FEDERAL REGISTER

Vol. 84 Monday,

No. 37 February 25, 2019

Pages 5951–6052

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.govinfo.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $860 plus postage, or $929, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 84 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:	
Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: *https://www.gpo.gov/frsubs.*

Contents

Federal Register

Vol. 84, No. 37

Monday, February 25, 2019

Separate Parts In This Issue

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 84, No. 37
Monday, February 25, 2019

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1091; Airspace Docket No. 17–AWP–26]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Atwater, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, technical amendment.

SUMMARY: This action amends the legal description of the Class D airspace area at Atwater, CA. The FAA identified an error in a bearing contained in the Class D airspace legal description. The bearing from the airport is corrected to have the legal description coincide with the graphical representation of the airspace. This change is editorial only and does not alter the current charted boundaries, altitudes, or ATC procedures for Castle Airport, Atwater, CA.

DATES: Effective 0901 UTC, April 25, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S. 216th St., Des Moines, WA 98198–6547; telephone (206) 231–2245.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D airspace at Castle Airport, Atwater, CA.

History

The Aeronautical Information Services branch identified a typographical error in a bearing used in the legal description. The legal description identified a bearing of 114° instead of 144°. This action makes this correction.

Class D airspace designations are published in paragraph 5000 of FAA Order 7400.11C dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR part 71.1. The Class D airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR part 71.1. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends the legal description of the Class D airspace Castle Airport, Atwater, CA. The typographical error of the Airport Reference Point bearing of 114° is changed to 144° to coincide with the graphical representation provided to the public.

This action is a minor editorial change that does not alter the currently charted boundaries, altitudes, or ATC procedures for Castle Airport, Atwater, CA, therefore I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary and contrary to the public interest.

Regulatory Notices and Analyses

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

Environmental Review

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

that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000.

* * * * *

AWP CA D ATWATER, CA [AMENDED]

Castle Airport, CA

(Lat. 37°22′50″ N, long. 120°34′06″ W)

That airspace extending upward from the surface up to but not including 2,000 feet MSL within a 4.6-mile radius of Castle Airport beginning at the 278° bearing from the airport clockwise to the 144° bearing, thence northwest to the point where the 182° bearing intersects the Merced Regional/Macready Airport Class E2, thence to the point of beginning. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in Seattle, Washington, on February 15, 2019.

Shawn A. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2019–03095 Filed 2–22–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 38 and 39

RIN 2900–AQ36

Prohibition of Interment or Memorialization of Persons Who Have Been Convicted of Federal or State Capital Crimes or Certain Sex Offenses

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends its national cemetery regulations prohibiting the interment or memorialization of certain persons who have been convicted of Federal or State capital crimes. This final rule incorporates the statutory prohibition against interment or memorialization in a VA national cemetery or VA-funded State or Tribal veterans' cemetery of a person who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act; who, for such crime, is sentenced to a minimum of life imprisonment; and whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State). This prohibition was enacted as part of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012.

DATES: This rule is effective on February 25, 2019.

FOR FURTHER INFORMATION CONTACT: Eric D. Powell, Deputy Director, Memorial Programs Service, Office of Field Programs, National Cemetery Administration (NCA), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–8670 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Title 38, U.S.C., section 2411 originally prohibited the interment or memorialization in a VA national cemetery of an individual who had been convicted of a Federal or State capital crime or had been found to have committed a Federal or State capital crime but had not been convicted of such crime due to the person's death or flight to avoid prosecution. VA published regulations implementing this prohibition applicable to VA national cemeteries at 38 CFR 38.617 and 38.618, and for State and Tribal veteran cemeteries funded through grants from VA at 38 CFR 39.10(b). The Dignified Burial and Other Veterans' Benefits Improvement Act of 2012, Public Law 112–260, Sec. 105 (codified at 38 U.S.C. 2411(b)(4)), expanded the prohibition on interment or memorialization in a VA national cemetery to include an individual who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (42 U.S.C. 16901, *et seq.*); who, for such crime, is sentenced to a minimum of life imprisonment; and whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State).

The Sex Offender Registration and Notification Act was previously codified at 42 U.S.C. 16901, *et seq.,* but has been transferred to 34 U.S.C. 20901, *et seq.* A ''tier III sex offender'' is defined at 34 U.S.C. 20911(4) to mean a sex offender whose offense is punishable by imprisonment for more than 1 year and (1) is comparable to or more severe than aggravated sexual abuse or sexual abuse (18 U.S.C. 2241 and 2242) or abusive sexual contact (18 U.S.C. 2244) against a minor who has not attained the age of 13 years, or is an attempt or conspiracy to commit such offenses; or (2) involves kidnapping of a minor (unless the offense is committed by a parent or guardian); or (3) occurs after the offender becomes a tier II sex offender.

This final rule amends VA regulations to accurately reflect the statutory mandate in 38 U.S.C. 2411, including the prohibition added by Public Law 112–260, Sec. 105. VA has acted in compliance with the statutory mandate prohibiting interment or memorialization to individuals who meet the statutory definitions since enactment of Public Law 112–260, and this final rule brings VA's regulations into compliance with the statutory mandate. In addition, VA is making technical amendments to 38 CFR 38.617 to clarify that the prohibition added by Public Law 112–260 also prohibits individuals who meet the statutory definitions from receiving other memorialization benefits, even outside the national cemeteries. Although the language in 38 U.S.C. 2411 prohibits burial and memorialization only in VA national cemeteries, the prohibition also pertains to other types of memorialization provided by VA in other statutes. In particular, 38 U.S.C. 2306(h) prohibits provision of the various types of headstone and marker benefits to individuals identified in 38 U.S.C. 2411(b), including those buried in cemeteries other than VA national cemeteries. Similarly, 38 U.S.C. 112(c) prohibits the provision of a Presidential Memorial Certificate to any individual identified in 38 U.S.C. 2411(b), and 38 U.S.C. 2301(g) prohibits VA from providing a United States flag to drape

the casket of such individuals. To address these other benefits, we are removing, in 38 CFR 38.617(a), the phrase ''in such a cemetery,'' because these memorialization benefits may be provided outside the national cemeteries, according to the relevant statutory mandates. In addition, because cemetery directors do not have any responsibility for providing (or prohibiting the provision of) benefits outside the national cemeteries, we are also removing the phrase ''the affected cemetery director, or'' so that the Under Secretary for Memorial Affairs, or his or her designee, (which may include cemetery directors) is noted as responsible for such determinations. We are replacing all other references to ''cemetery director'' with ''Under Secretary for Memorial Affairs, or his or her designee,'' throughout 38 CFR 38.617. Referring to the Under Secretary for Memorial Affairs, or his or her designee, ensures that the regulation references the office currently responsible for implementing the bar to receiving benefits other than burial, and will remain correct even if the responsibility is reassigned to a different office in the future.

In § 38.617, the heading is amended to read ''Prohibition of interment or memorialization of persons who have been convicted of Federal or State capital crimes or certain sex offenses''.

A new paragraph (a)(4) is added, to include in the list of individuals prohibited from interment or memorialization a person who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (34 U.S.C. 20901, *et seq.*); who, for such crime, is sentenced to a minimum of life imprisonment; and whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State).

References in paragraphs (c) and (d) are updated to include a reference to new paragraph (a)(4).

Current paragraph (e) addresses VA inquiries to the United States Attorney General in the case of a Federal capital crime, or an appropriate State official in the case of a State capital crime. Such references to either Federal or State capital crimes are revised to also include Federal or State crimes referred to in new paragraph (a)(4).

To administer support to State and Tribal veterans' cemeteries, VA is authorized under 38 U.S.C. 2408 to make a grant for the establishment, expansion, or improvement of a State or Tribal veterans' cemetery, or the operation and maintenance of such cemetery. Pursuant to 38 U.S.C. 2408(d), as a condition for receiving such a grant, the State or Tribal Organization, after the date of the receipt of the grant, must prohibit the interment or memorialization in that cemetery of a person described in 38 U.S.C. 2411(b), subject to the receipt of notice described in 38 U.S.C. 2411(a)(2). Notice that the decedent has been convicted of a crime as described in 38 U.S.C. 2411(b)(1), (b)(2), or (b)(4) must be furnished to an appropriate official of the State or Tribal Organization; or a finding as described in 38 U.S.C. 2411(b)(3) must be made by an appropriate official of the State or Tribal Organization. Regulations governing grants to State and Tribal Organizations to establish, expand or improve a veterans' cemetery are published at 38 CFR part 39, and § 39.10(b) addresses the prohibition on interment of decedents who committed a Federal or State capital crime.

This final rule amends § 39.10, which establishes cemetery requirements, prohibitions, and recapture rules applicable to grants to State and Tribal veteran cemeteries. A new paragraph (b)(4) is added, to include in the criteria of individuals prohibited from interment or memorialization a person who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (34 U.S.C. 20901, *et seq.*); who, for such crime, is sentenced to a minimum of life imprisonment; and whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State).

Additionally, the authority citation for part 39 currently cites to, among other statutes, 25 U.S.C. 450b(l). This citation was included because the statute includes definitions relevant to tribal authorities to whom VA may make grants for veterans' cemeteries. However, 25 U.S.C. 450b(l) has been transferred to 25 U.S.C. 5304(l). In addition, the pertinent definitions are also included in 38 U.S.C. 3765, which is among the other statutes cited in this authority citation, making the additional (and now outdated) reference to title 25 unnecessary. This final rule amends the authority citation for part 39 by removing the citation to 25 U.S.C. 450b(l).

Administrative Procedure Act

In accordance with 5 U.S.C. 553(b)(B) and (d)(3), the Secretary of Veterans Affairs concludes that there is good cause to publish this rule without prior opportunity for public comment and to publish this rule with an immediate effective date, as such procedures would be unnecessary and contrary to the public interest. As stated above, this final rule reflects amendments to 38 U.S.C. 2411, prohibiting the interment or memorialization in a VA national cemetery of a person who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (34 U.S.C. 20901, *et seq.*); who, for such crime, is sentenced to a minimum of life imprisonment; and whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State). The final rule is not an exercise of agency discretion as it addresses only that which Congress mandates, and VA's actions in this rulemaking would not be changed as a result of public comment. This final rule amends our regulations to accurately reflect the statutory mandate in 38 U.S.C. 2411, to include the prohibition added by Public Law 112–260, Sec. 105. Further, delaying the effective date of this rulemaking would not benefit veterans and family members, and could lead to confusion regarding an individual's eligibility for burial in a VA national cemetery. For the above reasons, the Secretary issues this rule as a final rule, effective immediately.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to these regulations or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

This final rule is exempt from the Regulatory Flexibility Act, 5 U.S.C. 601–612, because a general notice of proposed rulemaking is not required for this rulemaking under 5 U.S.C. 553, as discussed above. *See* 5 U.S.C. 601(2), 603(a), 604(a).

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and

benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' which requires review by the Office of Management and Budget (OMB), as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

VA has examined the economic, interagency, budgetary, legal, and policy implications of this regulatory action and determined that the action is not a significant regulatory action under E.O. 12866. VA's impact analysis can be found as a supporting document at *http://www.Regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm* by following the link for VA Regulations Published from FY 2004 through FYTD.

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

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.201 National Cemeteries; 64.202 Procurement of Headstones and Markers and/or Presidential Memorial Certificates; and, 64.203 State Cemetery Grants.

List of Subjects

38 CFR Part 38

Administrative practice and procedure, Cemeteries, Claims, Crime, Veterans.

38 CFR Part 39

Cemeteries, Grant programs—veterans, Veterans.

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 11, 2019, for publication.

Dated: February 19, 2019.

Luvenia Potts,

Program Specialist, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR parts 38 and 39 as follows:

PART 38—NATIONAL CEMETERIES OF THE DEPARTMENT OF VETERANS AFFAIRS

■ 1. The authority citation for part 38 continues to read as follows:

Authority: 38 U.S.C. 107, 501, 512, 2306, 2402, 2403, 2404, 2408, 2411, 7105.

■ 2. Amend § 38.617 as follows:
■ a. Revise the section heading and paragraph (a) introductory text.
■ b. Add paragraph (a)(4).
■ c. Revise paragraphs (c), (d), (e)(1) introductory text, (e)(1)(i) and (ii), (e)(2), (f), and (g).

The revisions and additions read as follows:

§ 38.617 Prohibition of interment or memorialization of persons who have been convicted of Federal or State capital crimes or certain sex offenses.

(a) *Persons prohibited.* The interment in a national cemetery under control of the National Cemetery Administration of the remains of any person, or memorialization of such person, shall not take place absent a good faith effort by the Under Secretary for Memorial Affairs, or his or her designee, to determine whether such person is barred from receipt of such benefits because the individual for whom interment or memorialization is sought is:

* * * * *

(4) A person identified to the Secretary of Veterans Affairs, by the United States Attorney General, in the case of a Federal crime, or by an appropriate State official, in the case of a State crime, as an individual who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (34 U.S.C. 20901, *et seq.*); who, for such crime, is sentenced to a minimum of life imprisonment; and whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State).

* * * * *

(c) *Receipt of notification.* The Under Secretary for Memorial Affairs is delegated authority to receive from the United States Attorney General and appropriate State officials on behalf of the Secretary of Veterans Affairs the notification referred to in paragraphs (a)(1), (2), and (4) of this section.

(d) *Decision where notification previously received.* Upon receipt of a request for interment or memorialization, where the Secretary of Veterans Affairs has received the notification referred to in paragraph (a)(1), (2), or (4) of this section with regard to the deceased, the Under Secretary for Memorial Affairs, or his or her designee, will make a decision on the request for interment or memorialization pursuant to 38 U.S.C. 2411.

(e) * * *

(1) Upon receipt of a request for interment or memorialization, where the Secretary of Veterans Affairs has not received the notification referred to in paragraph (a)(1), (2), or (4) of this section with regard to the deceased, but the Under Secretary for Memorial Affairs, or his or her designee, has reason to believe that the deceased may have been convicted of a Federal or State capital crime or sex offense as referred to in paragraph (a)(1), (2), or (4) of this section, the Under Secretary for Memorial Affairs, or his or her designee, will initiate an inquiry to either:

(i) The United States Attorney General, requesting notification of

whether the deceased has been convicted of a Federal capital crime or sex offense as referred to in paragraph (a)(1) or (4) of this section; or

(ii) An appropriate State official, requesting notification of whether the deceased has been convicted of a State capital crime or sex offense as referred to in paragraph (a)(2) or (4) of this section.

(2) The Under Secretary for Memorial Affairs, or his or her designee, will defer decision on whether to approve interment or memorialization until after a response is received from the Attorney General or appropriate State official.

(f) *Decision after inquiry.* Where an inquiry has been initiated under paragraph (e) of this section, the Under Secretary for Memorial Affairs, or his or her designee, will make a decision on the request for interment or memorialization pursuant to 38 U.S.C. 2411 upon receipt of the notification requested, unless the Under Secretary for Memorial Affairs, or his or her designee, initiates an inquiry pursuant to § 38.618(a).

(g) *Notice of decision.* Written notice of a decision under paragraph (d) or (f) of this section will be provided by the Under Secretary for Memorial Affairs, or his or her designee, to the personal representative of the deceased, along with written notice of appellate rights in accordance with § 19.25 of this title. This notice of appellate rights will include notice of the opportunity to file a notice of disagreement with the decision of the Under Secretary for Memorial Affairs, or his or her designee. Action following receipt of a notice of disagreement with a denial of eligibility for interment or memorialization under this section will be in accordance with §§ 19.26 through 19.38 of this title.

PART 39—AID FOR THE ESTABLISHMENT, EXPANSION, AND IMPROVEMENT, OR OPERATION AND MAINTENANCE, OF VETERANS CEMETERIES

■ 3. The authority citation for part 39 is revised to read as follows:

Authority: 38 U.S.C. 101, 501, 2408, 2411, 3765.

■ 4. Amend § 39.10 by adding paragraph (b)(4) to read as follows:

§ 39.10 Cemetery requirements and prohibitions and recapture provisions.

* * * * *

(b) * * *

(4) Who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (34 U.S.C. 20901, *et seq.*); who, for such crime, is sentenced to a minimum of life imprisonment; and whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State).

* * * * *

[FR Doc. 2019–03078 Filed 2–22–19; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 19

[FRL–9988–90–OECA]

Civil Monetary Penalty Inflation Adjustment Rule

Correction

In rule document 2019–00785, appearing on pages 2056–2060, in the issue of Wednesday, February 6, 2019, make the following correction:

1. On page 2056, in the first column, in the standard document heading, the Document Identification Number that reads ''[FRL–9988–90–OAR–OECA]'' should read ''[FRL–9988–90–OECA]''.

2. On the same page, in the second column, the ''**DATES:**'' section should read, ''This final rule is effective February 6, 2019''.

§ 19.4 Statutory civil penalties, as adjusted for inflation, and tables. [Corrected]

■ 3. On page 2058, in the third column, in the thirty-first line, ''January 15, 2019'' should read ''February 6, 2019''.

■ 4. On the same page, in the same column, in the thirty-sixth line, ''January 15, 2019'' should read ''February 6, 2019''.

* * * * *

■ 5. On pages 2058–2060, in the table titled ''Table 2 of Section 19.4—Civil Monetary Penalty Inflation Adjustments'', in the sixth column headings, the date ''January 15, 2019'' should read ''February 6, 2019''.

