Stack parameter values and locations for each emissions release point included in the RTR emissions dataset were primarily based on information reported to the ECMPS and generator-level specific information about existing generators and their associated environmental equipment that is collected under Form EIA–860. Specifically, the ECMPS was the primary source for stack height, diameter, and latitude/longitude coordinates, and the EIA–860 database was the primary source for stack temperature, velocity, and flow rate. Other sources of information that were used to fill gaps in the site-specific emissions release point data included the 2014 NEI, parameters from similar stacks at a specific facility, and default parameter values based on MACT source category 2014 NEI information.

The RTR emissions dataset was refined as necessary following a quality assurance check of source locations, emissions release characteristics, and annual emissions estimates. Latitude and longitude coordinates were checked using Google Earth® to ensure that stack locations were correct. Stack parameters were checked to ensure that they were within acceptable quality assurance range check boundaries. Emissions estimates were reviewed for completeness and accuracy. Additional details on the data and methods used to develop ''actual'' emissions estimates for the RTR emissions dataset are provided in the memorandum, *Development of the RTR Risk Modeling Dataset for the Coal- and Oil-Fired EGU Source Category* (*Risk Modeling Dataset Memo*), included as Appendix 1 of the risk document, which is available in the docket for this action.

A comparison of the actual annual HAP emissions in 2017 to the annual HAP emissions prior to promulgation of the MATS rule shows a 96-percent reduction in total HAP emissions from coal- and oil-fired EGUs. The actual emissions from coal- and oil-fired EGUs for 2017 and estimated emissions from 2010 are shown in Table 4. Estimates of pre-MATS emissions of organic HAP were not available. As discussed previously in this section, the 2017 emissions of organic HAP are based on RDL equivalent emissions values; the actual 2017 emissions are likely lower than the estimate of 3 tpy.

TABLE 4—HAP EMISSIONS FROM COAL- AND OIL-FIRED EGUS PRE- AND POST-MATS

Pollutant	2010 Emissions (tons) [32]	2017 Emissions (tons)	Reduction (%)
Hg	29	4	86
Acid Gases	125,708	4,831	96
Non-Hg Metals	1,170	221	81
Organic HAP	*	<3	*
Total	126,907	5,059	96

Note: The compliance date for the vast majority of affected EGUs was on or before April 16, 2016.
* Not available.

2. How did we estimate MACT-allowable emissions?

The available emissions data in the RTR emissions dataset include estimates of the mass of HAP emitted during a specified annual time period. These ''actual'' emission levels are often lower than the emission levels allowed under the requirements of the current MACT standards. The emissions allowed under the MACT standards are referred to as the ''MACT-allowable'' emissions. We discussed the consideration of both MACT-allowable and actual emissions in the final Coke Oven Batteries RTR (70 FR 19998–19999, April 15, 2005) and in the proposed and final Hazardous Organic NESHAP RTR (71 FR 34428, June 14, 2006, and 71 FR 76609, December 21, 2006, respectively). In those actions, we noted that assessing the risk at the MACT-allowable level is inherently reasonable since that risk reflects the maximum level facilities could emit and still comply with national emission standards. We also explained that it is reasonable to consider actual emissions, where such data are available, in both steps of the risk analysis, in accordance with the Benzene NESHAP approach. (54 FR 38044, September 14, 1989.)

[32] *Memorandum: Emissions Overview: Hazardous Air Pollutants in Support of the Final Mercury and Air Toxics Standard.* EPA–454/R–11–014. November 2011; Docket ID No. EPA–HQ–OAR–2009–0234–19914.

MACT-allowable annual emissions of Hg, non-Hg HAP metals, and acid gas HAP were estimated using numeric emission limits for existing sources in the MATS rule along with 2017 total heat input. For Hg, allowable annual emissions of total Hg were estimated by multiplying subcategory-specific Hg emission limits by 2017 total heat input. Allowable annual emissions of elemental gaseous Hg, gaseous divalent Hg, and particulate divalent Hg were estimated by multiplying annual emissions of total Hg by EPA-developed Hg speciation factors which are based on fuel type and emissions control device type.

With regard to non-Hg HAP metals, performance stack test data in almost all instances was for fPM, a surrogate for non-Hg HAP metals, and, as such, allowable annual emissions were estimated using the MATS rule's fPM emission limits. Specifically, allowable annual emissions of the non-Hg HAP metals were estimated by multiplying subcategory-based fPM emission limits by 2017 total heat input and by the emission factor-based ratios for non-Hg HAP metals that were calculated by the EPA. Allowable annual emissions of chromium as Cr(VI) and Cr(III) were estimated by multiplying the total chromium allowable emissions estimates by the chromium speciation factors for coal or oil, as appropriate.

For acid gas HAP, allowable annual emissions of HCl and HF from oil-fired EGUs were estimated by multiplying subcategory-specific HCl and HF emission limits by 2017 total heat input. With regard to acid gas HAP for coal-fired EGUs, some coal-fired sources submitted data for HCl, a surrogate for acid gas HAP, whereas other sources submitted data for SO_2, a surrogate for acid gas HAP for certain coal-fired EGUs. Allowable annual emissions of HCl and HF from coal-fired EGUs were estimated two different ways—one based on the MATS rule's HCl emission limits and HF actual emissions adjusted using an HCl emissions ratio and the other based on the MATS rule's SO_2 emission limits and emission factor-based ratios—and the more conservative estimate was used. In the first approach, allowable annual emissions of HCl were estimated by multiplying subcategory-specific HCl emission limits by 2017 total heat input, and allowable annual emissions of HF were estimated by multiplying actual annual emissions of HF by a ratio of HCl allowable annual emissions to HCl actual annual emissions. In the second approach, allowable annual emissions of HCl and HF were estimated by multiplying subcategory-based SO_2 emission limits by 2017 total heat input and by the emission factor-based ratios for HCl and HF that were calculated by the EPA.

Because there are no numeric emission limits for organic HAP, allowable annual emissions for the 16 organic HAP were assumed equal to the actual annual emissions estimates for the 16 organic HAP. The *Risk Modeling Dataset Memo,* available in the docket for this action, contains additional information on the development of estimated MACT-allowable emissions.

3. How do we conduct dispersion modeling, determine inhalation exposures, and estimate individual and population inhalation risk?

Both long-term and short-term inhalation exposure concentrations and health risk from the source category addressed in this proposal were estimated using the Human Exposure Model (HEM–3).[33] The HEM–3 performs three primary risk assessment activities: (1) Conducting dispersion modeling to estimate the concentrations of HAP in ambient air, (2) estimating long-term and short-term inhalation exposures to individuals residing within 50 kilometers (km) of the modeled sources, and (3) estimating individual and population-level inhalation risk using the exposure estimates and quantitative dose-response information.

a. Dispersion Modeling

The air dispersion model AERMOD, used by the HEM–3 model, is one of the EPA's preferred models for assessing air pollutant concentrations from industrial facilities.[34] To perform the dispersion modeling and to develop the preliminary risk estimates, HEM–3 draws on three data libraries. The first is a library of meteorological data, which is used for dispersion calculations. This library includes 1 year (2016) of hourly surface and upper air observations from 824 meteorological stations, selected to provide coverage of the United States and Puerto Rico. A second library of United States Census Bureau census block[35] internal point locations and populations provides the basis of human exposure calculations (U.S. Census, 2010). In addition, for each census block, the census library includes the elevation and controlling hill height, which are also used in dispersion calculations. A third library of pollutant-specific dose-response values is used to estimate health risk. These are discussed below.

b. Risk From Chronic Exposure to HAP

In developing the risk assessment for chronic exposures, we use the estimated annual average ambient air concentrations of each HAP emitted by each source in the source category. The HAP air concentrations at each nearby census block centroid located within 50 km of the facility are a surrogate for the chronic inhalation exposure concentration for all the people who reside in that census block. A distance of 50 km is consistent with both the analysis supporting the 1989 Benzene NESHAP (54 FR 38044, September 14, 1989) and the limitations of Gaussian dispersion models, including AERMOD.

For each facility, we calculate the MIR as the cancer risk associated with a continuous lifetime (24 hours per day, 7 days per week, 52 weeks per year, 70 years) exposure to the maximum concentration at the centroid of each inhabited census block. We calculate individual cancer risk by multiplying the estimated lifetime exposure to the ambient concentration of each HAP (in micrograms per cubic meter ($\mu g/m^3$)) by its unit risk estimate (URE). The URE is an upper-bound estimate of an individual's incremental risk of contracting cancer over a lifetime of exposure to a concentration of 1 microgram of the pollutant per cubic meter of air. For residual risk assessments, we generally use UREs from the EPA's Integrated Risk Information System (IRIS). For carcinogenic pollutants without IRIS values, we look to other reputable sources of cancer dose-response values, often using California EPA (CalEPA) UREs, where available. In cases where new, scientifically credible dose-response values have been developed in a manner consistent with EPA guidelines and have undergone a peer review process similar to that used by the EPA, we may use such dose-response values in place of, or in addition to, other values, if appropriate. The pollutant-specific dose-response values used to estimate health risk are available at *https://www.epa.gov/fera/dose-response-assessment-assessing-health-risks-associated-exposure-hazardous-air-pollutants.*To estimate individual lifetime cancer risks associated with exposure to HAP emissions from each facility in the source category, we sum the risks for

[33] For more information about HEM–3, go to *https://www.epa.gov/fera/risk-assessment-and-modeling-human-exposure-model-hem.*

[34] U.S. EPA. Revision to the *Guideline on Air Quality Models: Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions* (70 FR 68218, November 9, 2005).

[35] A census block is the smallest geographic area for which census statistics are tabulated.

each of the carcinogenic HAP [36] emitted by the modeled facility. We estimate cancer risk at every census block within 50 km of every facility in the source category. The MIR is the highest individual lifetime cancer risk estimated for any of those census blocks. In addition to calculating the MIR, we estimate the distribution of individual cancer risks for the source category by summing the number of individuals within 50 km of the sources whose estimated risk falls within a specified risk range. We also estimate annual cancer incidence by multiplying the estimated lifetime cancer risk at each census block by the number of people residing in that block, summing results for all of the census blocks, and then dividing this result by a 70-year lifetime.