■ 6. On the same pages, in the same table, in the seventh column headings, the date ''January 15, 2019'' should read ''February 6, 2019''.

* * * * *

[FR Doc. C1–2019–00785 Filed 2–22–19; 8:45 am]

BILLING CODE 1301–0–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160426363–7275–02]

RIN 0648–XG770

Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2018–2019 Commercial Hook-and-Line Closure for King Mackerel in the Gulf of Mexico Southern Zone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) to close the hook-and-line component of the commercial sector for king mackerel in the Gulf of Mexico (Gulf) southern zone. This closure is necessary to protect the Gulf king mackerel resource.

DATES: This temporary rule is effective from 12:01 a.m., local time, on February 22, 2019, through June 30, 2019.

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *kelli.odonnell@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish includes king mackerel, Spanish mackerel, and cobia, and is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All weights for Gulf migratory group king mackerel (Gulf king mackerel) below apply as either round or gutted weight.

The king mackerel fishery in the Gulf is divided into western, northern, and southern zones, which have separate commercial quotas. The southern zone for Gulf king mackerel encompasses an area of the exclusive economic zone (EEZ) south of a line extending due west from the boundary of Lee and Collier Counties on the Florida west coast, and south of a line extending due east from the boundary of Monroe and Miami-Dade Counties on the Florida east coast, which includes the EEZ off Collier and Monroe Counties in south Florida (50 CFR 622.369(a)(1)(iii)).

The commercial quota for the hook-and-line component of the commercial sector in the southern zone is 585,900 lb (265,760 kg) for the current fishing year, July 1, 2018, through June 30, 2019 (50 CFR 622.384(b)(1)(iii)(A)).

Regulations at 50 CFR 622.8(b) and 622.388(a)(1) require NMFS to close any component of the king mackerel commercial sector when its quota has been reached, or is projected to be reached, by filing a notification with the Office of the Federal Register. NMFS has determined the commercial quota for the hook-and-line component of the commercial sector for Gulf king mackerel in the southern zone will be reached by February 22, 2019. Accordingly, the hook-and-line component of the commercial sector for Gulf king mackerel in the southern zone is closed effective at 12:01 a.m., local time, on February 22, 2019, through the end of the fishing year on June 30, 2019.

NMFS has also determined that the Gulf king mackerel commercial quota for vessels using run-around gillnet gear in the southern zone was reached on February 8, 2019, and therefore on that date, NMFS closed the southern zone to commercial king mackerel fishing using run-around gillnet gear (84 FR 3723, February 13, 2019). Accordingly, all commercial fishing for Gulf king mackerel in the southern zone is closed effective at 12:01 a.m., local time, on February 22, 2019. The commercial hook-and-line component for Gulf king mackerel in the southern zone will reopen on July 1, 2019. The commercial run-around gillnet component will reopen at 6 a.m., eastern time, on January 21, 2020.

A person aboard a vessel that has a valid Federal commercial permit for king mackerel may continue to retain king mackerel under the bag and possession limits set forth in 50 CFR 622.382(a)(1)(ii) and (a)(2), as long as the recreational sector for Gulf king mackerel is open (50 CFR 622.384(e)(1)).

During the commercial closure, king mackerel caught with hook-and-line gear from the closed zone, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to king mackerel caught with hook-and-line gear from the closed zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(2)).

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of Gulf king mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.8(b) and 622.388(a)(1), and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the commercial quota and the associated AM has already been subject to notice and public comment, and all that remains is to notify the public of the closure. Additionally, allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to implement immediately this action to protect the king mackerel stock, because the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require time and could potentially result in a harvest well in excess of the established commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of the action under 5 U.S.C. 553(d)(3).

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

Dated: February 20, 2019.

Alan D. Risenhoover,

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

[FR Doc. 2019–03190 Filed 2–20–19; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 37
Monday, February 25, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 715

RIN 3133–AE91

Supervisory Committee Audits and Verifications

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: The NCUA Board (Board) proposes to amend its regulations governing the responsibilities of a federally insured credit union (FICU) to obtain an annual supervisory committee audit of the credit union. The proposal implements recommendations outlined in the agency's Regulatory Reform Task Force's Regulatory Reform Agenda (Agenda) and will provide additional flexibility to FICUs.

DATES: Comments must be received on or before April 26, 2019.

ADDRESSES: You may submit comments by any of the following methods, but please send comments by one method only:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Website: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.
- *Email:* Address to *regcomments@ncua.gov.* Include ''[Your name]—Comments on Proposed Rule—Supervisory Committee Audits and Verifications'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

FOR FURTHER INFORMATION CONTACT: *Technical information:* Alison Clark, Chief Accountant, Office of Examination and Insurance, at the above address or telephone (703) 518–6611; or *Legal information:* Marvin Shaw, Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6553.

SUPPLEMENTARY INFORMATION:

I. Background and Legal Authority

A. NCUA Regulatory Reform Task Force

In August 2017, the Board published and sought comment on the Agenda.[1] The Agenda identifies those regulations the Board intends to amend or repeal because they are outdated, ineffective, or excessively burdensome.[2]

The Agenda addresses the NCUA's regulations on Supervisory Committee Audits. As discussed more fully below in the Proposed Amendments section, the Agenda recommends removing from § 715.7 of the NCUA's regulations the reference to the ''NCUA's Supervisory Committee Guide'' and amending in § 715.9 of the NCUA's regulations the requirement related to the timing for delivery of written reports.

B. Federal Credit Union Act Audit Requirements

Sections 115 and 202(a)(6) of the Federal Credit Union Act (FCU Act) set forth provisions addressing auditing and accounting requirements.[3] Section 115 of the FCU Act requires an FCU's supervisory committee to make an annual audit and submit a report of that audit to the FCU's Board of Directors and a summary of that report to the FCU's members at the next annual meeting.[4] Further, the supervisory committee is required to make supplemental reports as they deem necessary.

Section 202(a)(6)(A) of the FCU Act is a general grant of authority to the Board to prescribe audit standards that require an outside, independent audit by a certified public accountant for any fiscal year for which a credit union has not conducted an annual supervisory committee audit, has not received a complete and satisfactory supervisory committee audit, or during which the credit union has experienced persistent or serious record keeping deficiencies.

Section 202(a)(6)(C) of the FCU Act generally requires FICUs having assets of $10 million or more to use accounting principles consistent with GAAP in all reports or statements required to be filed with the Board.[5] The Board, and state credit union supervisors under applicable state law, may require credit unions having less than $10 million in assets to follow GAAP.[6]

Section 202(a)(6)(D) of the FCU Act imposes audit requirements for larger FICUs. Specifically, a FICU having assets of $500 million or more is required to obtain an annual independent audit of its financial statements performed in accordance with generally accepted auditing standards (GAAS), hereafter referred to as a ''financial statement audit.'' That audit must be performed by an independent certified public accountant or public accountant licensed to do so by an appropriate state or jurisdiction.[7]

Additionally, if an FCU having total assets of less than $500 million but more than $10 million elects to obtain a financial statement audit, the audit must be performed consistent with the accountancy laws of the appropriate state or jurisdiction.[8]

C. The NCUA's Supervisory Committee Audit Regulations

Sections 715.5 and 715.6 of the NCUA's regulations specify: (1) The minimum type of annual audit a FICU is required to obtain according to its charter type and asset size; (2) the licensing requirements of persons performing certain audits; and (3) the auditing principles that apply to certain audits.[9] These provisions were last updated in July 1999.[10]

The July 1999 rulemaking also adopted § 715.7 of the NCUA's regulations outlining the options for a FICU to comply with the annual audit requirement if it has elected not to voluntarily obtain a financial statement audit. The options permitted include a

[1] 82 FR 39702 (Aug. 22, 2017).

[2] This is consistent with the spirit of President Trump's regulatory reform agenda and Executive Order 13777. Although the NCUA, as an independent agency, is not required to comply with Executive Order 13777, the Board has chosen to comply with it in spirit and has reviewed all of the NCUA's regulations to that end.

[3] 12 U.S.C. 1761d; 12 U.S.C. 1782.

[4] 12 U.S.C. 1761d.

[5] 12 U.S.C. 1782(a)(6)(C). ''In lieu of GAAP, the NCUA Board may prescribe an accounting principle . . . that is no less stringent than GAAP.''

[6] Id.

[7] 12 U.S.C. 1782(a)(6)(D)(i).

[8] 12 U.S.C. 1782(a)(6)(D)(ii).

[9] 12 CFR part 715.

[10] 64 FR 41035 (July 29, 1999).

FICU obtaining: (1) A Balance Sheet Audit; (2) a Report on Examination of Internal Controls over Call Reporting; or (3) an Audit per the Supervisory Committee Guide. The first two options are analogous to options adopted in 1999 by the Federal Financial Institutions Examination Council for other federally insured financial institutions. Regarding the third option, the NCUA amended the Supervisory Committee Guide in 1999 to detail the minimum scope and procedures for engaging outside compensated professionals in the audit process and to clearly distinguish a Supervisory Committee Guide audit from a financial statement audit.

II. Proposed Amendments

A. Section 715.7 Supervisory Committee Audit Alternatives to a Financial Statement Audit

The Board proposes to remove the reference to the NCUA's Supervisory Committee Guide in § 715.7(c). Section 715.7 outlines the alternatives a credit union that is not required to obtain a financial statement audit may elect to utilize in lieu of obtaining a financial statement audit to fulfill its supervisory committee responsibilities. One such option is to conduct an audit per the Supervisory Committee Guide, which is published by the NCUA. The Board is proposing to replace this option with the option to conduct the audit so as to meet certain minimum requirements, which would be incorporated into a proposed new Appendix A to Part 715. The minimum procedures outlined in Appendix A reflect common industry practices for testing accounts and controls over financial institution financial statements.

The Board believes that providing a targeted list of minimum procedures to be included in an audit would clarify and simplify the audit process. Under this framework, credit unions and outside parties hired to conduct audits for credit unions would only need to refer to the streamlined Appendix A to determine the minimum audit requirements, rather than needing to refer to the current Supervisory Committee Guide, which, at over 350 pages, is overly specific, burdensome, and outdated.

Under the proposed Appendix A, the supervisory committee, internal auditor, or other qualified person would be required to perform and document the following areas of review:

- Test and confirm material asset and liability accounts, including, at a minimum, loans, cash, investments, shares and borrowings.
- Test material equity, income and expense accounts.
- Review key internal controls, at a minimum, bank reconciliation procedures, cash controls, dormant account controls, wire and ACH transfer controls, loan approval and disbursement procedures, and inside account controls.
- Test the mathematical accuracy of the allowance for loan and lease loss accounts and ensure the methodology is properly applied.
- Test loan delinquency and charge-offs.

In selecting these areas of review for inclusion in Appendix A, NCUA staff has borrowed substantially from the Supervisory Committee Guide, reviewed and adopted procedures established by the American Institute of Certified Public Accountants, and consulted with accounting professionals. This proposed amendment is intended to make it easier for a credit union to understand what it needs to include in its audits, not necessarily to change the areas of review the Board considers important. Nevertheless, the Board requests comment on if there are other areas of review that should be included in Appendix A, including, for example, loans to insiders, pay and benefits to employees and board members, regulatory compliance, compliance with the Bank Secrecy Act, and other topics.

Appendix A further directs the supervisory committee, internal auditor, or other qualified persons to determine if additional procedures are needed to supplement the minimum procedures that are subject to the audit.

The Board requests comments on other areas that might be included in Appendix A, including loans to insiders, pay and benefits to employees and board members, regulatory compliance, compliance with the Bank Secrecy Act, and other topics.

The Board plans to decommission the outdated Supervisory Committee Guide. The NCUA would issue reference material on how to conduct procedures that would meet the minimum requirements of Appendix A. This reference material could be used by Supervisory Committees and the third parties hired to develop agreed upon procedures. Alternatively, Supervisory Committees and hired third parties could elect to incorporate other agreed upon procedures, as long as the testing resulted in the minimum requirements being met.

B. Section 715.9 Assistance From Outside, Compensated Person

The Board proposes to amend § 715.9(c)(6) of the NCUA's regulations. This section, among other things, addresses engagement letters a credit union may use to hire a compensated auditor to perform audit functions. The current regulation requires that an engagement letter specify a target date of delivery of written reports ''not to exceed 120 days from the date of calendar or fiscal year-end under audit (period covered).'' The proposed amended provision would eliminate the 120-day time frame in favor of language that provides enhanced flexibility free of any deadline articulated in a specific number of days. The new standard would only require a credit union to specify in the engagement letter a target delivery date that enables the credit union to timely meet its annual audit requirements as articulated in § 715.4 of the NCUA's regulations.

This proposed change provides a credit union with the ability to better negotiate the target date for delivery of written reports with the person or firm it contracts with, and still meet the audit requirements. Additionally, this will eliminate the need for a Supervisory Committee to obtain a waiver from the appropriate NCUA Regional Director, if delivery of the written report will exceed the 120-day period.

C. Miscellaneous

The Board also proposes to amend § 715.9(c)(3), § 715.9(d), and § 715.9(e) to remove references to the Supervisory Committee Guide and replace them with references to the minimum requirements of proposed new Appendix A, consistent with the proposed changes to § 715.7(c).

In addition, the proposed rule amends § 715.7 by removing one of the alternatives a Supervisory Committee has in lieu of obtaining a financial statement audit, namely, the option to obtain a report on examination of internal controls over call reporting. The NCUA believes this option has limited value in serving as an audit of the credit union's financial reports of condition as it does not necessarily involve any review of balances reported. As of September 30, 2018, less than 1 percent of FICUs used this option to fulfill the annual audit requirement.

III. Request for Comment

The Board seeks comment on all aspects of this proposal. Further, in addition to removing the alternative of obtaining ''a report on examination of internal controls over call reporting,'' as proposed above, the Board seeks comment on if it should also remove the ''balance sheet audit'' alternative. It has been the NCUA's experience that the

balance sheet audit alternative is utilized only by a small number of credit unions (approximately 2.5 percent) and provides limited value, as it does not include an audit of a credit union's income statement.

IV. Regulatory Procedures

A. Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis of any significant economic impact a regulation may have on a substantial number of small entities (those with less than $100 million in assets).[11] This proposed rule will provide relief to small credit unions by clarifying and simplifying requirements related to supervisory committee audits. Accordingly, NCUA certifies the proposed rule will not have a significant economic impact on a substantial number of small credit unions.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency creates a new paperwork burden or increases an existing burden.[12] For purposes of the PRA, a paperwork burden may take the form of a reporting or recordkeeping requirement, both referred to as information collections. The information collection requirements under the current rule are covered under OMB #3133–0059. This proposed rule does not contain any additional information collection requirements that require approval by OMB under the Paperwork Reduction Act.[13]

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The proposed rule does 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. NCUA has, therefore, determined that this proposal does not constitute a policy that has federalism implications for purposes of the executive order.

[11] 5 U.S.C. 603(a).

[12] 44 U.S.C. 3507(d); 5 CFR part 1320.

[13] 44 U.S.C. 3501.

D. Assessment of Federal Regulations and Policies on Families

NCUA has determined that this proposed rule will not affect family well-being within the meaning of § 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 715

Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on February 19, 2019.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the National Credit Union Administration Board proposes to amend 12 CFR part 715 as follows:

PART 715—SUPERVISORY COMMITTEE AUDITS AND VERIFICATIONS

■ 1. The authority citation for part 715 continues to read as follows:

Authority: 12 U.S.C. 1761(b), 1761d, and 1782(a)(6).

■ 2. Revise § 715.7 to read as follows:

§ 715.7 Supervisory Committee audit alternatives to a financial statement audit.

A credit union which is not required to obtain a financial statement audit may fulfill its supervisory committee responsibility by one of the following engagements:

(a) *Balance sheet audit.* A balance sheet audit, as defined in § 715.2(a), performed by a person who is licensed to do so by the State or jurisdiction in which the credit union is principally located; or

(b) *Other Supervisory Committee Audit.* An audit performed by the supervisory committee, its internal auditor, or any other qualified person (such as a certified public accountant, public accountant, league auditor, credit union auditor consultant, retired financial institutions examiner, etc.) that satisfies the minimum requirements in Appendix A of this part. Qualified persons who are not State-licensed cannot provide assurance services under this subsection.

■ 3. In § 715.9 revise paragraphs (c)(3), (6), (d), and (e) to read as follows:

§ 715.9 Assistance from outside, compensated person.

* * * * *

(c) * * *

(3) If an Other Supervisory Committee Audit, include an appendix setting forth the procedures to be performed.

* * * * *

(6) Specify a target date of delivery of the written reports, so that such target date will enable the credit union to meet its annual audit requirements;

* * * * *

(d) *Complete scope.* If the engagement is to perform an Other Supervisory Committee audit intended to fully meet the requirements of § 715.7(c), the engagement letter shall certify that the audit will address at least the minimum requirements in Appendix A of this part.

(e) *Exclusions from scope.* If the engagement is to perform an Other Supervisory Committee audit which will exclude any of the minimum requirements in Appendix A of this part, the engagement letter shall:

(1) Identify the excluded items;

(2) State that, because of the exclusion(s), the resulting audit will not, by itself, fulfill the scope of a supervisory committee audit; and

(3) Caution that the supervisory committee will remain responsible for fulfilling the scope of a supervisory committee audit with respect to the excluded items.

■ 4. Revise part 715 by adding Appendix A to read as follows:

Appendix A—Supervisory Committee Audit—Minimum Procedures

This Appendix presents minimum procedures which a supervisory committee, its internal auditor, or other qualified person must complete when a credit union chooses the Other Supervisory Committee Audit option for completing its annual audit requirements under § 715.7(c) of this part.

This option may not be adequate for all credit unions as it is designed for smaller, less complex credit unions. The supervisory committee, internal auditor, or other qualified person may also need to perform additional procedures to supplement these minimum procedures if the specific circumstances of a particular credit union so dictate. The supervisory committee must apply its judgment in determining the procedures necessary to meet audit requirements. The supervisory committee remains responsible to ensure that a complete set of test procedures is performed. All test procedures will be done using balances and samples for the applicable review period.

Any time the test or confirmation procedures include making a sample or selection, the supervisory committee's report, its internal auditor's report, or other qualified person's report on minimum procedures should delineate the method of selection and the number of selected items.

For purposes of this Appendix, the following definitions will apply:

• Confirm or confirmation refers to a written verification with a third-party (person or organization) pertaining to an account balance or condition. Examples of confirmation letters are bank/corporate credit union account confirmation, investment account confirmation, borrowing or line of credit confirmation, attorney letter confirmation, and member share/loan account confirmation.

• Materiality refers to a statement, fact or item, which, giving full consideration to the surrounding circumstances as they exist at the time, it is of such a nature that its disclosure, or the method of treating it, would be likely to influence or to make a difference in the judgment and conduct of a reasonable person. Materiality should take into account ending balances as well as the volume of transactions in an account. Typically, balances or transaction volume greater than 5 percent of the credit union's net worth should be considered material for purposes of this Appendix.

• Review refers to the examination of policies and procedures, and a review of a *sample* portion of activities, rather than *all* of the activities.

• Test refers to procedures applied to the individual items that compose an account balance or class of transactions. The tests involve confirmation, inspection, or observation procedures to provide evidence about the recorded amount.

The supervisory committee, internal auditor, or other qualified person must perform and document the following minimum procedures:

- Test and confirm material asset and liability accounts including, at a minimum:
  - Loans
  - Cash on deposit
  - Investments
  - Shares
  - Borrowings
- Test material equity, income, and expense accounts
- Review key internal controls including, at a minimum:
  - Bank reconciliation procedures
  - Cash controls
  - Dormant account controls
  - Wire and ACH transfer controls
  - Loan approval and disbursement procedures
  - Inside account controls
  - Other real estate owned
  - Foreclosed and repossessed assets
- Test the mathematical accuracy of the allowance for loan and lease loss account and ensure the methodology is properly applied
- Test loan delinquency and charge-offs

[FR Doc. 2019–03164 Filed 2–22–19; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0017; Product Identifier 2018–NM–112–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 supersede Airworthiness Directive (AD) 2007–11–11 and AD 2017–01–11, which apply to all Airbus SAS Model A318 and Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321 series airplanes. AD 2007–11–11 requires an inspection to determine the serial number of both main landing gear (MLG) sliding tubes, repetitive inspections for cracking of the affected MLG sliding tubes and corrective actions if necessary, and eventual replacement of both MLG shock absorbers. AD 2017–01–11 requires identification of the part number and serial number of the MLG sliding tubes; inspection of affected chromium plates and sliding tube axles for damage; and replacement of the sliding tube if necessary. Since we issued AD 2007–11–11 and AD 2017–01–11, it was determined that cracks were found in the MLG sliding tubes due to certain manufacturing defects that might not be identified using the current on-wing scheduled inspections. This proposed AD would retain certain requirements of AD 2007–11–11 and AD 2017–01–11. This proposed AD would also require repetitive inspections of affected MLG sliding tubes for cracking, replacement of cracked MLG sliding tubes, and eventual replacement of each affected MLG sliding tube. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 11, 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 Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2019–0017; 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: 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–2019–0017; Product Identifier 2018–NM–112–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD 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 proposed AD.

Discussion

We issued AD 2007–11–11, Amendment 39–15068 (72 FR 29241, May 25, 2007) (''AD 2007–11–11''), for all Model A318 and Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321 series airplanes. AD 2007–11–11 requires a one-time inspection to determine the serial number of both MLG sliding tubes, repetitive detailed inspections for cracking of the affected MLG sliding tubes and corrective actions if necessary, and eventual replacement of both MLG shock absorbers, which terminates the repetitive inspection requirements. AD 2007–11–11 resulted from a determination that inspections and mandatory replacement of the MLG shock absorbers are necessary. We issued AD 2007–11–11 to address cracking in an MLG sliding tube, which could result in failure of the sliding tube, loss of one axle, and consequent reduced controllability of the airplane.

We also issued AD 2017–01–11, Amendment 39–18778 (82 FR 5362, January 18, 2017) (''AD 2017–01–11''), for all Model A318 and Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321 series airplanes. AD 2017–01–11 requires identification of the part number and serial number of the MLG sliding tubes; inspection of affected chromium plates and sliding tube axles for damage; and replacement of the sliding tube if necessary. AD 2017–01–11 resulted from a report of a rupture of an MLG sliding tube axle. We issued AD 2017–01–11 to address cracks in the axle and (partial) detachment of the axle and wheel from the sliding tube, which could result in failure of an MLG.

Actions Since AD 2007–11–11 and AD 2017–01–11 Were Issued

Since AD 2007–11–11 and AD 2017–01–11 were issued, during MLG overhaul, cracks were found in the lower slave link bracket lug holes on two MLG sliding tubes. Subsequent investigations determined that these cracks may have developed due to burrs, which could have been present since manufacture, and it was determined that cracks in the affected sliding tubes may not be found during the existing on-wing scheduled inspections.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0135, dated June 26, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318 and A319 series airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> Cracks were reported on [main landing gear] MLG sliding tubes and the investigations determined metallic inclusion during production and abnormal grinding operation during overhaul as cause of these cracks. Prompted by these reports, respectively, [Direction Generale de l'Aviation Civile] DGAC France issued [French] AD F–2005–115 (EASA approval 2005–6032) [which corresponds to FAA AD 2007–11–11] and EASA issued AD 2014–0058 [which corresponds to FAA AD 2017–01–11], both requiring inspections and replacement of certain MLG sliding tubes.
>
> More recently, during overhaul, cracks were found in the lower slave link bracket lug holes on two MLG sliding tubes. Subsequent investigations determined that these cracks may have developed due to burrs, which could have been present since manufacture. Based on the fact that the sliding tube is certified as a safe life part, this is considered to be a non-compliance with the requirements of [Joint Aviation Requirements] JAR 25.571(c). Cracks in the affected sliding tubes may not be found during the existing on-wing scheduled inspections.
>
> This condition, if not detected and corrected, could lead to sliding tube failure, possibly resulting in MLG collapse, damage to the aeroplane and injury to occupants.
>
> Prompted by these findings, Safran Landing Systems, the MLG manufacturer (formerly Messier-Dowty, Messier-Bugatti-Dowty, and hereafter referred to as ''Safran'' in this AD), introduced additional quality steps to eliminate burrs in the manufacturing process. To address this potential unsafe condition on delivered MLG sliding tubes, Airbus issued SB [service bulletin] A320–32–1441, providing instructions for on-wing repetitive inspections, and Safran issued SB 200–32–321 and SB 201–32–68, as applicable to MLG configuration, providing instructions for inspection in shop.
>
> For the reason described above, this [EASA] AD partially retains the requirements of DGAC France AD F–2005–115 (EASA approval 2005–6032) and EASA AD 2014–0058, which are superseded, requires repetitive inspections of the affected MLG sliding tubes [for cracking] and, depending on findings, accomplishment of applicable corrective action(s) [replacement of a cracked MLG sliding tube with a serviceable MLG sliding tube]. This [EASA] AD also defines criteria for installation on an aeroplane of an affected MLG sliding tube.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0017.

Explanation of Change to Restated Text in Paragraph (g) of This Proposed AD

Paragraph (g) of this proposed AD is a restatement of paragraph (i) of AD 2007–11–11. We have revised the restated text to remove the reference to Airbus A318/A319/A320/A321 Aircraft Maintenance Manual Chapter 32–11–13, page block 401. Instead, we have added Note 1 to paragraph (g) of this proposed AD to specify that guidance on the replacement specified in paragraph (g) of this proposed AD can be found in Airbus A318/A319/A320/A321 Aircraft Maintenance Manual Chapter 32–11–13, page block 401.

Model A320–216 Airplanes

The Airbus SAS Model A320–216 was U.S. type certificated on December 19, 2016. Before that date, any EASA ADs that affected Model A320–216 airplanes were included on the Required Airworthiness Actions List (RAAL). One or more Model A320–216 airplanes have subsequently been placed on the U.S. Register, and will now be included in FAA AD actions. For Model A320–216 airplanes, the requirements that correspond to AD 2007–11–11 and AD 2017–01–11 were mandated by the MCAI via the RAAL. Although that RAAL requirement is still in effect, for continuity and clarity we have identified Model A320–216 airplanes in paragraph (c) of this AD; the restated requirements of paragraphs (g) through (m) in this proposed AD would therefore apply to those airplanes.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

- Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017. The service information describes procedures for inspections of the MLG sliding tubes for cracking and corrective actions (which includes replacing the MLG sliding tubes).
- Service Bulletin A320–32A1273, Revision 02, including Appendix 01, dated May 26, 2005. The service information specifies the serial numbers of the MLG sliding tubes that must be replaced.

Safran has issued the following service information. These documents are distinct since they apply to different airplane models.

- Service Bulletin 200–32–321, Revision 2, dated October 3, 2017; and Service Bulletin 201–32–68, Revision 2, dated October 3, 2017. These documents specify the part numbers and serial numbers of the affected MLG sliding tubes. These documents are distinct

since they apply to different airplane models.

• Service Bulletin 200–32–286, Revision 3, dated October 3, 2008; and Service Bulletin 201–32–43, Revision 3, dated October 3, 2008. These documents specify the part numbers and serial numbers of the affected MLG shock absorbers. These documents are distinct since they apply to different airplane models.

This proposed AD would also require Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014, which the Director of the Federal Register approved for incorporation by reference as of February 22, 2017 (82 FR 5362, January 18, 2017).

The 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 retain certain requirements of AD 2007–11–11 and AD 2017–01–11. This proposed AD would also require repetitive inspections of affected MLG sliding tubes for cracking, replacing cracked MLG sliding tubes with serviceable MLG sliding tubes, and eventual replacement of each affected MLG sliding tube with a MLG sliding tube that is not affected, which is terminating action for the repetitive inspections.

Costs of Compliance

We estimate that this proposed AD affects 1,186 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2007–11–11 (297 airplanes) [*].	8 work-hours × $85 per hour = $680.	Up to $45,310	Up to $45,990	Up to $13,659,030 [*].
Retained actions from AD 2017–01–11.	18 work-hours × $85 per hour = $1,530.	$0	$1,530	$1,814,580.
New proposed actions	13 work-hours × $85 per hour = $1,105.	$0 [**]	$1,105	$1,310,530.

* Operators should note that, although all U.S.-registered airplanes are subject to the requirements of AD 2007–11–11, there are only 297 possible affected MLG sliding tubes in the worldwide fleet. We have no way of knowing how many affected MLG sliding tubes, if any, are installed in U.S.-registered airplanes.

** We have received no definitive data for the parts costs for the replacements.

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

ESTIMATED COSTS OF ON-CONDITION ACTION

Labor cost	Parts cost	Cost per product
6 work-hours × $85 per hour = $510	$0 [*]	$510

* We have received no definitive data for the parts costs for the on-condition actions.

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:

■ a. Removing Airworthiness Directive (AD) 2007–11–11, Amendment 39–15068 (72 FR 29241, May 25, 2007); and AD 2017–01–11, Amendment 39–18778 (82 FR 5362, January 18, 2017); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2019–0017; Product Identifier 2018–NM–112–AD.

(a) Comments Due Date

We must receive comments by April 11, 2019.

(b) Affected ADs

This AD replaces the following ADs.

(1) AD 2007–11–11, Amendment 39–15068 (72 FR 29241, May 25, 2007) (''AD 2007–11–11'').

(2) AD 2017–01–11, Amendment 39–18778 (82 FR 5362, January 18, 2017) (''AD 2017–01–11'').

(c) Applicability

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

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

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by a determination that cracks were found in the main landing gear (MLG) sliding tubes due to certain manufacturing defects that might not be identified using the current on-wing scheduled inspections. We are issuing this AD to address cracking in an MLG sliding tube, which could lead to failure of an MLG sliding tube resulting in MLG collapse, damage to the airplane, and injury to passengers.

(f) Compliance

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

(g) Retained Replacement of AD 2007–11–11, With Updated References to Service Information and Specific Delegation Approval Language

This paragraph restates the requirements of paragraph (i) of AD 2007–11–11, with updated references to service information and specific delegation approval language. Within 41 months after June 29, 2007 (the effective date of AD 2007–11–11), replace all MLG shock absorbers equipped with sliding tubes having serial numbers listed in Airbus All Operators Telex (AOT) A320–32A1273, Revision 01, dated May 6, 2004; or the Accomplishment Instructions of Airbus Service Bulletin A320–32A1273, Revision 02, including Appendix 01, dated May 26, 2005; with new or serviceable MLG shock absorbers equipped with sliding tubes having serial numbers not listed in Airbus AOT A320–32A1273, Revision 01, dated May 6, 2004; or the Accomplishment Instructions of Airbus Service Bulletin A320–32A1273, Revision 02, including Appendix 01, dated May 26, 2005; using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature. As of June 29, 2007, only Airbus Service Bulletin A320–32A1273, Revision 02, including Appendix 01, dated May 26, 2005, may be used to determine the affected sliding tubes.

Note 1 to paragraph (g) of this AD: Guidance on the replacement specified in paragraph (g) of this AD can be found in Airbus A318/A319/A320/A321 Aircraft Maintenance Manual Chapter 32–11–13, page block 401.

(h) Retained MLG Sliding Tube Part Number and Serial Number Identification of AD 2017–01–11, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2017–01–11, with no changes. Within three months after February 22, 2017 (the effective date of AD 2017–01–11): Do an inspection to identify the part number and serial number of the MLG sliding tubes installed on the airplane. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the MLG sliding tubes can be conclusively determined from that review.

(i) Retained Identification of Airplanes of AD 2017–01–11, With No Changes

This paragraph restates the identification specified in paragraph (h) of AD 2017–01–11, with no changes. An airplane with a manufacturer serial number (MSN) not listed in figure 1 to paragraph (i) of this AD is not affected by the requirements of paragraph (j) of this AD, provided it can be determined that no MLG sliding tube having a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD has been installed on that airplane since first flight of the airplane.

Figure 1 to Paragraph (i) of this AD – *Affected Airplanes Listed by MSN*

Affected Airplanes Listed by MSN					
0179	0214	0296	0412	0558	0604
0607	0668	0704	0720	0726	0731
0754	0771	0799	0828	0841	0855
0909	0914	0925	0939	0986	1028
1030	1041	1070	1083	1093	1098
1108	1148	1294	1356	2713	2831

Table 1 to Paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD – *Affected MLG Sliding Tubes*

Part Number	Serial Number
201160302	78B
201160302	1016B11
201160302	1144B
201371302	B4493
201371302	B4513
201371302	SS4359
201371302	B4530
201371302	B4517
201371302	B4568
201371302	B4498
201371302	4490B
201371302	B202-4598
201371302	B165-4623
201371302	B244-4766
201371302	B267-4794
201371302	B272-4813
201160302	1108B

Part Number	Serial Number
201371304	B041-4871
201371304	B045-4869
201371304	B001-4781
201371304	B051-4892
201371304	B110-1952
201371304	B054-4891
201371304	B063-4921
201371304	B071-4911
201371304	B071-4917
201371304	B080-1933
201371304	B117-5010
201371304	B120-4989
201371304	B132-2023
201371304	B114-1956
201371304	B208-2009
201371304	B133-1947
201371304	B154-5037
201371304	B89 4952
201371304	B129-1964
201371304	B227-2010
201371304	B170-5031
201371304	B182-5047
201371304	B239-2053
201371304	B1401-2856
201371304	B1813-3142
201371304	B116-5004
201522353	B011-149
201522350	B014-25
201522350	B019-56

Part Number	Serial Number
201522350	B019-57
201522350	B021-69
201522350	B022-60
201522353	B03-111
201522353	B03-110
201522353	B112-317
201522353	B174-351
201522353	B179-392
201383350	4377B
201383350	4393B
201383350	B1831
201383350	B1832
201383350	SS4355B
201383350	SS4400B

(j) Retained Inspections of AD 2017–01–11, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2017–01–11, with no changes. For each MLG sliding tube identified as required by paragraph (h) of this AD, having a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD: Within 3 months after February 22, 2017 (the effective date of AD 2017–01–11) inspect affected MLG axles and brake flanges by doing a detailed visual inspection of the chromium plates for damage, and a Barkhausen noise inspection of the sliding tube axles for damage, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014. For Model A318 series airplanes, use the procedures specified for Model A319 series airplanes in Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014.

(k) Retained Corrective Action of AD 2017–01–11, With No Changes

This paragraph restates the requirements of paragraph (j) of AD 2017–01–11, with no changes. If, during any inspection required by paragraph (j) of this AD, any damage is detected: Before further flight, replace the MLG sliding tube with a serviceable tube, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014. For Model A318 series airplanes, use the procedures specified for Model A319 series airplanes in Airbus Service Bulletin A320–32–1416, including Appendix 01, dated March 10, 2014.