To assess the risk of noncancer health effects from chronic exposure to HAP, we calculate either an HQ or a target organ-specific hazard index (TOSHI). We calculate an HQ when a single noncancer HAP is emitted. Where more than one noncancer HAP is emitted, we sum the HQ for each of the HAP that affects a common target organ or target organ system to obtain a TOSHI. The HQ is the estimated exposure divided by the chronic noncancer dose-response value, which is a value selected from one of several sources. The preferred chronic noncancer dose-response value is the EPA RfC, defined as ''an estimate (with uncertainty spanning perhaps an order of magnitude) of a continuous inhalation exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime'' (*https://iaspub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossaries andkeywordlists/search.do?details=&vocabName=IRIS%20Glossary*). In cases where an RfC from the EPA's IRIS is not available or where the EPA determines that using a value other than the RfC is appropriate, the chronic noncancer dose-response value can be a value from the following prioritized sources, which define their dose-response values similarly to the EPA: (1) The Agency for Toxic Substances and Disease Registry (ATSDR) Minimum Risk Level (*https://www.atsdr.cdc.gov/mrls/index.asp*); (2) the CalEPA Chronic Reference Exposure Level (REL) (*https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0*); or (3), as noted above, a scientifically credible dose-response value that has been developed in a manner consistent with EPA guidelines and has undergone a peer review process similar to that used by the EPA. The pollutant-specific dose-response values used to estimate health risks are available at *https://www.epa.gov/fera/dose-response-assessment-assessing-health-risks-associated-exposure-hazardous-air-pollutants.*

c. Risk From Acute Exposure to HAP That May Cause Health Effects Other Than Cancer

For each HAP for which appropriate acute inhalation dose-response values are available, the EPA also assesses the potential health risks due to acute exposure. For these assessments, the EPA makes conservative assumptions about emission rates, meteorology, and exposure location. We use the peak hourly emission rate,[37] worst-case dispersion conditions, and, in accordance with our mandate under section 112 of the CAA, the point of highest off-site exposure to assess the potential risk to the maximally exposed individual.

To characterize the potential health risks associated with estimated acute inhalation exposures to a HAP, we generally use multiple acute dose-response values, including acute RELs, acute exposure guideline levels (AEGLs), and emergency response planning guidelines (ERPG) for 1-hour exposure durations, if available, to calculate acute HQs. The acute HQ is calculated by dividing the estimated acute exposure by the acute dose-response value. For each HAP for which acute dose-response values are available, the EPA calculates acute HQs.

An acute REL is defined as ''the concentration level at or below which no adverse health effects are anticipated for a specified exposure duration.'' [38] Acute RELs are based on the most sensitive, relevant, adverse health effect reported in the peer-reviewed medical and toxicological literature. They are designed to protect the most sensitive individuals, including children and the elderly, in the population through the inclusion of margins of safety. Because margins of safety are incorporated to address data gaps and uncertainties, exceeding the REL does not automatically indicate an adverse health impact. AEGLs represent threshold exposure limits for the general public and are applicable to emergency exposures ranging from 10 minutes to 8 hours.[39] They are guideline levels for ''once-in-a-lifetime, short-term exposures to airborne concentrations of acutely toxic, high-priority chemicals.'' *Id.* at 21. The AEGL–1 is specifically defined as ''the airborne concentration (expressed as ppm (parts per million) or mg/m^3 (milligrams per cubic meter)) of a substance above which it is predicted that the general population, including susceptible individuals, could experience notable discomfort, irritation, or certain asymptomatic nonsensory effects. However, the effects are not disabling and are transient and reversible upon cessation of exposure.'' The document also notes that ''Airborne concentrations below AEGL–1 represent exposure levels that can produce mild and progressively increasing but transient and nondisabling odor, taste, and sensory irritation or certain asymptomatic, nonsensory effects.'' *Id.* AEGL–2 are defined as ''the airborne

[36] The EPA's 2005 *Guidelines for Carcinogen Risk Assessment* classifies carcinogens as: ''carcinogenic to humans,'' ''likely to be carcinogenic to humans,'' and ''suggestive evidence of carcinogenic potential.'' These classifications also coincide with the terms ''known carcinogen, probable carcinogen, and possible carcinogen,'' respectively, which are the terms advocated in the EPA's *Guidelines for Carcinogen Risk Assessment,* published in 1986 (51 FR 33992, September 24, 1986). In August 2000, the document, *Supplemental Guidance for Conducting Health Risk Assessment of Chemical Mixtures* (EPA/630/R–00/002), was published as a supplement to the 1986 document. Copies of both documents can be obtained from *https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=20533&CFID=70315376&CFTOKEN=71597944.* Summing the risk of these individual compounds to obtain the cumulative cancer risk is an approach that was recommended by the EPA's SAB in their 2002 peer review of the EPA's National Air Toxics Assessment (NATA) titled *NATA—Evaluating the National-scale Air Toxics Assessment 1996 Data—an SAB Advisory,* available at *https://yosemite.epa.gov/sab/sabproduct.nsf/214C6E915BB04E14852570CA007A682C/$File/ecadv02001.pdf.*

[37] In the absence of hourly emission data, we develop estimates of maximum hourly emission rates by multiplying the average actual annual emissions rates by a factor (either a category-specific factor or a default factor of 10) to account for variability. This is documented in *Residual Risk Assessment for Coal- and Oil-Fired EGU Source Category in Support of the 2019 Risk and Technology Review Proposed Rule* and in Appendix 5 of the report: *Analysis of Data on Short-term Emission Rates Relative to Long-term Emission Rates.* Both are available in the docket for this rulemaking.

[38] CalEPA issues acute RELs as part of its Air Toxics Hot Spots Program, and the 1-hour and 8-hour values are documented in *Air Toxics Hot Spots Program Risk Assessment Guidelines, Part I, The Determination of Acute Reference Exposure Levels for Airborne Toxicants,* which is available at *https://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-rel-summary.*

[39] National Academy of Sciences, 2001. *Standing Operating Procedures for Developing Acute Exposure Levels for Hazardous Chemicals,* page 2. Available at *https://www.epa.gov/sites/production/files/2015-09/documents/sop_final_standing_operating_procedures_2001.*pdf. Note that the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances ended in October 2011, but the AEGL program continues to operate at the EPA and works with the National Academies to publish final AEGLs, (*https://www.epa.gov/aegl*).

concentration (expressed as parts per million or milligrams per cubic meter) of a substance above which it is predicted that the general population, including susceptible individuals, could experience irreversible or other serious, long-lasting adverse health effects or an impaired ability to escape.'' *Id.*

ERPGs are ''developed for emergency planning and are intended as health-based guideline concentrations for single exposures to chemicals.''[40] *Id.* at 1. The ERPG–1 is defined as ''the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to 1 hour without experiencing other than mild transient adverse health effects or without perceiving a clearly defined, objectionable odor.'' *Id.* at 2. Similarly, the ERPG–2 is defined as ''the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to one hour without experiencing or developing irreversible or other serious health effects or symptoms which could impair an individual's ability to take protective action.'' *Id.* at 1.

An acute REL for 1-hour exposure durations is typically lower than its corresponding AEGL–1 and ERPG–1. Even though their definitions are slightly different, AEGL–1s are often the same as the corresponding ERPG–1s, and AEGL–2s are often equal to ERPG–2s. The maximum HQs from our acute inhalation screening risk assessment typically result when we use the acute REL for a HAP. In cases where the maximum acute HQ exceeds 1, we also report the HQ based on the next highest acute dose-response value (usually the AEGL–1 and/or the ERPG–1).

For the Coal- and Oil-Fired EGU source category, facility-level acute factors (*i.e.,* multipliers) developed by the EPA were used to estimate acute emissions and the potential health risks due to acute exposure. First, 2017 total heat input (MMBtu) and boiler maximum rated heat input (MMBtu/hr) data were used to calculate an acute factor for EGUs where both values were available. Next, facility-level acute factors were calculated using a heat input-weighted average based on 2017 heat input for each EGU located within a facility fenceline. The facility-level acute factor was used for each stack at the facility. For units at facilities that did not have a facility-level factor (*e.g.,* 2017 total heat input and boiler maximum rated heat input were not available), a default facility-level value of 6 was used. The default facility-level value of 6 was developed by taking the average of the calculated facility-level factors. If the calculated facility-level acute factor was greater than 10 (*e.g.,* in cases where the EGU had a low 2017 heat input relative to the maximum rated heat input), the RTR program default acute emission adjustment factor of 10 was used. The default emission adjustment factor of 10 reflects a Texas study of short-term emissions variability, which showed that most peak emission events in a heavily-industrialized four-county area (Harris, Galveston, Chambers, and Brazoria Counties, Texas) were less than twice the annual average hourly emissions rate. The highest peak emissions event was 74 times the annual average hourly emissions rate and the 99th percentile ratio of peak hourly emissions rate to the annual average hourly emissions rate was 9.[41] Considering this analysis, to account for more than 99 percent of the peak hourly emissions, a conservative screening multiplication factor of 10 is applied to the average annual hourly emissions rate in the EPA's acute exposure screening assessments as the default approach. In this analysis, we inadvertently used allowable emissions (rather than actual emissions, which is our standard practice) in conjunction with the facility level acute factors in our screening assessment of acute risk. Because the results showed acute risks below a level of concern even with acute emissions being overstated due to the use of allowable emissions, we did not correct the analysis and consider it to clearly support the conclusion that acute risks are below a level of concern as shown in Table 5 of this preamble. A further discussion of the development of facility-level acute factors and emissions used to estimate acute exposure for the risk modeling can be found in the *Risk Modeling Dataset Memo,* available in the docket for this rulemaking.

In our acute inhalation screening risk assessment, acute impacts are deemed negligible for HAP for which acute HQs are less than or equal to 1 (even under the conservative assumptions of the screening assessment), and no further analysis is performed for these HAP. In cases where an acute HQ from the screening step is greater than 1, we consider additional site-specific data to develop a more refined estimate of the potential for acute exposures of concern.

4. How do we conduct the multipathway exposure and risk screening assessment?

The EPA conducts a tiered screening assessment examining the potential for significant human health risks due to exposures via routes other than inhalation (*i.e.,* ingestion). We first determine whether any sources in the source category emit any PB–HAP, as identified in the EPA's Air Toxics Risk Assessment Library (*See* Volume 1, Appendix D, at *https://www2.epa.gov/fera/risk-assessment-and-modeling-air-toxics-risk-assessment-reference-library.*

For the Coal- and Oil-Fired EGU source category, we identified PB–HAP emissions of lead compounds, arsenic compounds, Hg compounds, cadmium compounds, polycyclic organic matter (POM), and dioxins, so we proceeded to the next step of the evaluation. In this step, we determine whether the facility-specific emission rates of the emitted PB–HAP are large enough to create the potential for significant human health risk through ingestion exposure under reasonable worst-case conditions. To facilitate this step, we use previously developed screening threshold emission rates for several PB–HAP that are based on a hypothetical upper-end screening exposure scenario developed for use in conjunction with the EPA's Total Risk Integrated Methodology.Fate, Transport, and Ecological Exposure (TRIM.FaTE) model. The PB–HAP with screening threshold emission rates are arsenic compounds, cadmium compounds, chlorinated dibenzodioxins and furans, Hg compounds, and POM. Based on EPA estimates of toxicity and bioaccumulation potential, the pollutants above represent a conservative list for inclusion in multipathway risk assessments for RTR rules. (*See* Volume 1, Appendix D at *https://www.epa.gov/sites/production/files/201308/documents/volume_1_reflibrary.pdf*). In this assessment, we compare the facility-specific emission rates of these PB–HAP to the screening threshold emission rates for each PB–HAP to assess the potential for significant human health risks via the ingestion pathway. We call this application of the TRIM.FaTE model the Tier 1 screening assessment. The ratio of a facility's actual emission rate to the Tier 1 screening threshold emission rate is a ''screening value.''