(l) Retained Definition of Serviceable MLG Sliding Tube of AD 2017–01–11, With No Changes

This paragraph restates the definition specified in paragraph (k) of AD 2017–01–11, with no changes. For the purpose of paragraph (k) of this AD, a serviceable sliding tube is defined as a sliding tube that meets the criterion in either paragraph (l)(1) or (l)(2) of this AD.

(1) A sliding tube having a part number and serial number not listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD.

(2) A sliding tube having a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD that has passed the inspections required by paragraph (j) of this AD.

(m) Retained Parts Installation Prohibition of AD 2017–01–11, With No Changes

This paragraph restates the requirements of paragraph (l) of AD 2017–01–11, with no changes.

(1) For airplanes that have an MLG sliding tube installed that has a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD: After an airplane is returned to service following accomplishment of the actions required by paragraphs (h), (i), and (j) of this AD, no person may install on any airplane an MLG sliding tube having a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD, unless that sliding tube has passed the inspection required by paragraph (j) of this AD.

(2) For airplanes that, as of February 22, 2017 (the effective date of AD 2017–01–11), do not have an MLG sliding tube installed that has a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD: No person may install, on any airplane, an MLG sliding tube having a part number and serial number listed in table 1 to paragraphs (i), (j), (l)(1), (l)(2), (m)(1), and (m)(2) of this AD unless that sliding tube has passed the inspection required by paragraph (j) of this AD.

(n) New Definitions

For the purpose of paragraphs (o), (p), (q), (r), and (s) of this AD the following definitions apply.

(1) Affected MLG shock absorber: An MLG shock absorber having a part number and serial number as identified in Safran Service Bulletin 200–32–286, Revision 3, dated October 3, 2008, for Model A318, A319, and A320 series airplanes; and Safran Service Bulletin 201–32–43, Revision 3, dated October 3, 2008, for Model A321 series airplanes.

(2) Affected MLG sliding tube: An MLG sliding tube having a part number and serial number as identified in Appendix B of Safran Service Bulletin 200–32–321, Revision 2, dated October 3, 2017, for Model A318, A319, and A320 series airplanes; or Safran Service Bulletin 201–32–68, Revision 2, dated October 3, 2017, for Model A321 series airplanes, except those parts that passed an inspection as specified in Safran Service

Bulletin 200–32–321; or Safran Service Bulletin 201–32–68, as applicable, and those parts that, after that inspection, have been repaired, using instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) Serviceable MLG sliding tube: A MLG sliding tube that is not affected, or an affected MLG sliding tube, that has not exceeded 10,000 flight cycle since first installation on an airplane, or an affected MLG sliding tube that, within the last 5,000 flight cycles before installation on an airplane, passed an inspection specified in Airbus Service Bulletin A320–32–1441.

(o) New Requirement of This AD: Repetitive Inspections

At the compliance time specified in figure 2 to paragraph (o) of this AD, and thereafter at intervals not to exceed 5,000 flight cycles: Do a detailed inspection of each affected MLG sliding tube, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017.

Figure 2 to Paragraph (o) of this AD – *Initial Compliance Time for MLG Sliding Tube Inspection*

Initial Compliance Time for MLG Sliding Tube Inspection (whichever occurs later, A or B)	
A	Prior to exceeding 10,000 flight cycles since first installation of an affected MLG sliding tube on an airplane.
B	Within 5,000 flight cycles or 25 months, whichever occurs first after the effective date of this AD.

Note 2 to paragraph (o) of this AD: If no reliable data regarding the number of flight cycles accumulated by the MLG sliding tube are available, operators may refer to the guidance specified in Chapter 5.2, ''Traceability'', of Section 1, of Part 1 of the Airbus A318/A319/A320/A321 Airworthiness Limitations Section.

(p) New Requirement of This AD: Corrective Actions

(1) If, during any inspection required by paragraph (o) of this AD, any crack is detected on an MLG sliding tube: Before further flight, replace that MLG sliding tube with a serviceable MLG sliding tube, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017.

(2) Replacement of an MLG on an airplane with an MLG having a serviceable MLG sliding tube installed is an acceptable method to comply with the requirements of paragraph (p)(1) of this AD for that airplane.

(q) New Requirement of This AD: Part Replacement

(1) Within 10 years after the effective date of this AD: Replace each affected MLG sliding tube with an MLG sliding tube that is not affected. Installation of an MLG sliding tube that is not affected on an airplane constitutes terminating action for the repetitive inspections required by paragraph (o) of this AD for that airplane.

(2) Replacement of an MLG on an airplane with an MLG that does not have an affected MLG sliding tube installed is an acceptable method to comply with the requirement of paragraph (q)(1) of this AD for that airplane.

(r) New Requirement of This AD: Parts Installation Limitation

(1) As of the effective date of this AD no person may install on any airplane an affected MLG shock absorber.

(2) Do not install an affected MLG sliding tube on any airplane as specified in paragraph (r)(2)(i) or (r)(2)(ii) of this AD, as applicable.

(i) For an airplane with an affected MLG sliding tube installed as of the effective date of this AD: After replacement of each affected MLG sliding tube as required by paragraph (q) of this AD.

(ii) For an airplane that does not have an affected MLG sliding tube installed as of the effective date of this AD: As of the effective date of this AD.

(s) Identification of Airplanes Not Affected by Certain Requirements of This AD

An airplane on which Airbus Modification 161202 or Modification 161346 has been installed in production is not affected by the requirements of paragraphs (g), (h), (j), (o), and (q), of this AD, provided it has been verified that no affected MLG sliding tube is installed on that airplane.

(t) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before June 29, 2007, using Airbus AOT A320–32A1273, Revision 01, dated May 6, 2004.

(2) This paragraph provides credit for the initial inspection and applicable corrective actions required by paragraphs (o) and (p) of this AD if those actions were performed before the effective date of this AD, using the Accomplishment Instructions in Airbus Service Bulletin A320–32–1441, dated December 28, 2016.

(u) Service Information Exceptions

The service information specified in paragraph (g) of this AD has instructions to send any cracked part to Messier-Dowty. This AD does not include such a requirement, in accordance with the procedures specified in paragraph (w)(2) of this AD.

(v) No Reporting Requirement

Although Airbus Service Bulletin A320–32–1441, Revision 01, dated December 14, 2017, specifies to submit certain information to the manufacturer, and specifies that action as ''RC,'' (required for compliance) this AD does not include that requirement.

(w) Other FAA AD Provisions

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

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

(ii) AMOCs approved previously for AD 2007–11–11 are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

(iii) AMOCs approved previously for AD 2017–01–11 are approved as AMOCs for the corresponding provisions of paragraphs (h), (i), (j), (k), (l), and (m) of this AD.

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

(3) *Required for Compliance (RC):* Except as required by paragraphs (u) and (v) of this

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

(x) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0135, dated June 26, 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–2019–0017.

(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.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this 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 February 1, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–02929 Filed 2–22–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 141 and 385

[Docket No. RM19–12–000]

Revisions to the Filing Process for Commission Forms

Correction

In proposed rule document 2019–00460 beginning on page 1412 in the issue of Monday, February 4, 2019, make the following correction:

On page 1416, in the second column, the last line of text should read as follows:

''□ 100 hours to prepare and submit the first filing using XBRL; and''.

[FR Doc. C1–2019–00460 Filed 2–22–19; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 50, 312, and 812

[Docket No. FDA–2018–N–2727]

RIN 0910–AH52

Institutional Review Board Waiver or Alteration of Informed Consent for Minimal Risk Clinical Investigations; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is reopening the comment period for the proposed rule that appeared in the **Federal Register** of November 15, 2018. In the **Federal Register** of December 20, 2018, the Agency extended the comment period until February 13, 2019. The Agency is taking this action to reopen the comment period to allow interested persons additional time to submit comments due to technical issues with the Federal eRulemaking Portal (*https://www.regulations.gov*) on February 13, 2019.

DATES: FDA is reopening the comment period on the proposed rule published November 15, 2018 (83 FR 57378). Submit either electronic or written comments by March 7, 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 March 7, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 7, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–2727 for ''Institutional Review Board Waiver or Alteration of Informed Consent for Minimal Risk Clinical Investigations.'' 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: Janet Norden, Office of Good Clinical Practice, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–1127.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 15, 2018 (83 FR 57378), FDA published a proposed rule with a 60-day comment period to implement the statutory changes made to the Federal Food, Drug, and Cosmetic Act by section 3024 of the 21st Century Cures Act (Pub. L. 114–255) to allow for a waiver or alteration of informed consent when a clinical investigation poses no more than minimal risk to the human subject and includes appropriate safeguards to protect the rights, safety, and welfare of human subjects. The proposed rule, if finalized, would permit an institutional review board (IRB) to waive or alter certain informed consent elements or to waive the requirement to obtain informed consent, under limited conditions, for certain minimal risk clinical investigations. Comments on the proposed rule will inform FDA's rulemaking to establish regulations for IRB waiver or alteration of informed consent for certain minimal risk clinical investigations.

The Agency received a request for a 60-day extension of the comment period for the proposed rule. This request conveyed concern that the 60-day comment period did not allow sufficient time to develop a meaningful or thoughtful response to the proposed rule. FDA considered the request and in the **Federal Register** of December 20, 2018 (83 FR 65322), the Agency extended the comment period for the proposed rule for 30 days, until February 13, 2019. The Agency believed that a 30-day extension allowed adequate time for interested persons to submit comments without significantly delaying rulemaking on these important issues.

On February 13, 2019, the date that the comment period closed for the proposed rule, the Federal eRulemaking Portal (*https://www.regulations.gov*) was unavailable to receive public comments from 5:35 p.m. until 7:40 a.m. on February 14, 2019. The Agency is aware that interested persons attempted to submit comments during the period of time that *https://www.regulations.gov* was unavailable. Therefore, FDA is reopening the comment period for the proposed rule for 10 days, until March 7, 2019 to allow additional time for interested persons to submit comments.

Dated: February 20, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–03195 Filed 2–22–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2590

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Parts 144, 146, and 147

[CMS–9923–NC]

Request for Information Regarding Grandfathered Group Health Plans and Grandfathered Group Health Insurance Coverage

AGENCY: Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Request for information.

SUMMARY: This document is a request for information regarding grandfathered group health plans and grandfathered group health insurance coverage. Given the limited information available regarding such coverage, the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services (the Departments) are issuing this request for information to gather input from the public in order to better understand the challenges that group health plans and group health insurance issuers face in avoiding a loss of grandfathered status, and to determine whether there are opportunities for the Departments to assist such plans and issuers, consistent with the law, in preserving the grandfathered status of group health plans and group health insurance coverage in ways that would benefit employers, employee organizations, plan participants and beneficiaries, and other stakeholders.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 27, 2019.

ADDRESSES: Written comments may be submitted to the addresses specified below. Any comment that is submitted will be shared among the Departments. Please do not submit duplicates.

All comments will be made available to the public. *Warning:* Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are posted on the internet exactly as received and can be retrieved by most internet search engines. No deletions, modifications, or redactions will be made to the comments received, as they are public records. Comments may be submitted anonymously.

In commenting, refer to file code CMS–9923–NC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention:

CMS–9923–NC, P.O. Box 8013, Baltimore, MD 21244–1850.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9923–NC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: William Fischer, Internal Revenue Service, Department of the Treasury, at (202) 317–5500.

Matthew Litton or David Sydlik, Employee Benefits Security Administration, Department of Labor, at (202) 693–8335.

Kiahana Brooks, Centers for Medicare & Medicaid Services, Department of Health and Human Services, at (301) 492–4400.

Customer Service Information: Individuals interested in obtaining information from the Department of Labor (DOL) concerning employment-based health coverage laws may call the EBSA Toll-Free Hotline at 1–866–444–EBSA (3272) or visit the DOL's website (*www.dol.gov/ebsa*). In addition, information from the Department of Health and Human Services (HHS) on private health insurance coverage and on nonfederal governmental group health plans can be found on the Centers for Medicare & Medicaid Services (CMS) website (*www.cms.gov/cciio*), and information on health care reform can be found at *www.HealthCare.gov*.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. Comments received before the close of the comment period are posted on the following website as soon as possible after they have been received: *http://www.regulations.gov*. Follow the search instructions on that website to view public comments.

I. Background

A. Purpose

On January 20, 2017, the President issued Executive Order 13765, ''Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal,'' (82 FR 8351) ''to minimize the unwarranted economic and regulatory burdens of the [Patient Protection and Affordable Care Act (Pub. L. 111–148) and the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively, PPACA), as amended].'' To meet these objectives, the President directed that the executive departments and agencies with authorities and responsibilities under PPACA, ''to the maximum extent permitted by law . . . shall exercise all authority and discretion available to them to waive, defer, grant exemptions from, or delay the implementation of any provision or requirement of [PPACA] that would impose a fiscal burden on any State or a cost, fee, tax, penalty, or regulatory burden on individuals, families, healthcare providers, health insurers, patients, recipients of healthcare services, purchasers of health insurance, or makers of medical devices, products, or medications.''

The Departments share interpretive jurisdiction over section 1251 of PPACA, which, as described in more detail in section I.B of this document, generally provides that certain group health plans and health insurance coverage existing as of March 23, 2010, the date of enactment of PPACA, (that is, grandfathered health plans) are subject to only certain provisions of PPACA. Consistent with the objectives of Executive Order 13765, the Departments are issuing this request for information to gather input from the public in order to better understand the challenges that group health plans and group health insurance issuers face in avoiding a loss of grandfathered status and to determine whether there are opportunities for the Departments to assist such plans and issuers, consistent with the law, in preserving the grandfathered status of group health plans and group health insurance coverage in ways that would benefit employers, employee organizations, plan participants and beneficiaries, and other stakeholders.

B. Grandfathered Group Health Plans and Grandfathered Group Health Insurance Coverage

Section 1251 of PPACA provides that grandfathered health plans are subject to only certain provisions of PPACA, for as long as they maintain their status as grandfathered health plans.[1] For example, grandfathered health plans are neither subject to the requirement to cover certain preventive services without cost sharing under section 2713 of the PHS Act, enacted by section 1001 of PPACA, nor the annual limitation on cost sharing set forth under section 1302(c) of PPACA and section 2707(b) of the PHS Act, enacted by section 1201 of PPACA.

On June 17, 2010, the Departments issued interim final rules with request for comments implementing section 1251 of PPACA (75 FR 34538). On November 17, 2010, the Departments issued an amendment to the interim final rules with request for comments to permit certain changes in policies, certificates, or contracts of insurance without loss of grandfathered status (75 FR 70114). Also, over the course of 2010 and 2011, the Departments released Affordable Care Act Implementation Frequently Asked Questions (FAQs) Parts I, II, IV, V, and VI to answer questions related to maintaining a plan's status as a grandfathered health plan.[2] After consideration of the comments and feedback received from stakeholders, the Departments issued regulations on November 18, 2015 (80 FR 72192) (November 2015 final rules) that finalized the interim final rules without substantial change and incorporated the clarifications that the Departments had previously provided in other guidance.

In general, under the November 2015 final rules,[3] a group health plan or group health insurance coverage is considered grandfathered if it has

[1] For a list of the market requirement provisions under title XXVII of the Public Health Service Act (PHS Act), as added or amended by PPACA, and incorporated into the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986, applicable to grandfathered health plans, visit *https://www.dol.gov/sites/default/files/ebsa/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/grandfathered-health-plans-provisions-summary-chart.pdf*.

[2] *See* Affordable Care Act Implementation FAQs Part I, available at *https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/aca-part-i.pdf* and *https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs.html*; Affordable Care Act Implementation FAQs Part II, available at *https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/aca-part-ii.pdf* and *https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs2.html*; Affordable Care Act Implementation FAQs Part IV, available at *https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/aca-part-iv.pdf* and *https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs4.html*; Affordable Care Act Implementation FAQs Part V, available at *https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/aca-part-v.pdf* and *https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs5.html*; and Affordable Care Act Implementation FAQs Part VI, available at *https://www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/aca-part-vi.pdf* and *https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs6.html*.

[3] *See* 26 CFR 54.9815–1251, 29 CFR 2590.715–1251, and 45 CFR 147.140.

continuously provided coverage for someone (not necessarily the same person, but at all times at least one person) since March 23, 2010, and if it has not ceased to be a grandfathered plan due to certain actions taken by the plan (or its sponsor) or issuer.

The November 2015 final rules specify when changes to the terms of a plan or coverage cause the plan or coverage to cease to be a grandfathered health plan. Specifically, the regulations outline certain changes to benefits, cost-sharing requirements, and contribution rates that will cause a plan or coverage to relinquish its grandfathered status. The November 2015 final rules state that such changes will cause a plan or coverage to cease to be a grandfathered plan when the changes become effective, regardless of when such changes are adopted. In addition, the November 2015 final rules require that a plan or coverage include a statement that it believes the plan or coverage is a grandfathered health plan, as well as provide contact information for questions and complaints, in any summary of benefits provided under the plan.

The November 2015 final rules further provide that, once grandfathered status is relinquished, there is no opportunity to cure the loss of grandfathered status. Although the Departments are interested in ways to assist grandfathered group health plans and grandfathered group health insurance coverage in maintaining their grandfathered status, in the Departments' view, there is no authority for non-grandfathered plans to become grandfathered.