[40] *ERPGS Procedures and Responsibilities.* March 2014. American Industrial Hygiene Association. Available at *https://www.aiha.org/get-involved/AIHAGuidelineFoundation/EmergencyResponsePlanningGuidelines/Documents/ERPG%20Committee%20Standard%20Operating%20Procedures%20%20-%20March%202014%20Revision%20%28Updated%2010-2-2014%29.pdf.*

[41] Allen, *et al.,* 2004. *Variable Industrial VOC Emissions and their impact on ozone formation in the Houston Galveston Area.* Texas Environmental Research Consortium. Available at *https://www.researchgate.net/publication/237593060_Variable_Industrial_VOC_Emissions_and_their_Impact_on_Ozone_Formation_in_the_Houston_Galveston_Area.*

We derive the Tier 1 screening threshold emission rates for these PB–HAP (other than lead compounds) to correspond to a maximum excess lifetime cancer risk of 1-in-1 million (*i.e.,* for arsenic compounds, polychlorinated dibenzodioxins and furans and POM) or, for HAP that cause noncancer health effects (*i.e.,* cadmium compounds and Hg compounds), a maximum HQ of 1. If the emission rate of any one PB–HAP or combination of carcinogenic PB–HAP in the Tier 1 screening assessment exceeds the Tier 1 screening threshold emission rate for any facility (*i.e.,* the screening value is greater than 1), we conduct a second screening assessment, which we call the Tier 2 screening assessment.

In the Tier 2 screening assessment, the location of each facility that exceeds a Tier 1 screening threshold emission rate is used to refine the assumptions associated with the Tier 1 fisher and farmer exposure scenarios at that facility. A key assumption in the Tier 1 screening assessment is that a lake and/or farm is located near the facility. As part of the Tier 2 screening assessment, we use a United States Geological Survey (USGS) database to identify actual waterbodies within 50 km of each facility. We also examine the differences between local meteorology near the facility and the meteorology used in the Tier 1 screening assessment. We then adjust the previously-developed Tier 1 screening threshold emission rates for each PB–HAP for each facility based on an understanding of how exposure concentrations estimated for the screening scenario change with the use of local meteorology and USGS waterbody data. If the PB–HAP emission rates for a facility exceed the Tier 2 screening threshold emission rates and data are available, we may conduct a Tier 3 screening assessment. If PB–HAP emission rates do not exceed a Tier 2 screening value of 1, we consider those PB–HAP emissions to pose risks below a level of concern.

There are several analyses that can be included in a Tier 3 screening assessment, depending upon the extent of refinement warranted, including validating that the lakes are fishable, considering plume-rise to estimate emissions lost above the mixing layer, and considering hourly effects of meteorology and plume rise on chemical fate and transport. If the Tier 3 screening assessment indicates that risks above levels of concern cannot be ruled out, the EPA may further refine the screening assessment through a site-specific assessment.

In evaluating the potential multipathway risk from emissions of lead compounds, rather than developing a screening threshold emission rate, we compare maximum estimated chronic inhalation exposure concentrations to the level of the current NAAQS for lead.[42] Values below the level of the primary (health-based) lead NAAQS are considered to have a low potential for multipathway risk.

For further information on the multipathway assessment approach, see the risk document, which is available in the docket for this action.

5. How do we conduct the environmental risk screening assessment?

a. Adverse Environmental Effect, Environmental HAP, and Ecological Benchmarks

The EPA conducts a screening assessment to examine the potential for an adverse environmental effect as required under section 112(f)(2)(A) of the CAA. Section 112(a)(7) of the CAA defines ''adverse environmental effect'' as ''any significant and widespread adverse effect, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.''

The EPA focuses on eight HAP, which are referred to as ''environmental HAP,'' in its screening assessment: six PB–HAP and two acid gases. The PB–HAP included in the screening assessment are arsenic compounds, cadmium compounds, dioxins/furans, POM, Hg (both inorganic Hg and methyl Hg), and lead compounds. The acid gases included in the screening assessment are HCl and HF.

HAP that persist and bioaccumulate are of particular environmental concern because they accumulate in the soil, sediment, and water. The acid gases, HCl and HF, are included due to their well-documented potential to cause direct damage to terrestrial plants. In the environmental risk screening assessment, we evaluate the following four exposure media: terrestrial soils, surface water bodies (includes water-column and benthic sediments), fish consumed by wildlife, and air. Within these four exposure media, we evaluate nine ecological assessment endpoints, which are defined by the ecological entity and its attributes. For PB–HAP (other than lead), both community-level and population-level endpoints are included. For acid gases, the ecological assessment evaluated is terrestrial plant communities.

An ecological benchmark represents a concentration of HAP that has been linked to a particular environmental effect level. For each environmental HAP, we identified the available ecological benchmarks for each assessment endpoint. We identified, where possible, ecological benchmarks at the following effect levels: probable effect levels, lowest-observed-adverse-effect level, and no-observed-adverse-effect level. In cases where multiple effect levels were available for a particular PB–HAP and assessment endpoint, we use all of the available effect levels to help us to determine whether ecological risks exist and, if so, whether the risks could be considered significant and widespread.

For further information on how the environmental risk screening assessment was conducted, including a discussion of the risk metrics used, how the environmental HAP were identified, and how the ecological benchmarks were selected, see Appendix 9 of the risk document, which is available in the docket for this action.

b. Environmental Risk Screening Methodology

For the environmental risk screening assessment, the EPA first determined whether any facilities in the Coal- and Oil-Fired EGU source category emitted any of the environmental HAP. For the Coal- and Oil-Fired EGU source category, we identified emissions of lead compounds, arsenic compounds, Hg compounds, cadmium compounds, POM, dioxins, HCl, and HF. Because one or more of the environmental HAP evaluated are emitted by at least one facility in the source category, we proceeded to the second step of the evaluation.

c. PB–HAP Methodology

The environmental screening assessment includes six PB–HAP, arsenic compounds, cadmium compounds, dioxins/furans, POM, Hg (both inorganic Hg and methyl Hg), and lead compounds. With the exception of

[42] In doing so, the EPA notes that the legal standard for a primary NAAQS—that a standard is requisite to protect public health and provide an adequate margin of safety (CAA section 109(b))—differs from the CAA section 112(f) standard (requiring, among other things, that the standard provide an ''ample margin of safety to protect public health''). However, the primary lead NAAQS is a reasonable measure of determining risk acceptability (*i.e.,* the first step of the Benzene NESHAP analysis) since it is designed to protect the most susceptible group in the human population—children, including children living near major lead emitting sources. 73 FR 67002/3; 73 FR 67000/3; 73 FR 67005/1. In addition, applying the level of the primary lead NAAQS at the risk acceptability step is conservative, since that primary lead NAAQS reflects an adequate margin of safety.

lead, the environmental risk screening assessment for PB–HAP consists of three tiers. The first tier of the environmental risk screening assessment uses the same health-protective conceptual model that is used for the Tier 1 human health screening assessment. TRIM.FaTE model simulations were used to back-calculate Tier 1 screening threshold emission rates. The screening threshold emission rates represent the emission rate in tpy that results in media concentrations at the facility that equal the relevant ecological benchmark. To assess emissions from each facility in the category, the reported emission rate for each PB–HAP was compared to the Tier 1 screening threshold emission rate for that PB–HAP for each assessment endpoint and effect level. If emissions from a facility do not exceed the Tier 1 screening threshold emission rate, the facility ''passes'' the screening assessment, and, therefore, is not evaluated further under the screening approach. If emissions from a facility exceed the Tier 1 screening threshold emission rate, we evaluate the facility further in Tier 2.

In Tier 2 of the environmental screening assessment, the screening threshold emission rates are adjusted to account for local meteorology and the actual location of lakes in the vicinity of facilities that did not pass the Tier 1 screening assessment. For soils, we evaluate the average soil concentration for all soil parcels within a 7.5-km radius for each facility and PB–HAP. For the water, sediment, and fish tissue concentrations, the highest value for each facility for each pollutant is used. If emission concentrations from a facility do not exceed the Tier 2 screening threshold emission rate, the facility ''passes'' the screening assessment and typically is not evaluated further. If emissions from a facility exceed the Tier 2 screening threshold emission rate, we evaluate the facility further in Tier 3.

As in the multipathway human health risk assessment, in Tier 3 of the environmental screening assessment, we examine the suitability of the lakes around the facilities to support life and remove those that are not suitable (*e.g.,* lakes that have been filled in or are industrial ponds), adjust emissions for plume-rise, and conduct hour-by-hour time-series assessments. If these Tier 3 adjustments to the screening threshold emission rates still indicate the potential for an adverse environmental effect (*i.e.,* facility emission rate exceeds the screening threshold emission rate), we may elect to conduct a more refined assessment using more site-specific information. If, after additional refinement, the facility emission rate still exceeds the screening threshold emission rate, the facility may have the potential to cause an adverse environmental effect.

To evaluate the potential for an adverse environmental effect from lead, we compared the average modeled air concentrations (from HEM–3) of lead around each facility in the source category to the level of the secondary NAAQS for lead. The secondary lead NAAQS is a reasonable means of evaluating environmental risk because it is set to provide substantial protection against adverse welfare effects which can include ''effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being.''

d. Acid Gas Environmental Risk Methodology

The environmental screening assessment for acid gases evaluates the potential phytotoxicity and reduced productivity of plants due to chronic exposure to HF and HCl. The environmental risk screening methodology for acid gases is a single-tier screening assessment that compares modeled ambient air concentrations (from AERMOD) to the ecological benchmarks for each acid gas. To identify a potential adverse environmental effect (as defined in section 112(a)(7) of the CAA) from emissions of HF and HCl, we evaluate the following metrics: The size of the modeled area around each facility that exceeds the ecological benchmark for each acid gas, in acres and km^2; the percentage of the modeled area around each facility that exceeds the ecological benchmark for each acid gas; and the area-weighted average screening value around each facility (calculated by dividing the area-weighted average concentration over the 50-km modeling domain by the ecological benchmark for each acid gas). For further information on the environmental screening assessment approach, see Appendix 9 of the risk document, which is available in the docket for this action.

6. How do we conduct facility-wide assessments?

To put the source category risks in context, we typically examine the risks from the entire ''facility,'' where the facility includes all HAP-emitting operations within a contiguous area and under common control. In other words, we examine the HAP emissions not only from the source category emission points of interest, but also emissions of HAP from all other emission sources at the facility for which we have data. For this source category, we conducted the facility-wide assessment using a dataset compiled from the 2014 NEI. The source category records of that NEI dataset were removed, evaluated, and updated as described in section IV.D of this preamble: What other relevant background information and data are available? Once a quality assured source category dataset was available, it was placed back with the remaining records from the NEI for that facility. The facility-wide file was then used to analyze risks due to the inhalation of HAP that are emitted ''facility-wide'' for the populations residing within 50 km of each facility, consistent with the methods used for the source category analysis described above. For these facility-wide risk analyses, the modeled source category risks were compared to the facility-wide risks to determine the portion of the facility-wide risks that could be attributed to the source category addressed in this proposal. We also specifically examined the facility that was associated with the highest estimate of risk and determined the percentage of that risk attributable to the source category of interest. The risk document, available through the docket for this action, provides the methodology and results of the facility-wide analyses, including all facility-wide risks and the percentage of source category contribution to facility-wide risks.

7. How do we consider uncertainties in risk assessment?

Uncertainty and the potential for bias are inherent in all risk assessments, including those performed for this proposal. Although uncertainty exists, we believe that our approach, which used conservative tools and assumptions, ensures that our decisions are health and environmentally protective. A brief discussion of the uncertainties in the RTR emissions dataset, dispersion modeling, inhalation exposure estimates, and dose-response relationships follows below. Also included are those uncertainties specific to our acute screening assessments, multipathway screening assessments, and our environmental risk screening assessments. A more thorough discussion of these uncertainties is included in the risk document, which is available in the docket for this action. If a multipathway site-specific assessment was performed for this source category, a full discussion of the uncertainties associated with that assessment can be

found in Appendix 11 of that document, *Site-Specific Human Health Multipathway Residual Risk Assessment Report.*

a. Uncertainties in the RTR Emissions Dataset

Although the development of the RTR emissions dataset involved quality assurance/quality control processes, the accuracy of emissions values will vary depending on the source of the data, the degree to which data are incomplete or missing, the degree to which assumptions made to complete the datasets are accurate, errors in emission estimates, and other factors. The emission estimates considered in this analysis generally are annual totals for certain years, and they do not reflect short-term fluctuations during the course of a year or variations from year to year. The estimates of peak hourly emission rates for the acute effects screening assessment were based on an emission adjustment factor applied to the average annual hourly emission rates, which are intended to account for emission fluctuations due to normal facility operations.

b. Uncertainties in Dispersion Modeling

We recognize there is uncertainty in ambient concentration estimates associated with any model, including the EPA's recommended regulatory dispersion model, AERMOD. In using a model to estimate ambient pollutant concentrations, the user chooses certain options to apply. For RTR assessments, we select some model options that have the potential to overestimate ambient air concentrations (*e.g.,* not including plume depletion or pollutant transformation). We select other model options that have the potential to underestimate ambient impacts (*e.g.,* not including building downwash). Other options that we select have the potential to either under- or overestimate ambient levels (*e.g.,* meteorology and receptor locations). On balance, considering the directional nature of the uncertainties commonly present in ambient concentrations estimated by dispersion models, the approach we apply in the RTR assessments should yield unbiased estimates of ambient HAP concentrations. We also note that the selection of meteorology dataset location could have an impact on the risk estimates. As we continue to update and expand our library of meteorological station data used in our risk assessments, we expect to reduce this variability.

c. Uncertainties in Inhalation Exposure Assessment

Although every effort is made to identify all of the relevant facilities and emission points, as well as to develop accurate estimates of the annual emission rates for all relevant HAP, the uncertainties in our emission inventory likely dominate the uncertainties in the exposure assessment. Some uncertainties in our exposure assessment include human mobility, using the centroid of each census block, assuming lifetime exposure, and assuming only outdoor exposures. For most of these factors, there is neither an underestimate nor overestimate when looking at the maximum individual risk or the incidence, but the shape of the distribution of risks may be affected. With respect to outdoor exposures, actual exposures may not be as high if people spend time indoors, especially for very reactive pollutants or larger particles. For all factors, we reduce uncertainty when possible. For example, with respect to census-block centroids, we analyze large blocks using aerial imagery and adjust locations of the block centroids to better represent the population in the blocks. We also add additional receptor locations where the population of a block is not well represented by a single location.

d. Uncertainties in Dose-Response Relationships

There are uncertainties inherent in the development of the dose-response values used in our risk assessments for cancer effects from chronic exposures and noncancer effects from both chronic and acute exposures. Some uncertainties are generally expressed quantitatively, and others are generally expressed in qualitative terms. We note, as a preface to this discussion, a point on dose-response uncertainty that is stated in the EPA's *2005 Guidelines for Carcinogen Risk Assessment;* namely, that ''the primary goal of EPA actions is protection of human health; accordingly, as an Agency policy, risk assessment procedures, including default options that are used in the absence of scientific data to the contrary, should be health protective'' (the EPA's *2005 Guidelines for Carcinogen Risk Assessment,* page 1–7). This is the approach followed here as summarized in the next paragraphs.

Cancer UREs used in our risk assessments are those that have been developed to generally provide an upper bound estimate of risk.[43] That is, they represent a ''plausible upper limit to the true value of a quantity'' (although this is usually not a true statistical confidence limit). In some circumstances, the true risk could be as low as zero; however, in other circumstances the risk could be greater.[44] Chronic noncancer RfC and reference dose (RfD) values represent chronic exposure levels that are intended to be health-protective levels. To derive dose-response values that are intended to be ''without appreciable risk,'' the methodology relies upon an uncertainty factor (UF) approach,[45] which considers uncertainty, variability, and gaps in the available data. The UFs are applied to derive dose-response values that are intended to protect against appreciable risk of deleterious effects.

Many of the UFs used to account for variability and uncertainty in the development of acute dose-response values are quite similar to those developed for chronic durations. Additional adjustments are often applied to account for uncertainty in extrapolation from observations at one exposure duration (*e.g.,* 4 hours) to derive an acute dose-response value at another exposure duration (*e.g.,* 1 hour). Not all acute dose-response values are developed for the same purpose, and care must be taken when interpreting the results of an acute assessment of human health effects relative to the dose-response value or values being exceeded. Where relevant to the estimated exposures, the lack of acute dose-response values at different levels of severity should be factored into the risk characterization as potential uncertainties.

Uncertainty also exists in the selection of ecological benchmarks for the environmental risk screening assessment. We established a hierarchy of preferred benchmark sources to allow selection of benchmarks for each environmental HAP at each ecological assessment endpoint. We searched for benchmarks for three effect levels (*i.e.,* no-effects level, threshold-effect level, and probable effect level), but not all combinations of ecological assessment/environmental HAP had benchmarks for

[43] IRIS glossary (*https://ofmpub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&glossaryName=IRIS%20Glossary*).

[44] An exception to this is the URE for benzene, which is considered to cover a range of values, each end of which is considered to be equally plausible, and which is based on maximum likelihood estimates.

[45] *See A Review of the Reference Dose and Reference Concentration Processes,* U.S. EPA, December 2002, and *Methods for Derivation of Inhalation Reference Concentrations and Application of Inhalation Dosimetry,* U.S. EPA, 1994.

all three effect levels. Where multiple effect levels were available for a particular HAP and assessment endpoint, we used all of the available effect levels to help us determine whether risk exists and whether the risk could be considered significant and widespread.

Although we make every effort to identify appropriate human health effect dose-response values for all pollutants emitted by the sources in this risk assessment, some HAP emitted by this source category are lacking dose-response assessments. Accordingly, these pollutants cannot be included in the quantitative risk assessment, which could result in quantitative estimates understating HAP risk. To help to alleviate this potential underestimate, where we conclude similarity with a HAP for which a dose-response value is available, we use that value as a surrogate for the assessment of the HAP for which no value is available. To the extent use of surrogates indicates appreciable risk, we may identify a need to increase priority for an IRIS assessment for that substance. We additionally note that, generally speaking, HAP of greatest concern due to environmental exposures and hazard are those for which dose-response assessments have been performed, reducing the likelihood of understating risk. Further, HAP not included in the quantitative assessment are assessed qualitatively and considered in the risk characterization that informs the risk management decisions, including consideration of HAP reductions achieved by various control options.

For a group of compounds that are unspeciated (*e.g.,* glycol ethers), we conservatively use the most protective dose-response value of an individual compound in that group to estimate risk. Similarly, for an individual compound in a group (*e.g.,* ethylene glycol diethyl ether) that does not have a specified dose-response value, we also apply the most protective dose-response value from the other compounds in the group to estimate risk.

e. Uncertainties in Acute Inhalation Screening Assessments

In addition to the uncertainties highlighted above, there are several factors specific to the acute exposure assessment that the EPA conducts as part of the risk review under section 112 of the CAA. The accuracy of an acute inhalation exposure assessment depends on the simultaneous occurrence of independent factors that may vary greatly, such as hourly emissions rates, meteorology, and the presence of humans at the location of the maximum concentration. In the acute screening assessment that we conduct under the RTR program, we assume that peak emissions from the source category and worst-case meteorological conditions co-occur, thus, resulting in maximum ambient concentrations. These two events are unlikely to occur at the same time, making these assumptions conservative. We then include the additional assumption that a person is located at this point during this same time period. For this source category, these assumptions would tend to be worst-case actual exposures, as it is unlikely that a person would be located at the point of maximum exposure during the time when peak emissions and worst-case meteorological conditions occur simultaneously.

f. Uncertainties in the Multipathway and Environmental Risk Screening Assessments

For each source category, we generally rely on site-specific levels of PB–HAP or environmental HAP emissions to determine whether a refined assessment of the impacts from multipathway exposures is necessary or whether it is necessary to perform an environmental screening assessment. This determination is based on the results of a three-tiered screening assessment that relies on the outputs from models—TRIM.FaTE and AERMOD—that estimate environmental pollutant concentrations and human exposures for five PB–HAP (dioxins, POM, Hg, cadmium, and arsenic) and two acid gases (HF and HCl). For lead, we use AERMOD to determine ambient air concentrations, which are then compared to the secondary NAAQS standard for lead. Two important types of uncertainty associated with the use of these models in RTR risk assessments and inherent to any assessment that relies on environmental modeling are model uncertainty and input uncertainty.[46]

Model uncertainty concerns whether the model adequately represents the actual processes (*e.g.,* movement and accumulation) that might occur in the environment. For example, does the model adequately describe the movement of a pollutant through the soil? This type of uncertainty is difficult to quantify. However, based on feedback received from previous EPA SAB reviews and other reviews, we are confident that the models used in the screening assessments are appropriate and state-of-the-art for the multipathway and environmental screening risk assessments conducted in support of RTR.