Under the November 2015 final rules, certain changes to a group health plan or coverage will not result in a loss of grandfathered status. For example, new employees and their beneficiaries may enroll in a group health plan or group health insurance coverage without causing a loss of grandfathered status. Further, the addition of a new contributing employer or a new group of employees of an existing contributing employer to a grandfathered multiemployer health plan will not affect the plan's grandfathered status. Also, grandfathered status is determined separately for each benefit package under a group health plan or coverage; thus, if any benefit package under the plan or coverage loses its grandfathered status, it will not affect the grandfathered status of the other benefit packages.

It is the Departments' understanding that the number of group health plans and group health insurance policies that are considered to be grandfathered has declined each year since the enactment of PPACA, but many employers continue to maintain group health plans and coverage that have retained grandfathered status. The Kaiser Family Foundation's annual Employer Health Benefits Survey estimates that approximately 20 percent of employers that offered health benefits to their employees offered at least one grandfathered group health plan in 2018, a decrease from 72 percent in 2011.[4] The same study also estimates that 16 percent of American workers with employer-sponsored coverage were enrolled in a grandfathered group health plan in 2018, a decrease from 56 percent in 2011. If these estimates are correct, the fact that a significant number of grandfathered group health plans remain indicates that some employers and issuers have found value in preserving grandfathered status, and that some consumers, when given the choice between grandfathered and non-grandfathered employer plans, have found value in choosing to remain in their grandfathered group health plans and coverage.

With respect to the individual market, it is the Departments' understanding that the number of individuals with grandfathered individual health insurance coverage has declined each year since PPACA was enacted and only a small number of individuals are currently enrolled in grandfathered individual health insurance coverage.[5] Further, grandfathered coverage may not be sold in the individual market to new policyholders. For these reasons, this request for information focuses on grandfathered group health plan and grandfathered group health insurance coverage, and does not address grandfathered individual health insurance coverage.

II. Solicitation of Comments

The Departments are requesting comments to contribute to the Departments' understanding of the issues related to grandfathered health plans, and to estimate the impact of any potential changes to the rules for retention of grandfathered status for group health plans and group health insurance coverage, both generally and with respect to the following specific areas:

A. Maintaining (or Relinquishing) Grandfathered Status

1. What actions could the Departments take, consistent with the law, to assist group health plan sponsors and group health insurance issuers preserve the grandfathered status of a group health plan or coverage?

2. What challenges do group health plan sponsors and group health insurance issuers face regarding retaining the grandfathered status of a plan or coverage? Does any particular requirement(s) for maintaining grandfathered status create more challenges than others, and if so, how could the requirement(s) be modified to reduce such challenges?

3. For group health plan sponsors and group health insurance issuers that have chosen to preserve grandfathered status of their plans or coverage, what are the primary reasons for doing so? If grandfathered status is preserved so that particular PPACA requirements will not apply to the plan, please specify the particular PPACA requirements not included in the grandfathered plan and explain any related concerns.

4. What are the reasons why participants and beneficiaries have remained enrolled in grandfathered group health plans if alternatives are available?

5. What are the costs, benefits, and other factors considered by plan sponsors and health insurance issuers when considering whether to retain grandfathered status of their plans or coverage?

6. Is preserving grandfathered status important to group health plan participants and beneficiaries? If so, which participants and beneficiaries benefit the most and which, if any, are affected detrimentally by the employer offering grandfathered group health plan coverage?

7. What is the typical change in benefits, employer contributions or employee organization contributions, and cost-sharing requirements that causes a grandfathered group health plan or grandfathered group health insurance coverage to lose its grandfathered status?

8. Do the grandfathered health plan disclosure requirements in the November 2015 final rules provide adequate, useful, and timely information to plan participants and

[4] 2018 Employer Health Benefits Survey, Kaiser Family Foundation, available at *https://www.kff.org/report-section/2018-employer-health-benefits-survey-section-13-grandfathered-health-plans/*. *See also* 2011 Employer Health Benefits Survey, Kaiser Family Foundation, available at: *https://kaiserfamilyfoundation.files.wordpress.com/2013/04/8225.pdf*; and Kaiser Health News FAQ: Grandfathered Health Plans at: *http://khn.org/news/grandfathered-plans-faq/*. Also, the Agency for Healthcare Research and Quality, Center for Financing, Access and Cost Trends reports that 22.1 percent of employees were enrolled in grandfathered health plans in 2017 according to 2017 Medical Expenditure Panel Survey-Insurance Component (MEPS–IC) data. The related MEPS–IC survey is available at: *https://meps.ahrq.gov/survey_comp/ic_survey/2017/meps10.s.htm*.

[5] *See* 83 FR 54420, 54429 (Oct. 29, 2018).

beneficiaries regarding grandfathered status? If not, how could the disclosure be improved?

B. General Information About Grandfathered Group Health Plans and Group Health Insurance Coverage

1. Other than the Kaiser Family Foundation's ''Employer Health Benefits Annual Survey,'' and the MEPS–IC survey, what data resources are available to help the Departments better understand how many group health plans and group health insurance policies are considered grandfathered and how many participants and beneficiaries are enrolled in such plans and coverage?

2. What are the characteristics (for example, plan size, geographic areas, or industries) of grandfathered group health plans and the plan sponsors and group health insurance issuers that have chosen to retain the grandfathered status of their plans or coverage? Do grandfathered group health plans or the plan sponsors and group health insurance issuers that have chosen to retain the grandfathered status of their plans or coverage share common characteristics?

3. Do group health plan sponsors and group health insurance issuers that have chosen to retain grandfathered status for certain plans, benefit packages, or policies also offer other plans, benefit packages, or policies that are not grandfathered? If so, why?

4. What are the typical differences in benefits, cost-sharing, and premiums (including employer contributions, employee organization contributions, and employee contributions) associated with grandfathered group health plans and grandfathered group health insurance coverage compared to non-grandfathered group health plans?

5. How many group health plan sponsors and group health insurance issuers are considering making changes to their plans or coverage over the next few years that are likely to cause loss of grandfathered status under the November 2015 final rules? How many individuals would be affected?

6. What impact do grandfathered group health plans and grandfathered group health insurance coverage have on the individual and small group market risk pools?

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. However, section II of this document does contain a general solicitation of comments in the form of a request for information. In accordance with the implementing regulations of the Paperwork Reduction Act of 1995 (PRA), specifically 5 CFR 1320.3(h)(4), this general solicitation is exempt from the PRA. Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration, are not generally considered information collections and therefore not subject to the PRA. Consequently, there is no need for review by the Office of Management and Budget under the authority of the PRA.

Signed at Washington, DC, this 13th day of February 2019.

Victoria Judson,

Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes), Internal Revenue Service, Department of the Treasury.

Signed at Washington, DC, this 19th day of February, 2019.

Carol Weiser,

Acting Benefits Tax Counsel, Department of the Treasury.

Signed at Washington, DC, this 13th day of February 2019.

Preston Rutledge,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

Dated: February 13, 2019.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: February 13, 2019.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2019–03170 Filed 2–21–19; 4:15 pm]

BILLING CODE 4510–29–P; 4830–01–P; 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

42 CFR Part 88

[NIOSH Docket 094]

World Trade Center Health Program; Petition 020—Stroke; Finding of Insufficient Evidence

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Denial of petition for addition of a health condition.

SUMMARY: On August 26, 2018, the Administrator of the World Trade Center (WTC) Health Program received a petition (Petition 020) to add ''two forms of stroke, both ischemic and non-aneurysmal hemorrhagic,'' to the List of WTC-Related Health Conditions (List). Upon reviewing the scientific and medical literature, including information provided by the petitioner, the Administrator has determined that the available evidence does not have the potential to provide a basis for a decision on whether to add stroke to the List. The Administrator also finds that insufficient evidence exists to request a recommendation of the WTC Health Program Scientific/Technical Advisory Committee (STAC), to publish a proposed rule, or to publish a determination not to publish a proposed rule.

DATES: The Administrator of the WTC Health Program is denying this petition for the addition of a health condition as of February 25, 2019.

ADDRESSES: Visit the WTC Health Program website at *https://www.cdc.gov/wtc/received.html* to review Petition 020.

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Program Analyst, 1090 Tusculum Avenue, MS: C–48, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

A. WTC Health Program Statutory Authority

Title I of the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111–347, as amended by Pub. L. 114–113), added Title XXXIII to the Public Health Service (PHS) Act,[1] establishing the WTC Health Program within the Department of Health and

[1] Title XXXIII of the PHS Act is codified at 42 U.S.C. 300mm to 300mm–61. Those portions of the James Zadroga 9/11 Health and Compensation Act of 2010 found in Titles II and III of Public Law 111–347 do not pertain to the WTC Health Program and are codified elsewhere.

Human Services (HHS). The WTC Health Program provides medical monitoring and treatment benefits to eligible firefighters and related personnel, law enforcement officers, and rescue, recovery, and cleanup workers who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania (responders), and to eligible persons who were present in the dust or dust cloud on September 11, 2001, or who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area (survivors).

All references to the Administrator of the WTC Health Program (Administrator) in this document mean the Director of the National Institute for Occupational Safety and Health (NIOSH) or his designee.

Pursuant to section 3312(a)(6)(B) of the PHS Act, interested parties may petition the Administrator to add a health condition to the List in 42 CFR 88.15. Within 90 days after receipt of a valid petition to add a condition to the List, the Administrator must take one of the following four actions described in section 3312(a)(6)(B) of the PHS Act and § 88.16(a)(2) of the Program regulations: (1) Request a recommendation of the STAC; (2) publish a proposed rule in the **Federal Register** to add such health condition; (3) publish in the **Federal Register** the Administrator's determination not to publish such a proposed rule and the basis for such determination; or (4) publish in the **Federal Register** a determination that insufficient evidence exists to take action under (1) through (3) above.

B. Procedures for Evaluating a Petition

In addition to the regulatory provisions, the WTC Health Program has developed policies to guide the review of submissions and petitions,[2] as well as the analysis of evidence supporting the potential addition of a non-cancer health condition to the List.[3]

A valid petition must include sufficient medical basis for the association between the September 11, 2001, terrorist attacks and the health condition to be added; in accordance with WTC Health Program policy, reference to a peer-reviewed, published, epidemiologic study about the health condition among 9/11-exposed populations or to clinical case reports of health conditions in WTC responders or survivors may demonstrate the required medical basis.[4] Studies linking 9/11 agents [5] to the petitioned health condition may also provide sufficient medical basis for a valid petition.

After the Program has determined that a petition is valid, the Administrator must direct the Program to conduct a review of the scientific literature to determine if the available scientific information has the potential to provide a basis for a decision on whether to add the health condition to the List.[6] The literature review is a keyword search of relevant scientific databases; peer-reviewed, published, epidemiologic studies (including direct observational studies in the case of health conditions such as injuries) about the health condition among 9/11-exposed populations are then identified from the initial search results. The Program evaluates the scientific quality of each peer-reviewed, published, epidemiologic study of the health condition identified in the literature search; the Program then compiles the scientific results of each study to assess whether a causal relationship between 9/11 exposures and the health condition is supported, and evaluates whether the results of the studies are representative of the 9/11-exposed population of responders and survivors. A health condition may be added to the List if peer-reviewed, published, epidemiologic studies provide support that the health condition is substantially likely [7] to be causally associated with 9/11 exposures. If the evaluation of evidence provided in peer-reviewed, published, epidemiologic studies of the health condition in 9/11 populations demonstrates a high, but not substantial, likelihood of a causal association between the 9/11 exposures and the health condition, then the Administrator may consider additional highly relevant scientific evidence regarding exposures to 9/11 agents from sources using non-9/11-exposed populations. If that additional assessment establishes that the health condition is substantially likely to be causally associated with 9/11 exposures among 9/11-exposed populations, the health condition may be added to the List.

C. Petition 020

On August 26, 2018, the Administrator received a petition (Petition 020) from a WTC survivor who resided near Ground Zero, requesting the addition of ''two forms of stroke, both ischemic and non-aneurysmal hemorrhagic,'' to the List.[8] The petition included eight scientific articles, three of which provided sufficient medical basis for the petition to be evaluated because they are scientific sources that demonstrate a potential link between 9/11 exposure and stroke: [9] a 2006 study by Brackbill *et al.,*[10] a 2013 study by Jordan *et al.,*[11] and a 2018 study by Yu *et al.*[12]

---

[2] *See* WTC Health Program [2014], *Policy and Procedures for Handling Submissions and Petitions to Add a Health Condition to the List of WTC-Related Health Conditions,* May 14, 2014, *http://www.cdc.gov/wtc/pdfs/WTCHPPPPetitionHandlingProcedures14May2014.pdf.*

[3] *See* WTC Health Program [2017], *Policy and Procedures for Adding Non-Cancer Conditions to the List of WTC-Related Health Conditions,* February 14, 2017, *https://www.cdc.gov/wtc/pdfs/policies/WTCHP_PP_Adding_NonCancers_14_February_2017-508.pdf.*

[4] *See supra* note 2.

[5] 9/11 agents are chemical, physical, biological, or other hazards reported in a published, peer-reviewed exposure assessment study of responders, recovery workers, or survivors who were present in the New York City disaster area, or at the Pentagon site, or the Shanksville, Pennsylvania site, as those locations are defined in 42 CFR 88.1, as well as those hazards not identified in a published, peer-reviewed exposure assessment study, but which are reasonably assumed to have been present at any of the three sites. *See* WTC Health Program [2018], *Development of the Inventory of 9/11 Agents,* July 17, 2018, *https://wwwn.cdc.gov/ResearchGateway/Content/pdfs/Development_of_the_Inventory_of_9-11_Agents_20180717.pdf.*

[6] *See supra* note 3.

[7] The ''substantially likely'' standard is met when the scientific evidence, taken as a whole, demonstrates a strong relationship between the 9/11 exposures and the health condition.

[8] *See* Petition 020, *WTC Health Program: Petitions Received, http://www.cdc.gov/wtc/received.html.*

[9] Five of the studies referenced in Petition 020 were insufficient to provide medical basis because they were not conducted in 9/11 populations nor did they demonstrate an association between any 9/11 agents and stroke; these five studies include the following: Truelsen T, Prescott E, Lange P, Schnohr P, Boysen G [2001], *Lung Function and Risk of Fatal and Non-Fatal Stroke, The Copenhagen City Heart Study,* Int J Epidemiol 30(1):145–151; Soderholm M, Zia E, Hedblad B, Engstrom G [2012], *Lung Function as a Risk Factor for Subarachnoid Hemorrhage,* Stroke 43(10):2598–2603; Chen MH, Pan TL, Li CT, Lin WC, Chen YS, Lee YC, Tsai SJ, Hsu JW, Huang KL, Tsai CF, Chang WH, Chen TJ, Su TP, Bai YM [2015], *Risk of Stroke Among Patients with Post-Traumatic Stress Disorder: Nationwide Longitudinal Study,* Br J Psychiatry 206(4):302–307; Austin V, Crack PJ, Bozinovski S, Miller AA, Vlahos R [2016], *COPD and Stroke: Are Systemic Inflammation and Oxidative Stress the Missing Links?* Clin Sci (Lond), 130(13):1039–1050; and Lekoubou A, Ovbiagele B [2017], *Prevalence and Influence of Chronic Obstructive Pulmonary Disease on Stroke Outcomes in Hospitalized Stroke Patients,* eNeurologicalSci 6:21–24.

[10] Brackbill RM, Thorpe LE, DiGrande L, Perrin M, Sapp JH, 2nd, Wu D, Campolucci S, Walker DJ, Cone J, Pulliam P, Thalji L, Farfel MR, Thomas P [2006], *Surveillance for World Trade Center Disaster Health Effects among Survivors of Collapsed and Damaged Buildings,* MMWR Surveill Summ 55: 1–18.

[11] Jordan HT, Stellman SD, Morabia A, Miller-Archie SA, Alper H, Laskaris Z, Brackbill RM, Cone JE [2013], *Cardiovascular Disease Hospitalizations in Relation to Exposure to the September 11, 2001 World Trade Center Disaster and Posttraumatic Stress Disorder,* J Am Heart Assoc 2(5):e000431.

[12] Yu S, Alper HE, Nguyen AM, Brackbill RM [2018], *Risk of Stroke Among Survivors of the September 11, 2001 World Trade Center Disaster,* J Occup Environ Med 60(8):e371–e376.

D. Review of Scientific and Medical Information and Administrator Determination

The Program policy on the addition of non-cancer health conditions to the List directs the Program to conduct a literature review on the health condition(s) petitioned.[13] Petition 020 requested the addition of ischemic and non-aneurysmal hemorrhagic stroke. Stroke is defined as an acute brain injury resulting from either too little blood to supply an adequate amount of oxygen to the affected part of the brain or too much blood within the cranial cavity.[14] An ischemic stroke occurs when there is an inadequate supply of oxygen-rich blood to the brain, such as may occur due to thrombosis, embolism, or systemic hypoperfusion. A hemorrhagic stroke occurs when blood builds up and leaks in the brain, such as may occur due to an intracerebral or subarachnoid hemorrhage, or an aneurysm (a balloon-like bulge in an artery that can stretch and burst). A transient ischemic attack, also called a TIA or ''mini-stroke,'' is similar to a stroke; it occurs if blood flow to a portion of the brain is blocked only for a short time, producing a transient episode of neurologic dysfunction without acute infarction or death of brain tissue.

In response to Petition 020, the Program conducted a review of the scientific literature on stroke, including both ischemic and non-aneurysmal hemorrhagic, as well as transient ischemic attack.[15] In total, this initial literature review identified 12 studies appearing to potentially meet the Program's criteria for further evaluation. Three of the studies identified [16] were peer-reviewed, published, epidemiologic studies of stroke in the 9/11-exposed population eligible, in accordance with the Program's policy,[17] for further evaluation. The nine remaining studies identified in the literature review did not meet the Program's criteria for further evaluation.[18]

Evaluation of Three Published, Peer-Reviewed Epidemiologic Studies of Stroke in the 9/11 Population

As discussed above, the Program determined that of the 12 studies identified in the literature review that appeared to potentially meet the criteria for evaluation, only 3 could be fully evaluated because they are peer-reviewed, published, epidemiologic studies of stroke in the 9/11 population: Brackbill *et al.* [2006] and Yu *et al.* [2018], which were referenced in Petition 020, and Remch *et al.* [2018].[19]

Study Summaries

1. Brackbill *et al.* conducted a cross-sectional study [20] designed to assess the physical and mental health conditions and symptoms reported by survivors of the WTC towers and nearby buildings between September 5, 2003 and November 20, 2004, and to examine the relationship between their reported 9/11 exposures and health and mental health outcomes. The study used WTC Health Registry data from baseline interviews conducted with 8,418 adult survivors who had been occupants of collapsed or damaged buildings. Exposure data were evaluated and exposures were sorted by location and time proximity to exposure events according to whether the participant was present in the WTC dust cloud; occupied a collapsed versus damaged building; or evacuated before or after the collapse of the first tower. Health histories were also collected from Registry interview data, including self-reports of physician-diagnosed stroke subsequent to September 11, 2001. The rate of stroke among adult survivors of collapsed and damaged buildings was adjusted for sex and mode of recruitment (physical and mental health symptoms tended to be higher among Registry members who self-identified than among those identified from a list of building survivors with security badges). Brackbill *et al.* found a statistically significant association for stroke among survivors exposed to the WTC dust cloud compared to those not exposed to the WTC dust cloud [adjusted odds ratio (aOR) = 5.6, 95% CI 1.3–24.4]; however, the prevalence of stroke among survivors who evacuated before versus after the collapse of the first WTC tower and among those who evacuated from collapsed buildings versus damaged buildings was not significantly different [aOR = 0.6, 95% CI 0.1–4.5, and aOR = 1.5, 95% CI 0.6–4.0, respectively]. According to the authors, this indicated a ''potential relation'' between WTC dust exposure and stroke; this finding was considered preliminary, however, meriting continued monitoring, because the small sample size and cross-sectional design limits the interpretation and generalizability of findings. The cross-sectional design of this study is a major limitation because it fails to establish a temporal relationship between 9/11 exposure and reported stroke. Finally, the study did not differentiate between hemorrhagic and ischemic stroke, which have different risk factors.

2. Yu *et al.* conducted a cohort study to investigate the risk of stroke among 42,527 WTC responders and survivors who experienced PTSD and who had intense exposure to WTC dust. Self-reports of WTC dust exposure and stroke diagnosis subsequent to September 11, 2001 were obtained from WTC Health Registry surveys collected from 2003 to 2016. Intense exposure was defined as having been in the WTC dust cloud and reporting at least one of the following: Inability to see more than a few feet; difficulty walking; difficulty finding shelter; being covered with dust; or loss of hearing. Minimal or no-exposure was defined as being in the WTC dust but without experiencing intense exposure, or no WTC dust exposure at all. After adjusting for sociodemographic characteristics, risk factors for stroke (smoking and history of hypertension and/or diabetes), and PTSD, the study found that WTC dust cloud exposure was independently associated with an increased risk for stroke among WTC responders and survivors [aHR = 1.2, 95% CI 1.0–1.4]. The study has numerous strengths, including the longitudinal design,

[13] *Supra* note 3.

[14] *See generally* National Heart, Lung, and Blood Institute (NHBLI), *Health Topics: Stroke, https://www.nhlbi.nih.gov/health-topics/stroke* (last accessed on Dec. 12, 2018).

[15] Databases searched include: CINAHL, Embase, NIOSHTIC–2, ProQuest Health & Safety, PsycINFO, PubMed, Scopus, and Toxicology Abstracts/TOXLINE. Studies were also identified using the WTC Health Program Research Compendium. Keywords used to conduct the search include: Stroke, cerebrovascular accident, transient ischemic attack, intracerebral hemorrhage, cerebral hemorrhage, subarachnoid hemorrhage, brain ischemia, brain infarction, cerebral infarction. The literature search was conducted in English-language journals on September 26, 2018.

[16] Two of these three studies, Brackbill *et al.* and Yu *et al.,* were also included as medical basis with the petition.

[17] *See supra* note 3.

[18] Four of the nine studies, including Jordan *et al.* which was submitted as medical basis for the petition, contained limited findings regarding an association between 9/11 exposure and stroke that the Program determined warranted additional review. Those four studies are summarized in the docket, as ''background information,'' to illustrate their inability to provide dispositive information about an association between 9/11 exposure and stroke.

[19] Remch M, Laskaris Z, Flory J, Mora-McLaughlin C, Morabia A [2018], *Post-Traumatic Stress Disorder and Cardiovascular Diseases: A Cohort Study of Men and Women Involved in Cleaning the Debris of the World Trade Center Complex,* Circ Cardiovasc Qual Outcomes 11(7):e004572.

[20] A cross-sectional study is a type of observational study that evaluates a sample of persons from a specific population and measures the sample's exposures and health outcomes simultaneously. Because the presence of disease and the determination of exposure are conducted at the same specific point in time, the temporal sequence of cause and effect (*i.e.* did the disease appear before or after exposure) generally cannot be determined.

adequate control of confounding and a large number of participants with small loss to follow up. Limitations included that stroke was self-reported and the authors did not distinguish between hemorrhagic and ischemic stroke.

3. Remch *et al.* conducted a cohort study to determine whether PTSD is a risk factor for myocardial infarction and stroke. The study used data collected between January 2012 and June 2013 from World Trade Center (WTC)-Heart, a WTC Health Program Research Program-funded cohort study of 6,481 Program members who were non-firefighter workers and volunteers engaged in rescue, recovery, restoration of services, cleanup, or other support work on or after September 11, 2001. Exposure was reported in a self-administered questionnaire, which asked participants about when they started to work at Ground Zero, whether they were in the dust cloud, whether they worked on or near the pile or the pit (the remains of the WTC towers), and whether a respiratory protective device was worn. Stroke was self-reported and tentatively confirmed by additional personal interviews conducted by phone. Approximately 60 percent of self-reported stroke cases were confirmed by medical records documenting typical stroke symptoms and either supportive medical imaging or sonographic signs. Cases of stroke were also identified in the New York State Department of Health's, Statewide Planning and Research Cooperative System (SPARCS) database by searching for hospitalized cohort members with a discharge diagnosis of stroke. However, the study did not report whether the participants who experienced recurrent strokes (of the 53 reported strokes, 15 were recurrent) had their first stroke before September 11, 2001, and whether the first stroke may have been the cause of subsequent recurrent strokes. Based on their analysis, Remch *et al.* concluded that none of the 9/11 exposure variables (*i.e.,* timing and intensity of WTC dust and dust cloud exposure, use of respiratory protection) were independently associated with subsequent stroke. It should be noted, however, that detailed data to support these findings were not presented in the article apart from the finding that the risk of stroke was not significantly reduced by the use of a respirator [aHR = 0.8, 95% CI 0.4–1.8]. The study also concluded that PTSD was an independent determinant of stroke in both men and women, before and after controlling for use of a respirator during debris cleanup, cardiovascular risk factors, and depression. Remch *et al.* has multiple strengths, including the cohort-study design, active follow-up, validation of stroke using SPARCS, and adjustment for cardiovascular risk factors, including smoking and depression. Limitations include PTSD being self-reported, as well as the lack of distinction between hemorrhagic and ischemic stroke and the failure to clarify whether pre-September 11, 2001 and recurrent strokes were appropriately analyzed. Moreover, the study focused on assessing whether those with PTSD are at increased risk of myocardial infarction or stroke; determining the effect of WTC dust exposure on those outcomes was of secondary importance. Finally, the authors did not provide detailed findings using exposure data, apart from reporting on respirator use and non-use; even where respirator use was reported, however, information on frequency and time of use was not provided.

Evaluation of Studies Using Select Bradford Hill Criteria

Together, the three studies by Brackbill *et al.,* Yu *et al.,* and Remch *et al.* were assessed to determine whether a causal relationship between 9/11 exposures and stroke is supported.[21] As described in the policy on the addition of non-cancer health conditions to the List,[22] the WTC Health Program uses the following Bradford Hill criteria to evaluate studies of 9/11-exposed populations: strength of association, precision of the risk estimate, consistency of association, biological gradient, and plausibility and coherence.

Strength of association:[23] Of the three studies, Brackbill *et al.* reported a strong association between exposure to WTC dust and the risk of stroke in WTC survivors; Yu *et al.* reported a moderate association between WTC dust exposure and stroke in WTC responders and survivors; and Remch *et al.* reported no association between WTC dust exposure and risk of stroke in WTC responders.

Precision of risk estimate:[24] Although both Brackbill *et al.* and Yu *et al.* were conducted using WTC Health Registry data, the more recent study by Yu is more precise because the sample size is larger; in contrast, Brackbill reported very wide confidence intervals. Remch *et al.* studied a cohort of responders in the WTC Health Program; despite reporting a relatively large number of stroke cases, the precision of the study findings could not be evaluated because detailed findings (*i.e.,* number of stroke cases associated with different levels of 9/11 exposure, risk estimates, and confidence intervals) regarding possible association between 9/11 exposure and stroke were not reported.

Consistency of association:[25] The findings were not consistent across the three studies: The WTC Health Registry studies showed increased risk of stroke with exposure to the WTC dust cloud; Remch *et al.* did not find an association between intermediate or high exposure and the risk of stroke.

Biological gradient:[26] None of the three studies reported exposure-response. Although Brackbill *et al.* and Yu *et al.* each found a positive association between 9/11 exposure and stroke, they both conducted limited, binary evaluations of exposure variables: Brackbill *et al.* sorted exposures according to location and temporal proximity to the WTC dust and dust cloud, and Yu *et al.* sorted exposures by determining if study subjects were intensely exposed to the dust and dust cloud. Neither study fully analyzed stroke in the context of a full exposure-response assessment. Remch *et al.,* which did not find a positive association between 9/11 exposure and stroke, also did not report exposure-response.

Plausibility and coherence:[27] Brackbill *et al.* and Yu *et al.* each mentioned that other studies have found an association between stroke and air pollution, which primarily comprises

[21] Although the Brackbill *et al.* and Yu *et al.* studies were both conducted in the WTC Health Registry population, the Yu *et al.* study is not a follow-up to the Brackbill *et al.* study and each was evaluated independently in this action.

[22] WTC Health Program [2017], *Policy and Procedures for Adding Non-Cancer Conditions to the List of WTC-Related Health Conditions,* February 14, 2017 at 3–4, *https://www.cdc.gov/wtc/pdfs/policies/WTCHP_PP_Adding_NonCancers_14_February_2017-508.pdf.*

[23] It is generally thought that strong associations are more likely to be causal than weak associations; however, a weak association does not rule out a causal relationship.

[24] The uncertainty inherent in estimating the strength of association between exposure and health effect (effect size) from observational data is expressed as a confidence interval, illustrating a range of values that contains the true effect size. A narrow confidence interval indicates a more precise measure of the effect size and a wider interval indicates greater uncertainty. *See supra* note 22.

[25] Consistent findings are demonstrated when they have been repeatedly reported by multiple studies.

[26] Studies establish an exposure-response relationship by demonstrating that increases in exposure (*i.e.,* exposures of greater intensity and/or longer duration) are associated with a greater incidence of disease. A thorough evaluation of exposure-response requires analysis of multiple levels of exposure such that the investigator can demonstrate that the risk increases with increasing levels of exposure.

[27] Study findings demonstrate a basis in scientific theory that supports the relationship between the exposure and the health effect, and do not conflict with known facts about the biology of the health condition.

small particulate matter ($PM_{2.5}$). Both Brackbill *et al.* and Yu *et al.* also noted that the WTC dust and dust cloud contained a unique mixture of construction debris and combustion products,[28] including small particulate matter ($PM_{2.5}$) as well as large particulate matter (>PM_{10}) not typically found in air pollution.[29] Although the comparison of air pollution to WTC dust is imperfect because of the high concentration of >PM_{10} in WTC dust and dust cloud samples, it is nevertheless instructive due to the documented health effects of $PM_{2.5}$ exposure, including stroke.[30] While the association between WTC dust and stroke seems plausible because of the presence of $PM_{2.5}$, the underlying biological mechanisms through which small particulate matter exerts its effect on the vascular system is still an area of study.

Evaluation of Representativeness of Studies

Finally, the three studies were reviewed to determine whether both the WTC responder and survivor cohorts studied are representative of the entire 9/11-exposed population, and whether the results can be extrapolated. The cohort studied by Brackbill *et al.* consisted of survivors enrolled in the WTC Health Registry; the population studied by Yu *et al.* included responders and survivors enrolled in the WTC Health Registry; the population studied by Remch *et al.* only included non-firefighter responders who were members of the WTC-Heart cohort within the WTC Health Program. Although Brackbill *et al.* and Yu *et al.* consisted of Registry members, the former only included 8,418 adult survivors of collapsed buildings and buildings with major or moderate damage, while the latter included 42,527 survivors and responders of the WTC attack.[31] According to an assessment of the WTC Health Registry by Kim *et al.* [2018],[32] although enrollment was voluntary, extensive outreach efforts show that selection bias is unlikely for this cohort. The cohort studied by Remch *et al.* is nested within the WTC Health Program and appears to be representative of the population served by the clinics where recruitment took place. As a result, the Program determined that the results of the three evaluated studies can be extrapolated to the entire 9/11-exposed population.

Summary of Evaluation

Although the studies described and evaluated above provide evidence that suggests a possible association between 9/11 exposure and stroke, the evidence is insufficient to conclude that stroke is either substantially likely [33] or highly likely [34] to be causally associated with 9/11 exposures among 9/11-exposed populations. The evidence provided by the three studies is insufficient to support an addition to the List for several reasons. Most importantly, the results of the three studies lacked consistency: Two studies found a positive association between 9/11 exposure and stroke (Brackbill *et al.* and Yu *et al.*), and one did not (Remch *et al.*). The two studies that found a positive association between 9/11 exposure and stroke relied on self-reported stroke, which may be prone to recall bias and the imperfections of human memory. In contrast, Remch *et al.* confirmed the presence of stroke using medical records and SPARCS data, but failed to find an association between 9/11 exposure and stroke. Another limitation common to all three studies was the lack of differentiation between hemorrhagic and ischemic stroke; these two variants have different pathophysiology and causes, and therefore it is not clear if the reported incidence of stroke refers to one or both types of stroke. Finally, the absence of an exposure-response analysis in all of the studies means that the biological gradient is not adequately assessed. In conclusion, when all three studies are considered together, their limitations and lack of consistent findings do not provide adequate evidence to propose the addition of stroke to the List. Without significant positive findings from studies with sufficient sample size, objective confirmation of stroke, and an assessment of exposure-response, the available evidence does not demonstrate that stroke is either substantially likely or highly likely to be causally associated with 9/11 exposures among 9/11-exposed populations.

E. Administrator's Final Decision on Whether To Propose the Addition of Stroke to the List

Pursuant to PHS Act, § 3312(a)(6)(B)(iv) and 42 CFR 88.16(a)(2)(iv), the Administrator has determined that insufficient evidence is available to take further action at this time, including proposing the addition of stroke to the List (pursuant to PHS Act, § 3312(a)(6)(B)(ii) and 42 CFR 88.16(a)(2)(ii)) or publishing a determination not to publish a proposed rule in the **Federal Register** (pursuant to PHS Act, § 3312(a)(6)(B)(iii) and 42 CFR 88.16(a)(2)(iii)). The Administrator has also determined that requesting a recommendation from the STAC (pursuant to PHS Act, § 3312(a)(6)(B)(i) and 42 CFR 88.16(a)(2)(i)) is unwarranted.

For the reasons discussed above, the Petition 020 request to add stroke to the List of WTC-Related Health Conditions is denied.

F. Approval To Submit Document to the Office of the Federal Register

The Secretary, HHS, or his designee, the Director, Centers for Disease Control and Prevention (CDC) and Administrator, Agency for Toxic Substances and Disease Registry (ATSDR), authorized the undersigned, the Administrator of the WTC Health Program, to sign and submit the document to the Office of the Federal Register for publication as an official document of the WTC Health Program. Robert Redfield M.D., Director, CDC, and Administrator, ATSDR, approved

[28] The WTC Health Program's *Inventory of 9/11 Agents* (available at *https://wwwn.cdc.gov/ResearchGateway/Content/pdfs/Development_of_the_Inventory_of_9-11_Agents_20180717.pdf*) identifies chemical, physical, biologic, and other hazards as having been present at any of the three disaster sites. Of the 352 chemical 9/11 agents identified from air and settled dust sampling studies and from biological monitoring studies, five are types of WTC dust, including: WTC Dust: Glass shards, WTC Dust: PM_{10}, WTC Dust: $PM_{2.5}$, WTC Dust: Particles >2 μm, and WTC Dust: Particles >5 μm. The remaining 347 chemicals are identified by name. *See supra* note 5.