Input uncertainty is concerned with how accurately the models have been configured and parameterized for the assessment at hand. For Tier 1 of the multipathway and environmental screening assessments, we configured the models to avoid underestimating exposure and risk. This was accomplished by selecting upper-end values from nationally representative datasets for the more influential parameters in the environmental model, including selection and spatial configuration of the area of interest, lake location and size, meteorology, surface water, soil characteristics, and structure of the aquatic food web. We also assume an ingestion exposure scenario and values for human exposure factors that represent reasonable maximum exposures.

In Tier 2 of the multipathway and environmental screening assessments, we refine the model inputs to account for meteorological patterns in the vicinity of the facility versus using upper-end national values, and we identify the actual location of lakes near the facility rather than the default lake location that we apply in Tier 1. By refining the screening approach in Tier 2 to account for local geographical and meteorological data, we decrease the likelihood that concentrations in environmental media are overestimated, thereby increasing the usefulness of the screening assessment. In Tier 3 of the screening assessments, we refine the model inputs again to account for hour-by-hour plume rise and the height of the mixing layer. We can also use those hour-by-hour meteorological data in a TRIM.FaTE run using the screening configuration corresponding to the lake location. These refinements produce a more accurate estimate of chemical concentrations in the media of interest, thereby reducing the uncertainty with those estimates. The assumptions and the associated uncertainties regarding the selected ingestion exposure scenario are the same for all three tiers.

For the environmental screening assessment for acid gases, we employ a single-tiered approach. We use the modeled air concentrations and compare those with ecological benchmarks.

For all tiers of the multipathway and environmental screening assessments, our approach to addressing model input uncertainty is generally cautious. We

[46] In the context of this discussion, the term ''uncertainty'' as it pertains to exposure and risk encompasses both *variability* in the range of expected inputs and screening results due to existing spatial, temporal, and other factors, as well as *uncertainty* in being able to accurately estimate the true result.

choose model inputs from the upper end of the range of possible values for the influential parameters used in the models, and we assume that the exposed individual exhibits ingestion behavior that would lead to a high total exposure. This approach reduces the likelihood of not identifying high risks for adverse impacts.

Despite the uncertainties, when individual pollutants or facilities do not exceed screening threshold emission rates (*i.e.,* screen out), we are confident that the potential for adverse multipathway impacts on human health is very low. On the other hand, when individual pollutants or facilities do exceed screening threshold emission rates, it does not mean that impacts are significant, only that we cannot rule out that possibility and that a refined assessment for the site might be necessary to obtain a more accurate risk characterization for the source category.

The EPA evaluates the following HAP in the multipathway and/or environmental risk screening assessments, where applicable: Arsenic, cadmium, dioxins/furans, lead, Hg (both inorganic and methyl Hg), POM, HCl, and HF. These HAP represent pollutants that can cause adverse impacts either through direct exposure to HAP in the air or through exposure to HAP that are deposited from the air onto soils and surface waters and then through the environment into the food web. These HAP represent those HAP for which we can conduct a meaningful multipathway or environmental screening risk assessment. For other HAP not included in our screening assessments, the model has not been parameterized such that it can be used for that purpose. In some cases, depending on the HAP, we may not have appropriate multipathway models that allow us to predict the concentration of that pollutant. The EPA acknowledges that other HAP beyond these that we are evaluating may have the potential to cause adverse effects and, therefore, the EPA may evaluate other relevant HAP in the future, as modeling science and resources allow.

VI. RTR Analytical Results and Proposed Decisions

A. What are the results of the risk assessment and analyses?

1. Inhalation Risk Assessment Results

Table 5 of this preamble provides a summary of the results of the inhalation risk assessment for the source category. More detailed information on the risk assessment can be found in the risk document, available in the docket for this action.

TABLE 5—COAL- AND OIL-FIRED EGU INHALATION RISK ASSESSMENT RESULTS

Number of facilities [1]	Maximum individual cancer risk (in 1 million) [2]		Population at increased risk of cancer ≥1-in-1 million		Annual cancer incidence (cases per year)		Maximum chronic noncancer TOSHI [3]		Maximum screening acute noncancer HQ [4]
	Based on . . .		Based on . . .		Based on . . .		Based on . . .		Based on actual emissions level
	Actual emissions level [2]	Allowable emissions level	Actual emissions level [2]	Allowable emissions level	Actual emissions level [2]	Allowable emissions level	Actual emissions level	Allowable emissions level	
322	9	10	193,000	636,000	0.04	0.1	0.2	0.4	HQ_{REL} = 0.09 (arsenic).

[1] Number of facilities evaluated in the risk analysis.
[2] Maximum individual excess lifetime cancer risk due to HAP emissions from the source category.
[3] Maximum TOSHI. The target organ systems with the highest TOSHI for the source category are neurological and reproductive.
[4] The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop an array of HQ values. HQ values shown use the lowest available acute threshold value, which in most cases is the REL. When an HQ exceeds 1, we also show the HQ using the next lowest available acute dose-response value.

As shown in Table 5 of this preamble, based on actual emissions, the estimated cancer MIR is 9-in-1 million, and nickel emissions from oil-fired EGUs are the major contributor to the risk. The total estimated cancer incidence from this source category is 0.04 excess cancer cases per year, or one excess case in every 25 years. Approximately 193,000 people are estimated to have cancer risks at or above 1-in-1 million from HAP emitted from the facilities in this source category. The estimated maximum chronic noncancer TOSHI for the source category is 0.2 (respiratory), which is driven by emissions of nickel and cobalt from oil-fired EGUs. No one is exposed to TOSHI levels above 1.

Based on allowable emissions, the estimated cancer MIR is 10-in-1 million, and, as before, nickel emissions from oil-fired EGUs are the major contributor to the risk. The total estimated cancer incidence from this source category is 0.1 excess cancer cases per year, or one excess case in every 10 years. Approximately 636,000 people are estimated to have cancer risks at or above 1-in-1 million from HAP emitted from the facilities in this source category. The estimated maximum chronic noncancer TOSHI for the source category is 0.4 (respiratory), driven by emissions of nickel and cobalt from oil-fired EGUs. No one is exposed to TOSHI levels above 1.

2. Acute Risk Results

Table 5 of this preamble provides the worst-case acute HQ (based on the REL) of 0.09, driven by actual emissions of arsenic. There are no facilities that have acute HQs (based on the REL or any other reference values) greater than 1. For more detailed acute risk results, refer to the risk document.

3. Multipathway Risk Screening Results

Potential multipathway health risks under a fisher and gardener scenario were identified using a three-tier screening assessment of the PB–HAP emitted by facilities in this source category, and a site-specific assessment of Hg using TRIM.FaTE for one location. Of the 322 MATS facilities modeled, 307 facilities have reported emissions of carcinogenic PB–HAP (arsenic, dioxins, and POM) that exceed a Tier 1 cancer screening value of 1, and 235 facilities have reported emissions of non-carcinogenic PB–HAP (lead, Hg, and cadmium) that exceed a Tier 1 noncancer screening value of 1. For facilities that exceeded a Tier 1 multipathway screening value of 1, we used additional facility site-specific information to perform an assessment through Tiers 2 and 3, as necessary, to determine the maximum chronic cancer and noncancer impacts for the source category. For cancer, the highest Tier 2 screening value was 200. This screening value was reduced to 50 after the plume rise stage of Tier 3. Because this screening value was much lower than 100-in-1 million, and because we expect the actual risk to be lower than the screening value (site-specific assessments typically lower estimates by an order of magnitude), we did not perform further assessment for cancer. For noncancer, the highest Tier 2 screening value was 30 (for Hg), with

four facilities having screening values greater than 20. These screening values were reduced to 9 or lower after the plume rise stage of Tier 3.

An exceedance of a screening value in any of the tiers cannot be equated with a risk value or an HQ (or HI). Rather, it represents a high-end estimate of what the risk or hazard may be. For example, a screening value of 2 for a non-carcinogen can be interpreted to mean that we are confident that the HQ would be lower than 2. Similarly, a screening value of 30 for a carcinogen means that we are confident that the risk is lower than 30-in-1 million. Our confidence comes from the conservative, or health-protective, assumptions encompassed in the screening tiers: We choose inputs from the upper end of the range of possible values for the influential parameters used in the screening tiers; and we assume that the exposed individual exhibits ingestion behavior that would lead to a high total exposure.

In evaluating the potential for multipathway effects from emissions of lead, we compared modeled maximum annual lead concentrations to the secondary NAAQS for lead (0.15 μg/m^3). The modeled maximum annual lead concentration is below the NAAQS for lead, indicating a low potential for multipathway impacts of concern due to lead.

4. Multipathway Site-Specific Assessment Results

Because the final stage of Tier 3 (time-series) was unlikely to reduce the highest Hg screening values to 1, we conducted a site-specific multipathway assessment of Hg emissions for this source category. Analysis of the facilities with the highest Tier 2 and Tier 3 screening values helped identify the location for the site-specific assessment and the facilities to model with TRIM.FaTE. We also considered the effect multiple facilities within the source category could have on common lakes in the modeling domain. The selection of the facilities for the site-specific assessment also included evaluating the number and location of lakes impacted, watershed boundaries, and land-use features around the target lakes, (*i.e.,* elevation changes, topography, rivers).