[29] Brackbill *et al.* [2006] *supra* note 10 at 12; Yu *et al.* [2018] *supra* note 11 at e375, and Lioy PJ, Weisel CP, Millette JR, Eisenreich S, Vallero D, Offenberg J, Buckley B, Turpin B, Zhong M, Cohen MD, Prophete C, Yang I, Stiles R, Chee G, Johnson W, Porcja R, Alimokhtari S, Hale RC, Weschler C, Chen LC [2002], *Characterization of the dust/smoke aerosol that settled east of the World Trade Center (WTC) in Lower Manhattan after the collapse of the WTC 11 September 2001,* Env Health Perspect 110:703–714.

[30] Feigin VL, Roth GA, Naghavi M, Parmar P, Krishnamurthi R, Chugh S, Mensah GA, Norrving B, Shiue I, Ng M, Estep K, Cercy K, Murray CJL, Forouzanfar MH [2016], *Global Burden of Stroke and Risk Factors in 188 Countries, During 1990–2013: A Systematic Analysis for the Global Burden of Disease Study 2013,* Lancet Neurol 15(9):913–924; Béjot Y, Reis J, Giroud M, Feigin V [2018], *A Review of Epidemiological Research on Stroke and Dementia and Exposure to Air Pollution,* Int J Stroke 13(7):687–695.

[31] For more information on the WTC Health Registry cohort and recruitment methods, *see:* Farfel M, DiGrande L, Brackbill R, Prann A, Cone J, Friedman S, Walker DJ, Pezeshki G, Thomas P, Galea S, Williamson D, Frieden TR, Thorpe L [2008], *An Overview of 9/11 Experiences and Respiratory and Mental Health Conditions among World Trade Center Health Registry Enrollees,* J Urban Health 85(6):880–909.

[32] Kim H, Baidwan NK, Kriebel D, Cifuentes M, Baron S [2018], *Asthma among World Trade Center First Responders: A Qualitative Synthesis and Bias Assessment,* Int J Environ Res Public Health 15(6):1053.

[33] *See supra* note 3 at sec. III.B.1.c.(1).

[34] *See supra* note 3 at sec. III.B.1.c.(2).

this document for publication on February 14, 2019.

John J. Howard,

Administrator, World Trade Center Health Program and Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

[FR Doc. 2019–02941 Filed 2–22–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

RIN 0648–XG809

Notification of Receipt of a Petition To Ban Imports of All Fish and Fish Products From New Zealand That Do Not Satisfy the Marine Mammal Protection Act

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

ACTION: Receipt of petition to ban imports through emergency rulemaking; request for information and comments.

SUMMARY: NMFS announces receipt of a petition for emergency rulemaking under the Administrative Procedure Act. Sea Shepherd Legal, Sea Shepherd New Zealand Ltd., and Sea Shepherd Conservation Society petitioned the U.S. Department of Commerce and other relevant Departments to initiate emergency rulemaking under the Marine Mammal Protection Act (''MMPA''), to ban importation of commercial fish or products from fish that have been caught with commercial fishing technology that results in incidental mortality or serious injury of Māui dolphin in excess of United States standards.

DATES: Written comments must be received by 5 p.m. Eastern Time on March 27, 2019.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2019–0013, by either of the following methods:

1. *Electronic Submissions:* Submit all electronic comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0013,* click the ''Comment Now!'' icon, complete the required fields and enter or attach your comments.

2. *Mail:* Submit written comments to: Director, Office of International Affairs and Seafood Inspection, Attn: MMPA Petition, NMFS, F/IASI, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *http://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe portable document file (PDF) formats only. The complete text of the petition is available via the internet at the following web address: *http://www.nmfs.noaa.gov/ia/.* In addition, copies of this petition may be obtained by contacting NMFS at the above address.

FOR FURTHER INFORMATION CONTACT: Nina Young, NMFS F/IASI at *Nina.Young@noaa.gov* or 301–427–8383.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(2) of the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1371(a)(2), states that: ''The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards.'' In August 2016, NMFS published a final rule (81 FR 54390; August 15, 2016) implementing the fish and fish product import provisions in section 101(a)(2) of the MMPA. This rule established conditions for evaluating a harvesting nation's regulatory programs to address incidental and intentional mortality and serious injury of marine mammals in fisheries operated by nations that export fish and fish products to the United States. In that rule's preamble, NMFS stated that it may consider emergency rulemaking to ban imports of fish and fish products from an export or exempt fishery having or likely to have an immediate and significant adverse impact on a marine mammal stock.

Information in the Petition

NMFS received the petition on February 6, 2019. The petition alleges that the Secretaries of Commerce and other relevant federal Departments are required to carry out non-discretionary duties under section 101(a)(2) of the MMPA (16 U.S.C. 1371(a)(2)), to ''ban the importation of commercial fish or products from fish'' sourced in a manner that ''results in the incidental kill or incidental serious injury'' of Māui dolphin ''in excess of United States standards.'' The petition requested that the relevant Secretary ban the importation of all fish and fish products caught in set nets or trawls inside the Māui dolphin's range and from either the west coast of New Zealand's North Island or the Cook Strait, unless affirmatively identified as having been caught with a gear type other than set nets or trawls or affirmatively identified as caught outside the Māui dolphin's range.

As support for the need for this action, the petition cites several reports and studies noting various estimates of decline. The petitioners assert that for the Māui dolphin, set net and trawl bycatch has driven the species from a population of approximately 2,000 individuals in 1971, to 111 in 2004, to 55 in 2011. Further, the petition notes that in 2018 the Scientific Committee of the International Whaling Commission reported an abundance estimate of 57 individuals, with a 95% confidence interval of 44 to 75 individuals, which equates to an average decline of 2% every year and a total decline of 59% over the 31-year period from 1985 to 2016.

The petitioners maintain that any fishery using set nets, trawls, or gillnets in the Māui dolphin range along the west coast of New Zealand's North Island violates U.S. standards under the MMPA. The petitioners provide a list of 11 fish species harvested within the Māui dolphin range by set nets, trawls, or gillnets that are potentially imported into the U.S. as fish or fish products.

As noted in the petition, New Zealand has attempted to address the bycatch problem by (1) restricting set nets and trawls in certain areas, and (2) increasing observer coverage and other monitoring mechanisms. In the case of gear and area/seasonal restrictions, trawling has been banned in approximately 5% of the habitat of Māui dolphin, while gillnets are banned in an additional 14% of that habitat. In addition, New Zealand's Hector's and Māui dolphin Threat Management Plan is currently under review for updates, with decision documents scheduled to

be provided to Ministers in May 2019 (See: *https://www.mpi.govt.nz/protection-and-response/sustainable-fisheries/managing-our-impact-on-marine-life/protecting-hectors-and-maui-dolphins/*).

NMFS will consider public comments received in evaluating the request by the petitioners. In addition to general comments on the petition, NMFS specifically requests comments on:

- The adequacy of existing measures regulating commercial fishing throughout the range of the Māui dolphin;
- Whether such measures can be considered comparable in effectiveness to the U.S. regulatory program;
- Whether the apparent decline in the Māui dolphin population due to commercial fishing meets the standard of ''immediate and significant adverse impact on a marine mammal stock'' within the MMPA; and
- Which specific fisheries are or may be directly associated with potential mortality of Māui dolphin and therefore fall within the scope of the petition for emergency action.

Dated: February 19, 2019.

Samuel D. Rauch III,

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

[FR Doc. 2019–03132 Filed 2–22–19; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 84, No. 37
Monday, February 25, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 19, 2019.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 27, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Stakeholder Input on Federal outreach to Control Listeria Monocytogenes at Retail.

OMB Control Number: 0583–New.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Product Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat products are safe, wholesome, unadulterated, and properly labeled and packaged. FSIS intends to collect information from stakeholders from industry, State and public health and agriculture departments with responsibilities for retail food safety, local health departments, and grocers to gather information on FSIS outreach efforts related to retain best practices to control Listeria monocytogenes (Lm) in retail delicatessens.

Need and Use of the Information: The purpose of this information collection is to enhance Federal outreach and interagency coordination to control Lm at retail. To gather feedback to enhance Federal outreach and interagency coordination to control Lm at retail, FSIS, in collaboration with the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) will conduct focus groups with a sample of stakeholders from industry, state and local public health and agriculture departments, and retail delicatessens. In the focus groups, sample of stakeholders will be invited to provide input on the awareness and usefulness of existing outreach materials and tools related to best practices for controlling Lm in delicatessens, how they currently receive this type of information (*e.g.* from FSIS, FSA, CDC, State Health department, Cooperative Extension), and how those channels of communication could be improved.

Description of Respondents: Business or other for-profit; Individuals or households; State, Local or Tribal Government.

Number of Respondents: 240.

Frequency of Responses: Reporting: On occasions.

Total Burden Hours: 271.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–03133 Filed 2–22–19; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Pesticide Residues

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S Codex Office is sponsoring a public meeting on March 7, 2019. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 51st Session of the Codex Committee on Pesticide Residues (CCPR) of the Codex Alimentarius Commission, in Macau Special Administrative Region (SAR) of the People's Republic of China, April 8–13, 2019. The U.S. Manager for Codex Alimentarius and the Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 51st Session of the CCPR and to address items on the agenda.

DATES: The public meeting is scheduled for Thursday, March 7, 2019 from 1 p.m. to 3 p.m. EST.

ADDRESSES: The public meeting will take place at the United States Environmental Protection Agency, Room PYS–4350, One Potomac Yard South, 2777 South Crystal Drive, Arlington, VA 22202. Documents related to the 51st Session of the CCPR will be accessible via the internet at the following address: *http://www.fao.org/fao-who-codexalimentarius/meetings/en/*.

Captain David Miller, U.S. Delegate to the 51st Session of the CCPR invites

U.S. interested parties to submit their comments electronically to the following email address: *miller.davidj@epa.gov.*

Call-in-Number: If you wish to participate in the public meeting for the 51st Session of the CCPR by conference call, please use the call-in-number: 1–888–844–9904 and participant code 5126092.

Registration: Attendees may register to attend the public meeting by emailing *Marie.Maratos@osec.usda.gov* by March 4, 2019. Early registration is encouraged because it will expedite entry into the building. The meeting will take place in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through the security screening systems. Attendees who are not able to attend the meeting in person, but who wish to participate, may do so by phone, as discussed above.

For Further Information about the 51st Session of the CCPR Contact: U.S. Delegate, Captain David Miller, Chief, Chemistry and Exposure Branch and Acting Chief, Toxicology and Epidemiology Branch, Health Effects Division, Ariel Rios Building, 1200 Pennsylvania Avenue NW, Washington, DC 20460. Telephone: (703) 305–5352, Fax: (703) 305–5147, Email: *Miller.Davidj@epa.gov.*

For Further Information about the Public Meeting Contact: Marie Maratos, U.S. Codex Office, 1400 Independence Avenue SW, Room 4861, South Agriculture Building, Washington, DC 20250. Phone: (202) 690–4795, Fax: (202) 720–3157, Email: *Marie.Maratos@osec.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Pesticide Residues (CCPR) are:

(a) To establish maximum limits for pesticide residues in specific food items or in groups of food;

(b) to establish maximum limits for pesticide residues in certain animal feeding stuffs moving in international trade where this is justified for reasons of protection of human health;

(c) to prepare priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR);

(d) to consider methods of sampling and analysis for the determination of pesticide residues in food and feed;

(e) to consider other matters in relation to the safety of food and feed containing pesticide residues; and,

(f) to establish maximum limits for environmental and industrial contaminants showing chemical or other similarity to pesticides, in specific food items or groups of food.

The CCPR is hosted by China. The United States attends CCPR as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 51st Session of the CCPR will be discussed during the public meeting:

- Adoption of the Agenda
- Appointment of Rapporteurs
- Matters referred to CCPR by CAC and/or other subsidiary bodies
- Matters of interest arising from FAO and WHO
- Matters of interest arising from other international organizations
- Report on items of general consideration by the 2018 JMPR—Section 2 of the 2018 JMPR Report
- Report on 2018 JMPR responses to specific concerns raised by CCPR—Section 3 of the 2018 JMPR Report
- Proposed MRLs for pesticides in food and feed (at Steps 7 and 4)
- Revision of the Classification of Food and Feed (CXM 4/1989)
- Class C—Primary feed commodities; Type 11: Primary feed commodities of plant origin

Proposed:

- Group 050: Legume feed products
- Group 051: Cereal grains and grasses
- (including pseudocereals) feed products
- Group 052: Miscellaneous feed products
- Class D—Processed foods of plant origin; All types in Class D
- Proposed groups in different types
- Transfer of commodities from Class D to Class C
- Proposed table on examples of representative commodities for commodity groups in different types under Class C and Class D (for inclusion in the Principles and Guidance for the Selection of Representative Commodities for the Extrapolation of MRLs for Pesticides to Commodity Group (CXG 84–2012)
- Impact of the revised types in Class C and Class D on CXLs
- Any Class—Type on miscellaneous commodities not meeting the criteria for crop grouping
- Proposed groups (including any possible impact of the new types on CXLs)
- Class B—Primary food commodities of animal origin
- Common definition of edible animal tissues for the establishment of MRLs of pesticides and veterinary drugs for compounds with dual uses as pesticides and veterinary drugs for use by CCPR and CCRVDF
- Discussion paper on the opportunity to revise the Guidelines on the use of mass spectrometry for the identification, confirmation and quantitative determination of pesticide residues (CXG 56–2005)
- Discussion paper on the review of the International Estimate of Short Term Intake (IESTI) equations
- Discussion paper on opportunities and challenges for JMPR participation in an international review of a new compound
- Discussion paper on the development of guidance for compounds of low public health concerns that could be exempted from the establishment of CXLs
- Discussion paper on the management of unsupported compounds
- Information on national registrations of pesticides
- Establishment of Codex Schedules and Priority Lists of Pesticides
- Other Business and Future Work

Public Meeting

At the March 7, 2019, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to David Miller, U.S. Delegate for the 51st Session of the CCPR (see **ADDRESSES**). Written comments should state that they relate to activities of the 51st Session of the CCPR.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: *http://www.usda.gov/codex/*, a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscription themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative. 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).

Done at Washington, DC, on February 5, 2019.

Mary Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2019–03176 Filed 2–22–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice for request and comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested.

DATES: Comments on this notice must be received by April 26, 2019.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Regulatory Division Team 2, Rural Development Innovation Center, U.S. Department of Agriculture, 1400 Independence Ave. SW, Stop 1522, Washington, DC 20250. Phone: 202–690–4492. Cell: 202–689–9521. *Thomas.Dickson@usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension. 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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) 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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Comments may be sent to Thomas P. Dickson, Regulatory Division Team 2, Rural Development Innovation Center, U.S. Department of Agriculture, 1400 Independence Ave. SW, Stop 1522, Washington, DC 20250. Phone: 202–690–4492. Cell: 202–689–9521. *Thomas.Dickson@usda.gov.*

Title: Request for Release of Lien and/or Approval of Sale, RUS Form 793.

OMB Control Number: 0572–0041.

Type of Request: Extension of a currently approved information collection.

Abstract: The Rural Utilities Service (RUS) makes mortgage loans and loan guarantees to electric and telecommunications systems to provide and improve electric and telecommunications service in rural areas pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*) (RE Act). All current and future capital assets of RUS borrowers are ordinarily mortgaged or pledged to the Federal Government as security for RUS loans. Assets include tangible and intangible utility plant, non-utility property, construction in progress, and materials, supplies, and equipment normally used in a telecommunications system. The RE Act and the various security instruments, *e.g.,* the RUS mortgage, limit the rights of a RUS borrower to dispose of capital assets.

The RUS Form 793, Request for Release of Lien and/or Approval of Sale, allows telecommunications program borrowers to seek agency permission to sell some of its assets. The form collects detailed information regarding the proposed sale of a portion of the borrower's system. RUS telecommunications borrowers fill out the form to request RUS approval in order to sell capital assets.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.75 hours per response.

Respondents: Business or other for-profit; not-for-profit organizations.

Estimated Number of Respondents: 40.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 110.

Copies of this information collection can be obtained from MaryPat Daskal, Regulatory Team 2, Rural Development Innovation Center, U.S. Department of Agriculture, 1400 Independence Ave. SW, Stop 1522, Washington, DC 20250. Telephone: (202) 720–7853. Email: MaryPat *Daskal@usda.gov*.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 14, 2019.

Bette B. Brand,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2019–03162 Filed 2–22–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Broadband Pilot Program—ReConnect Program

AGENCY: Rural Utilities Service, Department of Agriculture.

ACTION: Establishment of application deadlines, and clarification

SUMMARY: The Rural Utilities Service (RUS) announced its general policy and application procedures for funding under the eConnectivity Pilot Program (ReConnect Program) on December 14, 2018, in the **Federal Register**. The Reconnect Program will provide loans, grants, and loan/grant combinations to

facilitate broadband deployment in rural areas. In facilitating the expansion of broadband services and infrastructure, ReConnect will fuel long-term rural economic development and opportunities in rural America. The awards made under this program will bring high speed broadband to the farms which will allow them to increase productivity. This Notice amends the original application window closing dates that were published in the December 14, 2018, **Federal Register** Notice and provides the anticipated date that the opening application window will be announced.