The three facilities selected are located near Underwood, North Dakota. All three facilities had Tier 2 screening values greater than or equal to 20. Two of the facilities are near each other (16 km apart). The third facility is more distant, about 20 to 30 km from the other facilities, but it was included in the analysis because it is within the 50-km modeling domain of the other facilities and because it had an elevated Tier 2 screening value. We expect that the exposure scenarios we assessed for these facilities are among the highest, if not the highest, that might be encountered for other facilities in this source category. The refined site-specific multipathway assessment, as in the screening assessments, includes some hypothetical elements, namely the hypothetical human receptor (*e.g.,* the fisher scenario which did not screen out in the screening assessments). It is important to note that although the multipathway assessment has been conducted, no data exist to verify the existence of the hypothetical human receptor. The refined multipathway assessment produced an HQ of 0.06 for Hg for the three facilities assessed. This risk assessment likely represents the maximum hazard for Hg through fish consumption for the source category and, with an HQ less than 1, is below the level of concern for exposure to emissions from these sources.

5. Environmental Risk Screening Results

As described in section V.C of this preamble, we conducted an environmental risk screening assessment for the Coal- and Oil-Fired EGU source category for the following pollutants: Arsenic, cadmium, dioxins/furans, HCl, HF, lead, Hg (methyl Hg and mercuric chloride), and POMs.

In the Tier 1 screening analysis for PB–HAP (other than lead, which was evaluated differently), POM emissions had no exceedances of any of the ecological benchmarks evaluated. Arsenic and dioxins/furans emissions had Tier 1 exceedances for surface soil benchmarks. Cadmium and methyl Hg emissions had Tier 1 exceedances for surface soil and fish benchmarks. Divalent Hg emissions had Tier 1 exceedances for sediment and surface soil benchmarks.

A Tier 2 screening analysis was performed for arsenic, cadmium, dioxins/furans, divalent Hg, and methyl Hg emissions. In the Tier 2 screening analysis, arsenic, cadmium, and dioxins/furans emissions had no exceedances of any of the ecological benchmarks evaluated. Divalent Hg emissions from two facilities exceeded the Tier 2 screen for a sediment threshold level benchmark by a maximum screening value of 2 at lake #35731. Methyl Hg emissions from the same two facilities exceeded the Tier 2 screen for a fish (avian/piscivores) no-observed-adverse-effect-level (NOAEL) (merganser) benchmark by a maximum screening value of 2 at the same lake (lake #35731). A Tier 3 screening assessment was performed to verify the existence of lake #35731. Lake #35731 was found to be located on-site and is a man-made industrial pond, and, therefore, was removed from the assessment.

Methyl Hg emissions from two facilities exceeded the Tier 2 screen for a surface soil NOAEL for avian ground insectivores (woodcock) benchmark by a maximum screening value of 2. Other surface soil benchmarks for methyl Hg, such as the NOAEL for mammalian insectivores and the threshold level for the invertebrate community, were not exceeded. Given the low Tier 2 maximum screening value of 2 for methyl Hg, and the fact that only the most protective benchmark was exceeded, a Tier 3 environmental risk screen was not conducted for methyl Hg.

For lead, we did not estimate any exceedances of the secondary lead NAAQS. For HCl and HF, the average modeled concentration around each facility (*i.e.,* the average concentration of all off-site data points in the modeling domain) did not exceed any ecological benchmark. In addition, each individual modeled concentration of HCl and HF (*i.e.,* each off-site data point in the modeling domain) was below the ecological benchmarks for all facilities.

Based on the results of the environmental risk screening analysis, we do not expect an adverse environmental effect as a result of HAP emissions from this source category.

6. Facility-Wide Risk Results

Based on facility-wide emissions, the estimated cancer MIR is 9-in-1 million, and nickel emissions from oil-fired EGUs are the major contributor to the risk. The total estimated cancer incidence from this source category is 0.04 excess cancer cases per year, or one excess case in every 25 years. Approximately 203,000 people are estimated to have cancer risks at or above 1-in-1 million from HAP emitted from the facilities in this source category. The estimated maximum chronic noncancer TOSHI for the source category is 0.2 (respiratory), driven by emissions of nickel and cobalt from oil-fired EGUs. No one is exposed to TOSHI levels above 1. These results are very similar to those based on actual emissions from the source category because there is not significant collocation of other sources with EGUs.

7. What demographic groups might benefit from this regulation?

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis,

which is an assessment of risk to individual demographic groups of the populations living within 5 km and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risk from the Coal- and Oil-Fired EGU source category across different demographic groups within the populations living near facilities.[47]

The results of the demographic analysis are summarized in Table 6 below. These results, for various demographic groups, are based on the estimated risk from actual emissions levels for the population living within 50 km of the facilities.

TABLE 6—COAL- AND OIL-FIRED EGU SOURCE CATEGORY DEMOGRAPHIC RISK ANALYSIS RESULTS

		Population with cancer risk greater than or equal to 1-in-1 million	Population with HI greater than 1
	Nationwide	**Source Category**	
Total Population	317,746,049	193,000	0
	White and Minority by Percent		
White	62	1	0
Minority	38	* 99	0
	Minority by Percent		
African American	12	0	0
Native American	0.8	0	0
Hispanic or Latino (includes white and nonwhite)	18	* 99	0
Other and Multiracial	7	0	0
	Income by Percent		
Below Poverty Level	14	40	0
Above Poverty Level	86	60	0
	Education by Percent		
Over 25 and without a High School Diploma	14	25	0
Over 25 and with a High School Diploma	86	75	0
	Linguistically Isolated by Percent		
Linguistically Isolated	6	* 67	0

* **Note:** All the people with a cancer risk greater than or equal to 1 in 1 million reside in Puerto Rico.

The results of the Coal- and Oil-Fired EGU source category demographic analysis indicate that emissions from the source category expose approximately 193,000 people to a cancer risk at or above 1-in-1 million and no people to a chronic noncancer TOSHI greater than 1. There are only 4 facilities in the source category with cancer risk at or above 1-in-1 million, and all of them are located in Puerto Rico. Consequently, all of the percentages of the at-risk population in each demographic group associated with the Puerto Rican population are much higher than their respective nationwide percentages, and those not associated with Puerto Rico are much lower than their respective nationwide percentages.

The methodology and the results of the demographic analysis are presented in a technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Coal- and Oil-Fired EGUs,* available in the docket for this action.

B. What are our proposed decisions regarding risk acceptability, ample margin of safety, and adverse environmental effect?

1. Risk Acceptability

As noted in section V.A of this preamble, the EPA sets standards under CAA section 112(f)(2) using ''a two-step standard-setting approach, with an analytical first step to determine an 'acceptable risk' that considers all health information, including risk estimation uncertainty, and includes a presumptive limit on MIR of approximately 1-in-10 thousand.'' (54 FR 38045, September 14, 1989). In this proposal, the EPA estimated risks based on actual and allowable emissions from coal- and oil-fired EGU sources, and we considered these in determining acceptability.

The estimated inhalation cancer risk to the individual most exposed to actual emissions from the source category is 9-in-1 million. The estimated incidence of cancer due to inhalation exposures is 0.04 excess cancer cases per year, or one excess case every 25 years. Approximately 190,000 people face an increased cancer risk at or above 1-in-1 million due to inhalation exposure to HAP emissions from this source category. The estimated maximum chronic noncancer TOSHI from

[47] Demographic groups included in the analysis are: White, African American, Native American, other races and multiracial, Hispanic or Latino, children 17 years of age and under, adults 18 to 64 years of age, adults 65 years of age and over, adults without a high school diploma, people living below the poverty level, people living two times the poverty level, and linguistically isolated people.

inhalation exposure for this source category is 0.2. Based on allowable emissions, the estimated inhalation cancer risk to the individual most exposed is 10-in-1 million, and the estimated incidence of cancer due to inhalation exposures is 0.1 excess cancer cases per year, or one excess case every 10 years. Approximately 640,000 people face an increased cancer risk at or above 1-in-1 million due to inhalation exposure to allowable HAP emissions from this source category. The maximum chronic noncancer TOSHI from inhalation exposure is 0.4 based on allowable emissions. The screening assessment of worst-case acute inhalation impacts indicates that no facilities have actual emissions that result in an acute HQ greater than 1 for any pollutant, with an estimated worst-case maximum acute HQ of 0.09 for arsenic based on the 1-hour REL.

Potential multipathway human health risks were estimated using a three-tier screening assessment of the PB–HAP emitted by facilities in this source category. The only pollutants with elevated screening values are arsenic (cancer) and Hg (noncancer). The highest Tier 3 cancer screening value is 50, mostly driven by arsenic. The highest Tier 3 noncancer screening value is 9, for Hg. We performed a site-specific multipathway assessment which indicates that the highest Hg HQ expected from any facility in the source category is much less than 1. In evaluating the potential for multipathway effects from emissions of lead from the source category, we compared modeled maximum annual lead concentrations to the primary NAAQS for lead (0.15 $\mu g/m^3$). Results of this analysis estimate that the NAAQS for lead would not be exceeded at any off-site locations.

In determining whether risks are acceptable for this source category, the EPA considered all available health information and risk estimation uncertainty as described above. The risk results indicate that both the actual and allowable inhalation cancer risks to the individual most exposed are well below 100-in-1 million, which is the presumptive limit of acceptability. Also, the highest chronic noncancer TOSHI, and the highest acute noncancer HQ, are well below 1, indicating low likelihood of adverse noncancer effects from inhalation exposures. There are also low risks associated with ingestion, with the highest cancer risk being less than 50-in-1 million based on a conservative screening assessment, and the highest noncancer hazard being less than 1 based on a site-specific multipathway assessment.

Considering all of the health risk information and factors discussed above, including the uncertainties discussed in section V of this preamble, the EPA proposes that the risks are acceptable for this source category.

2. Ample Margin of Safety Analysis

As directed by CAA section 112(f)(2), we conducted an analysis to determine if the current emissions standards provide an ample margin of safety to protect public health. Under the ample margin of safety analysis, the EPA considers all health factors evaluated in the risk assessment and evaluates the cost and feasibility of available control technologies and other measures (including the controls, measures, and costs reviewed under the technology review) that could be applied to this source category to further reduce the risks (or potential risks) due to emissions of HAP identified in our risk assessment. In this analysis, we considered the results of the technology review, risk assessment, and other aspects of our MACT rule review to determine whether there are any cost-effective controls or other measures that would reduce emissions further to provide an ample margin of safety with respect to the risks associated with these emissions.

Our risk analysis indicated the risks from the source category are low for both cancer and noncancer health effects, and, therefore, any risk reductions from further available control options would result in minimal health benefits. Moreover, as noted in our discussion of the technology review in section VI.C of this preamble, no additional measures were identified for reducing HAP emissions from affected sources in the Coal- and Oil-Fired EGU source category. Thus, we are proposing that the current MATS requirements provide an ample margin of safety to protect public health.

3. Adverse Environmental Effects

Based on the results of our environmental risk screening assessment, we conclude that there is not an adverse environmental effect from the Coal- and Oil-Fired EGU source category. We are proposing that it is not necessary to set a more stringent standard to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

C. What are the results and proposed decisions based on our technology review?

As described in section V.B of this preamble, our technology review focused on identifying developments in practices, processes, and control technologies that have occurred since the MATS rule was promulgated. Control technologies typically used to minimize emissions of pollutants that have numeric emission limits under the MATS rule include electrostatic precipitators and fabric filters for control of PM and non-Hg HAP metals; wet scrubbers and dry scrubbers for control of acid gases (SO_2, HCl, and HF); and activated carbon injection for control of Hg. The existing air pollution control technologies that are currently in use are well-established and provide the capture efficiencies necessary for compliance with the MATS emission limits. Based on the effectiveness and proven reliability of these control technologies, and the relatively short period of time since the promulgation of the MATS rule, no developments in practices, processes, or control technologies, nor any new technologies or practices were identified for the control of non-Hg HAP metals, acid gas HAP, or Hg. Organic HAP, including emissions of dioxins and furans, are regulated by a work practice standard that requires periodic burner tune-ups to ensure good combustion. This work practice continues to be a practical approach to ensuring that combustion equipment is maintained and optimized to run to reduce emissions of organic HAP, and continues to be expected to be more effective than establishing a numeric standard that cannot reliably be measured or monitored. Based on the effectiveness and proven reliability of the work practice standard, and the relatively short amount of time since the promulgation of the MATS rule, no developments in work practices nor any new work practices or operational procedures have been identified for this source category regarding the additional control of organic HAP. Consequently, we propose that no revisions to the MATS rule are necessary pursuant to CAA section 112(d)(6). Additional details of our technology review can be found in the memorandum, *Technology Review for the Coal- and Oil-fired EGU Source Category,* which is available in the docket for this action.

VII. Consideration of Separate Subcategory and Acid Gas Standard for Existing EGUs That Fire Eastern Bituminous Coal Refuse

The EPA is considering establishing a subcategory for emissions of acid gas HAP from existing EGUs firing eastern bituminous coal refuse. In this action, the EPA is soliciting comment on whether establishment of such a subcategory is needed (Comment C–11)

and on the acid gas HAP emission standards that would be established if we create this subcategory (Comment C–12).

A. Background

In the MATS rule proposal, the EPA proposed a single acid gas emission standard for all coal-fired power plants—using HCl as a surrogate for all acidic gas HAP. *See* 76 FR 24976, May 3, 2011. The EPA also proposed an alternative emission standard for SO_2 as a surrogate for the acid gas HAP. SO_2 is also an acidic gas—though not a HAP—and the controls used for SO_2 emission reduction are also effective for control of the acid gas HAP. Further, most, if not all, affected EGUs were already measuring and reporting SO_2 emissions as a requirement of the Acid Rain Program.

The Appalachian Region Independent Power Producers Association (ARIPPA)[48] submitted comments on the MATS proposal arguing that the characteristics of coal refuse made achievement of the standard too costly for its members and requested that the EPA create a subcategory for facilities burning coal refuse. The EPA determined that there was no basis to create such a subcategory and finalized emission standards for both HCl and SO_2 that apply to all coal-fired EGUs. *See* 77 FR 9304, February 16, 2012. ARIPPA, along with other petitioners, challenged the EPA's determination in the D.C. Circuit, and the Court upheld the final rule. *White Stallion,* 748 F.3d at 1249–50.

In addition to challenging the final rule, ARIPPA also petitioned the Agency for reconsideration, again requesting a subcategory for the acid gas standards for facilities combusting all types of coal refuse. The EPA denied the petition for reconsideration on grounds that ARIPPA had adequate opportunity to comment on the ability of coal refuse-combusting facilities to comply with the final standard. Furthermore, the EPA determined that the ARIPPA petition did not present any new information to support a change in the previous determination regarding the appropriateness of a subcategory for the acid gas HAP standard. ARIPPA subsequently sought judicial review of the denial of the petition for reconsideration. *ARIPPA* v. *EPA,* No. 15–1180 (D.C. Cir.).[49] In petitioner's briefs, ARIPPA claimed that the EPA had misunderstood its reconsideration petition and pointed to a distinction between the control of acid gas emissions from units burning anthracite refuse and those burning bituminous coal refuse. *See* Industry Pets. Br. at 35–36, *ARIPPA,* No. 15–1180 (D.C. Cir. filed Dec. 6, 2016). The EPA disagrees with the assertion that the Agency misunderstood the basis for ARIPPA's reconsideration petition as we could not find a single statement in the rulemaking record that clearly or even vaguely requested a separate acid gas HAP limit based on the distinction between anthracite refuse and bituminous coal refuse. Nonetheless, the Agency recognizes that there are differences in anthracite and bituminous coal (and, thus, between anthracite refuse and bituminous coal refuse) and that those differences can influence the acid gas HAP emissions from EGUs firing those respective fuels. Those differences may also impact the unit's ability to control those emissions.

B. Basis for Consideration of a Subcategory

1. Differences Between Anthracite Refuse and Eastern Bituminous Coal Refuse

Anthracite (or ''hard coal'') is the highest quality coal as it contains more carbon and fewer impurities—including sulfur and chlorine—than lower ranks of coal such as bituminous coal, sub-bituminous coal, and lignite. Anthracite is rarely used in utility power plants, but anthracite refuse is used by a small number of EGUs located in Pennsylvania. Bituminous coal is a middle rank coal between subbituminous coal and anthracite. Bituminous coal typically has a high heating value and is commonly used in electricity generation in the United States. Bituminous coal is mined in the Appalachian region (northern Alabama through Pennsylvania), the Interior Region (primarily Illinois basin), and the Western Region (a small amount of bituminous coal mined primarily in Colorado and Utah). The bituminous coal in the Interior Region tends to have the highest sulfur content, followed by bituminous coals from the Appalachian Region. Coals (of all types) mined in the Western Region tend to have the lowest sulfur and chlorine content—and the highest content of free alkali (which can act as a natural sorbent to neutralize acid gases produced in the combustion process). The EPA is aware of currently operational coal-refuse EGUs that are firing anthracite refuse (10 units), subbituminous coal refuse (1 unit), western bituminous coal refuse (1 unit), and eastern bituminous coal refuse (12 units).

The existing eastern bituminous coal refuse-fired EGUs that are currently in operation are listed below in Table 7 (excluding Seward, as discussed later). The table also lists the units' net summer capacity.

TABLE 7—EASTERN BITUMINOUS COAL REFUSE-FIRED EGUS IN CURRENT OPERATION *

ORIS Plant code	Plant	State	Capacity (MW)
10143	Colver Power Project	PA	110
10151	Grant Town Power Plant Unit 1A	WV	40
10151	Grant Town Power Plant Unit 1B	WV	40
10603	Ebensburg Power	PA	50
10641	Cambria Cogen Unit 1	PA	44
10641	Cambria Cogen Unit 2	PA	44
10743	Morgantown Energy Facility Unit 1	WV	25
10743	Morgantown Energy Facility Unit 2	WV	25
50974	Scrubgrass Generating Company LP Unit 1	PA	42
50974	Scrubgrass Generating Company LP Unit 2	PA	42

* Excluding the Seward units (as explained later).

[48] ARIPPA is a non-profit trade association comprised of independent electric power producers, environmental remediators, and service providers located in Pennsylvania and West Virginia that use coal refuse as a primary fuel to generate electricity.

[49] ARIPPA's petition for review is currently being held in abeyance. *ARIPPA* v. *EPA,* No. 15–1180, Order, No. 1672985 (April 27, 2017).

2. Control Technologies for Acid Gas HAP

All coal refuse fuels are fired in fluidized bed combustors (FBC) that use limestone injection to minimize SO_2 emissions and to increase heat transfer efficiency. This limestone injection technology may be adequate for EGUs that are firing anthracite refuse, subbituminous, and western bituminous coal refuse to meet the MATS alternative (surrogate) emission standard for SO_2 because, as previously mentioned, the anthracite coals are naturally much lower in impurities (including sulfur and chlorine) and western bituminous coals (and subbituminous coals) have lower sulfur and chlorine content and higher free alkalinity. All anthracite coal refuse-fired and western bituminous coal refuse-fired EGUs are currently emitting SO_2 at rates that are below the final MATS emission standard for acid gas HAP and the subbituminous coal refuse-fired EGU is currently emitting HCl at a rate that is below the final MATS emission standard for acid gas HAP. Therefore, there is no need to consider a subcategory that would include those units. No anthracite coal refuse-fired or western bituminous coal refuse-fired EGUs are currently reporting HCl emissions for compliance purposes; they are all opting to, instead, report the alternative standard for SO_2.

However, ARIPPA has argued that, for the eastern bituminous coal refuse-fired EGUs, limestone injection alone is not adequate to meet the final HCl or SO_2 MATS emission standards. Operators cannot simply continue to inject more limestone to the combustor as that could negatively affect the operation of the combustor with limited impact on acid gas emissions.[50] For this reason, bituminous coal refuse-fired EGUs are required to install some sort of downstream acid gas control technology in order to meet the final acid gas MATS standards. These downstream control devices could include wet FGD scrubbers, spray dryer absorbers (SDA), or dry sorbent injection (DSI) systems.

Available information suggests that wet FGD scrubbers and SDA systems would be particularly expensive retrofit control options for the small units that are currently firing eastern bituminous coal refuse. The cost effectiveness—*i.e.,* the cost per incremental ton acid gas HAP reduced—may be excessive and may be technically and practically infeasible for these units. The EPA solicits comment on whether these controls are particularly costly for these units to adopt (Comment C–13).

The eastern bituminous coal refuse-fired EGUs can also consider installation of DSI technology, which is a less costly control option. A DSI system is used to inject powdered alkaline sorbent (typically sodium- or calcium-based sorbents) into the flue gas stream. The alkaline sorbents neutralize acidic gases and the resulting solids are captured in a downstream PM control device (*e.g.,* a fabric filter). DSI has been identified as a relatively low-cost technology for control of acid gases. Some commenters to the original MATS proposal stated that DSI will not work on units firing bituminous coals. Some commenters stated that DSI is only suitable for use on low-sulfur, low-chlorine western coals. In fact, in power sector modeling using the Integrated Planning Model (IPM) to support the development of MATS, the EPA restricted the availability of the DSI option to only those units that use or switch to relatively low-sulfur coal (up to 2 lb/MMBtu SO_2).[51] Some eastern bituminous coal refuse-fired EGUs have tested DSI systems and have identified the following problems that make the technology infeasible. The use of sodium-based sorbents negatively impacts the usability, and, thus, saleability, of the captured fly ash which can be utilized in many useful ways. One beneficial use includes using fly ash in mine reclamation activities. The increased sodium loading from the injection of sodium-based sorbents can increase the leachability and mobility of metals from the fly ash.[52] Therefore, the saleability of the fly ash may be affected by the use of DSI. When both calcium-based and sodium-based sorbents were injected in testing, the emissions of Hg increased considerably (well above the final MATS emission standard for Hg). This is due to the alkaline sorbents scavenging free halides from the flue gas stream—which effectively helps to control acid gas emissions. However, the free halides are also helpful in oxidizing elemental Hg so that it can be captured in a downstream PM control device. All coal refuse-fired EGUs are emitting at levels that are below the final MATS standard for Hg (and also with the standard for filterable PM). In fact, FBC units—including those firing coal refuse—are among the best performers for Hg control.[53] Therefore, use of DSI technology for acid gas control (if feasible), would likely also require the installation of Hg-specific control technology. The EPA is soliciting comment on the technical feasibility of installing DSI, dry FGD, or other applicable control technologies at these units and whether the installation of acid gas HAP controls may create technical infeasibilities in meeting other MATS emission limits (Comment C–14).

Further, most of the existing eastern bituminous coal refuse-fired EGUs are small (most are less than 100 MW) and may be constrained by space or other configurational limitations. However, there are two eastern bituminous coal refuse-fired EGUs at the Seward Generating Station in Pennsylvania that the EPA would not consider for inclusion in a potential subcategory. The Seward units are the newest and, at 260 MW each, are by far the largest EGUs that are firing coal refuse. The Seward units were constructed with installed downstream acid gas controls that were part of the original design. The Seward facility, therefore, did not suffer from space and other configurational limitations that can affect other smaller existing eastern bituminous coal refuse-fired EGUs that are attempting to retrofit air pollution controls. Further, the Seward units were among the best performing units—with respect to HCl emissions—when the EPA developed the final MATS emission standards. And, MATS compliance reports submitted by the Seward EGUs show that the units' HCl emissions are well below the final MATS standard of 0.0020 lb/MMBtu.

The EPA has incomplete information on the emissions controls that are installed at the currently operating eastern bituminous coal refuse-fired EGUs (*i.e.,* those identified earlier in Table 7). The EPA solicits information on installed controls at those units, the types and amount of sorbents or reagents (if any) that are used, and, if present, the extent of the operation of these emissions controls (Comment C–15). The EPA also solicits comment on the cost of retrofitting DSI, dry FGD, or other applicable control technologies such that eastern bituminous coal refuse-fired EGUs are able to emit at or below the MATS standard for HCl or SO_2 (Comment C–16). To better understand the economic characteristics of the eastern bituminous coal refuse-fired EGUs, the EPA additionally solicits information on the operating costs of these units, availability and cost

[50] "[I]ncreased limestone injection consistent with current design and operational constraints cannot further reduce HCl emissions . . . to levels consistent with the Utility MACT limit." *See* ARIPPA Petition for Reconsideration, p. 5, *See also* p. 10, Docket ID No. EPA–HQ–OAR–2009–0234–20175.

[51] *See* 77 FR 9412.

[52] *See* ARIPPA comments on EPA's Proposed Supplemental Finding, available at Docket ID No. EPA–HQ–OAR–2009–0234–20530.

[53] Ibid.

of their fuel supplies, and any planned retirements (Comment C–17).

C. Potential Subcategory Emission Standards

As mentioned, the EPA is considering establishing acid gas emission standards for a subcategory of existing EGUs that fire eastern bituminous coal refuse; and we are soliciting comment on the need for such a standard (Comment C–18). The EPA has conducted an analysis to determine what such a numerical emission standard would be. The analysis is summarized in a separate memorandum available in the rulemaking docket.[54] The results of that MACT floor analysis are shown below in Table 8. After the EPA establishes the MACT floor, it considers the costs and non-air quality health and environmental impacts and energy requirements to determine whether a more stringent, or ''beyond-the-floor,'' level of control should be established. The average SO_2 lb/MMBtu emission rate was determined for each currently operating eastern bituminous coal refuse-fired EGU using monthly SO_2 data available in the EPA's ECMPS for the period of January 2015 through June 2018. If the EPA were to establish a beyond-the-floor SO_2 emissions limit, it would likely be in the range of 0.60—0.70 lb/MMBtu; a limit that, on average, the currently operating eastern bituminous coal refuse-fired EGUs have achieved based on their monthly emissions data for January 2015 through June 2018. Because no HCl emissions data have been submitted for the currently operating EGUs, and SO_2 lb/MWh emissions data are available for only two of the EGUs, we could not use this same beyond-the-floor methodology to evaluate beyond-the-floor standards for SO_2 in lb/MWh or for HCl in either lb/MMBtu or lb/MWh. We, therefore, determined that the beyond-the-floor standards for those pollutants should reasonably be set based on the same percentage reduction as the SO_2 lb/MMBtu described above (*i.e.,* the 40-percent reduction in the emissions rate for SO_2 between the MACT floor value of 1.0 lb/MMBtu and the beyond-the-floor value of 0.60 lb/MMBtu). The results of the MACT floor and the beyond-the-floor analyses are shown below in Table 8.

TABLE 8—MACT FLOOR RESULTS FOR POTENTIAL EASTERN BITUMINOUS COAL REFUSE-FIRED EGUS SUBCATEGORY

Subcategory	Parameter	HCl	SO_2
	Number in MACT floor	5	5
Existing Eastern Bituminous Coal Refuse-Fired EGUs.	99% UPL of top 5	0.060 lb/MMBtu	1.0 lb/MMBtu
	(*i.e.,* MACT floor)	0.60 lb/MWh	15 lb/MWh
	Beyond-the-floor Standard	0.040 lb/MMBtu	0.6 lb/MMBtu
		0.40 lb/MWh	9 lb/MWh

The EPA solicits comment on these analyses and the methodology presented in the accompanying memorandum (Comment C–19).[55] Additionally, the EPA solicits comment on the appropriate definition of an *eastern bituminous coal refuse-fired EGU* (Comment C–20). Specifically, the EPA is seeking comment on the amount of eastern bituminous coal refuse that an EGU must fire to be an *eastern bituminous coal refuse-fired EGU* (*e.g.,* must the EGU fire 100 percent of the fuel or should it be allowed to co-fire some small amount of another fuel if needed?) (Comment C–21). The EPA also solicits comment on distinctions in smaller FBC units as compared to larger FBC units (*e.g.,* those less than 150 MW as compared to those greater than 150 MW in capacity) that fire eastern bituminous coal refuse (Comment C–22). The EPA further solicits comment on potential effects of establishing an acid gas HAP emission standard for a subcategory of small EGUs burning eastern bituminous coal refuse (Comment C–23).

VIII. Summary of Cost, Environmental, and Economic Impacts

The EPA estimates that there are 713 existing EGUs located at 323 facilities that are subject to the MATS rule. The basis of our estimate of affected EGUs and facilities are provided in the *Risk Modeling Dataset Memo,* which is available in the docket for this action. Because the EPA is not proposing any amendments to the MATS rule, there would not be any cost, environmental, or economic impacts as a result of this proposed action.

IX. Request for Comments

We solicit comments on this proposed action. In addition to general comments on this proposed action, we are also interested in additional data that may improve the risk assessments and other analyses (Comment C–24). We are specifically interested in receiving any improvements to the data used in the site-specific emissions profiles used for risk modeling (Comment C–25). Such data should include supporting documentation in sufficient detail to allow characterization of the quality and representativeness of the data or information. Section X of this preamble provides more information on submitting data. As described in section VII of this preamble, we also solicit comment on establishing a subcategory and acid gas emission standards for existing eastern bituminous coal refuse-fired EGUs.

X. Submitting Data Corrections

The site-specific emissions profiles used in the source category risk and demographic analyses (including instructions) are available for download on the RTR website at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.* The data files include detailed information for each HAP emissions release point for the facilities in the source category.

If you believe that the data are not representative or are inaccurate, please identify the data in question, provide your reason for concern, and provide any ''improved'' data that you have, if available. When you submit data, we request that you provide documentation of the basis for the revised values to support your suggested changes. To submit comments on the data downloaded from the RTR website, complete the following steps:

1. Within this downloaded file, enter suggested revisions to the data fields appropriate for that information.

2. Fill in the commenter information fields for each suggested revision (*i.e.,* commenter name, commenter organization, commenter email address,

[54] Memorandum titled *NESHAP for Coal- and Oil-Fired EGUs: MACT Floor Analysis and Beyond the MACT Floor Analysis for Subcategory of Existing Eastern Bituminous Coal Refuse-Fired EGUs Under Consideration,* available in Docket ID No. EPA–HQ–OAR–2018–0794.

[55] Ibid.

commenter phone number, and revision comments).

3. Gather documentation for any suggested emissions revisions (*e.g.,* performance test reports, material balance calculations).

4. Send the entire downloaded file with suggested revisions in Microsoft® Access format and all accompanying documentation to Docket ID No. EPA–HQ–OAR–2018–0794 (through the method described in the **ADDRESSES** section of this preamble).

5. If you are providing comments on a single facility or multiple facilities, you need only submit one file for all facilities. The file should contain all suggested changes for all sources at that facility (or facilities). We request that all data revision comments be submitted in the form of updated Microsoft® Excel files that are generated by the Microsoft® Access file. These files are provided on the RTR website at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.*

XI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is a significant regulatory action that was submitted to OMB for review. Any changes made in response to OMB recommendations have been documented in the docket. The EPA does not project any potential costs or benefits associated with this action.

B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This action is expected to be an Executive Order 13771 regulatory action. There are no quantified cost estimates for this proposed rule because this proposed rule is not expected to result in any changes in costs.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0567. This action does not impose an information collection burden because the EPA is not proposing any changes to the information collection requirements.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. The EPA does not project any potential costs or benefits associated with this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

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

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. It would neither impose substantial direct compliance costs on tribal governments, nor preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections V.A and C, and sections VI.A and B of this preamble, and further documented in the risk document, available in the docket for this action.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This action is not anticipated to have impacts on emissions, costs, or energy supply decisions for the affected electric utility industry.

J. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The documentation for this decision is contained in section VI.A of this preamble and the technical report, *Risk and Technology Review—Analysis of Demographic Factors for Populations Living Near Coal- and Oil-Fired EGUs,* available in the docket for this action.

Dated: December 27, 2018.

Andrew R. Wheeler,

Acting Administrator.

[FR Doc. 2019–00936 Filed 2–6–19; 8:45 am]

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