DATES: In March 2019, the Agency will announce the date that applications will start being accepted through *https://reconnect.usda.gov.* Please note there are three funding categories with each category having different application windows (as referenced in Section II of **SUPPLEMENTARY INFORMATION**). Please refer to the specific funding category for the appropriate application deadline.

ADDRESSES: The application system for electronic submissions will be available at *https://reconnect.usda.gov.*

Electronic submissions: Electronic submissions of applications will allow for the expeditious review of an Applicant's proposal. As a result, all Applicants must file their application electronically.

FOR FURTHER INFORMATION CONTACT: For general inquiries, contact Chad Parker, Assistant Administrator Telecommunications Program, Rural Utilities Service, U.S. Department of Agriculture (USDA), email: *chad.parker@wdc.usda.gov,* telephone (202) 720–9554. You may obtain additional information regarding applications at *https://reconnect.usda.gov.*

SUPPLEMENTARY INFORMATION:

Authority: This solicitation is issued pursuant to the Consolidated Appropriations Act, 2018, Public Law 115–141, and the Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.*

Overview

Federal Agency: Rural Utilities Service, USDA.

Funding Opportunity Title: Rural eConnectivity Pilot Program (ReConnect Program).

Announcement Type: Funding Opportunity Announcement (FOA) and solicitation of applications.

Catalog of Federal Domestic Assistance (CFDA) Number: Rural eConnectivity Pilot Program (ReConnect Program)—10.752.

I. Background

On March 23, 2018, Congress passed the Consolidated Appropriations Act 2018 (the FY2018 Appropriations), which established a broadband loan and grant pilot program, the Rural eConnectivity Pilot Program (hereinafter the ReConnect Program). One of the essential goals of the ReConnect Program is to expand broadband service to rural areas without sufficient access to broadband, defined as 10 megabits per second (Mbps) downstream and 1 Mbps upstream. For this purpose, Congress provided RUS with $600 million and expanded its existing authority to make loans and grants.

On December 14, 2018, RUS published a Funding Opportunity Announcement (FOA) and solicitation of applications in the **Federal Register** at 83 FR 64315. The FOA provided the policy and application procedures for the ReConnect Program. As announced in the FOA, the agency is publishing this notice to provide the final application windows for the ReConnect Program.

II. Funding Categories and Application Submission Dates

A. Funding Categories

1. 100 Percent Loan

Applications will be accepted on a rolling basis through July 12, 2019. In the event two loan applications are received for the same proposed funded service area, the application to arrive first will be considered first.

2. 50 Percent Loan/50 Percent Grant Combination

Applications will be accepted through June 21, 2019. Notwithstanding overlapping applications, generally all eligible applications will be scored and the applications with the highest score will receive an award offer until all funds are expended for this category. Scoring criteria was established in the **Federal Register** Funding Opportunity Announcement on December 14, 2018, and can also be found on the website *https://reconnect.usda.gov.*

3. 100 Percent Grant

Applications will be accepted through May 31, 2019. Notwithstanding overlapping applications, generally all eligible applications will be scored and the applications with the highest score will receive an award offer until all funds are expended for this category. Scoring criteria was established in the **Federal Register** Funding Opportunity Announcement on December 14, 2018, and can also be found on the website *https://reconnect.usda.gov.*

B. Available Funds

1. General

Approximately $600,000,000 in funding has been set aside for funding opportunities under this FOA.

2. Funding Limits

Award amounts under this FOA will be limited as follows:

a. 100 Percent Loan. Up to $200,000,000 is available for loans. The maximum amount that can be requested in an application is $50,000,000.

b. 50 Percent Loan—50 Percent Grant. Up to $200,000,000 is available for loan/grant combinations. The maximum amount that can be requested in an application is $25,000,000 for the loan and $25,000,000 for the grant. Loan and grant amounts will always be equal.

c. 100 Percent Grant. Up to $200,000,000 is available for grants. The maximum amount that can be requested in an application is $25,000,000.

d. Reserve. Additional budget authority is available for a reserve, which may be used for loans or grants under this FOA, or may be included in additional FOAs. The agency reserves the right to increase funding utilizing the application queue under this FOA should additional appropriations become available for the same purposes.

3. Repooling

RUS retains the discretion to divert funds from one funding category to another.

4. Award Period

Awards can be made until all funds have been expended in any given funding category. While the completion time will vary depending on the complexity of the project, award recipients must complete construction of their projects within 5 years from the date funds are first made available.

5. Type of Funding Instrument

The funding instruments will be grants, loans, and loan/grant combinations.

III. Program Requirements

To be eligible for an award, applications must meet all the requirements contained in FOA that opened the ReConnect Program which was published in the **Federal Register** on December 14, 2018, at 83 FR 64315. Information can also be found at *https://reconnect.usda.gov.*

IV. Program Clarification

This Announcement clarifies that the appropriate State official referenced in Section VII(a)(9) of the FOA, included

for reference below, is the Governor of the State. Certifications from anyone other than the Governor will not be accepted and the associated points will not be awarded.

Section VII(a)(9) State Broadband Activity (20 points)

For projects that are in a State that has a broadband plan that has been updated within five years of the date of publication the **Federal Register** Funding Opportunity Announcement published on December 14, 2018, 10 points will be awarded. An additional 5 points will be awarded for projects located in states that do not restrict utilities from delivering broadband service, and 5 more points for projects located in states that expedite right-of-way and environmental permitting requirements.

In order to receive these points related to State government actions, each application will be required to submit evidence from the appropriate State official that a broadband plan is up-to-date and available on a public website, that there are no restrictions on utilities participating in the provision of broadband service, and that procedures are in place for expediting administrative activities for completing right-of-way and environmental permitting requirements that can be executed for the project if necessary, in order to meet the Agency's project build-out timelines. If service is proposed in multiple states, then evidence must be submitted from each state to get the appropriate points.

Dated: February 19, 2019.

Bette B. Brand,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2019–03163 Filed 2–22–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the New York Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the New York Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EST) on: Friday, March 8, 2019. The purpose of the meeting is to approve a proposal for a topic for committee study.

DATES: Friday, March 8, 2019 at 12:00 p.m. EST.

Public Call-In Information: Conference call-in number: 1–877–260–1479 and conference ID# 8798729.

FOR FURTHER INFORMATION CONTACT: David Barreras, at *dbarreras@usccr.gov* or by phone at 312–353–8311.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–877–260–1479 and conference ID# 8798729. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339 and providing the operator with the toll-free conference call-in number: 1–877–260–1479 and conference ID# 8798729.

Members of the public are invited to make statements during the open comment period of the meetings or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Midwest Regional Office, U.S. Commission on Civil Rights, 230 S Dearborn Street, Suite 2120, Chicago, IL 60604, faxed to (312) 353–8324, or emailed to David Barreras at *dbarreras@usccr.gov.* Persons who desire additional information may contact the Midwest Regional Office at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://database.faca.gov/committee/meetings.aspx?cid=265;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Midwest Regional Office at the above phone numbers, email or street address.

Agenda

Friday, March 8, 2019

- Open—Roll Call
- Discussion of Education Funding Proposal & Committee Vote
- Open Comment
- Adjourn

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–03159 Filed 2–22–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Missouri Advisory Committee to Discuss Civil Rights Topics in the State

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 Missouri Advisory Committee (Committee) will hold a meeting on Thursday, February 28, 2019, at 2:00 p.m. (Central) for the purpose discussing civil rights topics in the state.

DATES: The meeting will be held on Thursday, February 28, 2019, at 2:00 p.m. (Central).

Public Call Information: Dial: 800–667–5617, Conference ID: 5310270.

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at *dbarreras@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 800–667–5617, conference ID: 5310270. Any interested member of the public may call this number and listen to the meeting. 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 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also 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 Midwestern Regional Office, U.S. Commission on Civil Rights, 230 S Dearborn Street, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324 or emailed to David Barreras at *dbarreras@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional 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, Missouri Advisory Committee link (*https://facadatabase.gov/committee/committee.aspx?cid=258&aid=17*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion of Topics for study
Next Steps
Public Comment
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 19, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–03156 Filed 2–22–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the West Virginia Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA) that a meeting of the West Virginia Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EST) on Friday, March 1, 2019. The purpose of the meeting is to discuss the status of the Committee's draft report on its civil rights project that examined the collateral consequences of a felony record on West Virginians' access to employment, housing, professional licenses and public benefits.

DATES: Friday, March 1, 2019 at 12:00 p.m. (EST).

Public Call-In Information: Conference call-in number: 1–855–719–5012 and conference call ID number: 5938398.

FOR FURTHER INFORMATION CONTACT: Ivy Davis at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–855–719–5012 and conference call ID number: 5938398. Please be advised that before being placed into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–888–364–3109 and providing the operator with the toll-free conference call-in number: 1–855–719–5012 and conference call ID number: 5788080.

Members of the public are invited to make statements during the Public Comments section of the Agenda. They are also invited to submit written comments, which must be received in the regional office approximately 30 days after the scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425 or emailed to Corrine Sanders at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at: *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzmCAAQ;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda

March 1, 2019 at 12:00 p.m. (EST)

I. Rollcall
II. Welcome
III. Project Planning Discussion
IV. Other Business
V. Next Meeting
VI. Open Comments
VII. Adjourn

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 19, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–03157 Filed 2–22–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Texas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a teleconference meeting of the Texas Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (CDT) Tuesday, March 5, 2019. The purpose of the meeting is for the Committee to continue planning for April voting rights webinars.

DATES: The meeting will be held on Tuesday, March 5, 2019, at 1:00 p.m. CDT.

Public Call Information: Dial: 877–260–1479. *Conference ID:* 2867424.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public

through the following toll-free call-in number: 877–260–1479, conference ID number: 2867424. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkoAAA.*

Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Update Regarding Post-Advisory Memo Activity
  a. Dates: April 3 at 1:00 p.m. CT; April 18 at 1:00 p.m. CT
  b. Presenters
  c. Invitation list
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 19, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–03158 Filed 2–22–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the North Carolina Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights and the Federal Advisory Committee Act that the North Carolina Advisory Committee will hold a meeting on Wednesday, March 6, 2019, to discuss potential project topics.

DATES: The meeting will be held on Wednesday, March 6, 2019 at 12:00 p.m. EST.

ADDRESSES: The meeting will be by teleconference. Toll-free call-in number: 1–877–260–1479, conference ID: 7315936.

FOR FURTHER INFORMATION CONTACT: Jeff Hinton, DFO, at *jhinton@usccr.gov* or 202–499–0263.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free 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 operator will ask callers to identify themselves, the organizations they are affiliated with (if any), and an email address prior to placing callers into the conference call. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also 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 Program Unit Office, 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 Regional Director, Jeffrey Hinton at *jhinton@usccr.gov*. Persons who desire additional information may contact the Regional Program Unite Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Program Unit, 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, North Carolina 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 Southern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
  Thea Monet, Chair
North Carolina Advisory Committee discussion of potential project topics
  Thea Monet, Chair
Open Comment
  Staff/Advisory Committee
Public Participation
Adjournment

Dated: February 20, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–03201 Filed 2–22–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alaska Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that meetings of the Alaska Advisory Committee (Committee) to the Commission will be held at 2:00 p.m. on Wednesday, March 20, 2019 and at 3:00 p.m. on Tuesday, April 16, 2019 AKT. The purpose of both of these meetings is for the Committee to review the draft of the Alaska Native voting rights report.

DATES: The meetings will be held at 2:00 p.m. on Wednesday, March 20, 2019 and at 3:00 p.m. on Tuesday, April 16, 2019 AKT.

Public Call Information: Dial: 877–260–1479. Conference ID: 8906085.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID number: 8906085. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at. *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzljAAA.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Review Report Draft
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: February 20, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–03202 Filed 2–22–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

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.

Agency: U.S. Census Bureau.

Title: American Community Survey Methods Panel Tests, 2019 Census Test.

OMB Control Number: 0607–0936.

Form Number(s): DM–QA, DM–QA(E/S), DM–QB, DM–QB(E/S).

Type of Request: Non-Substantive Change Request.

Number of Respondents: 480,000.

Average Hours per Response: 10 minutes for the average household questionnaire.

Burden Hours: No additional burden hours are requested under this non-substantive change request.

Needs and Uses: The U.S. Census Bureau requests authorization from the Office of Management and Budget (OMB) for the American Community Survey (ACS) Methods Panel 2019 Census Test. The purpose of this proposed test is to gather direct, quantitative information on the potential impact of the inclusion of the citizenship question on self-response in the 2020 Census to fine-tune the planning for the 2020 Census Nonresponse Follow-up (NRFU) operation, which is designed to collect responses from addresses that did not self-respond. The potential impact on self-response is of particular interest since it is the primary and most cost-effective mode of data collection in the decennial census. The Census Bureau lacks definitive, empirical evidence on the impact of the inclusion of the citizenship question on self-response in the 2020 Census. The information obtained from this test may also inform the Integrated Partnership and Communications Campaign, which is the outreach campaign to maximize self-response to the 2020 Census.

The 2019 Census Test will use the ACS Methods Panel to conduct the test. This will allow the Census Bureau to continue devoting its full complement of staff resources to 2020 Census operations.

The ACS Methods Panel is a research program designed to address and respond to emerging issues and needs of the Census Bureau's Decennial Census Programs, including the 2020 Census and ACS. Every year, the Census Bureau contacts over 3.5 million sampled addresses across the country to participate in the ACS and hundreds of millions each decade for the decennial census. The complexity of both of these programs requires that the Census Bureau continue research, testing, and evaluations aimed at reducing respondent burden, improving data quality, achieving survey cost efficiencies, and improving questionnaire content and related data collection materials.

For the 2019 Census Test, the Census Bureau will compare two treatments using a randomized controlled experiment. The control treatment questionnaire will ask 2020 Census questions (*i.e.,* number of people, tenure, sex, age, date of birth, Hispanic origin, race, citizenship, relationship to householder, and coverage questions). The experimental treatment questionnaire will ask these same questions minus the citizenship question.

The test will employ a sample size of 480,000 addresses that will be divided evenly between the control and the experimental treatments. This sample size is designed to detect a difference of 0.5 percentage points between the self-response rates of the control and experimental treatments at the national level. The sample, which will be separate from the ACS production sample, will oversample areas with high proportions of non-citizens and historically low self-response rates. The sample construction will allow for limited analysis by race and Hispanic origin.

The test will have a Census Day (reference date) of July 1, 2019. The first mailing will go out mid-June 2019. The data collection period will be nine weeks. Data collection will end mid-August 2019. The test will utilize the 2020 Census mail strategy, including internet First and internet Choice contact strategies, and the use of English-only and English/Spanish bilingual materials. With the internet First contact strategy, the initial mailing only provides instructions for responding online. The initial mailing for the internet Choice contact strategy also includes a paper questionnaire. For each contact strategy, a subset of the areas will receive bilingual materials (English/Spanish).

The 2019 Census Test will be of the household population and will include

areas designated to be self-response areas in the 2020 Census, specifically excluding Puerto Rico and the population living in group quarters. The test will be conducted using self-response only. The Census Bureau will also provide telephone questionnaire assistance (TQA). Respondents will be able to call TQA with questions about the survey and may also complete their survey over the phone. TQA can support 10 of the 12 non-English languages supported in the 2020 Census: Spanish, Chinese (Mandarin and Cantonese), Vietnamese, Korean, Russian, Arabic, Tagalog, French, Haitian Creole, and Portuguese. The exceptions are Japanese and Polish.

Preliminary results that can be used to adjust NRFU hiring and refine messaging for the Integrated Partnership and Communications Campaign will be available on a rolling basis. Self-response rates will be available by the end of August 2019, and preliminary results will be available in early October 2019. Final results are expected by spring 2020.

Affected Public: Individuals or households.

Frequency: One-time test.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 141, 193, and 221.

This information collection request may be viewed at www.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. 2019–03200 Filed 2–22–19; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[01/29/2019 through 02/18/2019]

Firm name	Firm address	Date accepted for investigation	Product(s)
MTI Precision Products, LLC d/b/a MTI Dental Products.	131 Birch Street, Coatesville, PA 19320	2/8/2019	The firm manufactures dental hand-pieces and related attachments for drilling and polishing teeth.
Snow Country Hardwoods, Inc	1300 Odanah Road, Hurley, WI 54534 ..	2/8/2019	The firm manufactures wood flooring, paneling, moldings, and other wood products from a wide range of tree species.
Buckeye Fabric Finishers, Inc. d/b/a Buckeye Fabric Finishing Company.	1260 East Main Street, Coshocton, OH 43812.	2/11/2019	The firm applies coatings to a wide range of textiles, including wax, resin, vinyl, acrylic, and other custom coatings.
Banneker Industries, Inc	582 Great Road, Suite 101, North Smithfield, RI 02896.	2/12/2019	The firm provides supply chain management and integrated logistics services for large manufacturers and service firms.
FormPak, Inc	355 Paul Avenue, Ferguson, MO 63135	2/13/2019	The firm manufactures dry material handling and packaging systems, including equipment for filling and unloading sacks of dry materials.
Custom Storefronts, Inc	1490 West Ironwood Street, Olathe, KS 66061.	2/14/2019	The firm designs and manufactures custom windows and doors of metal and wood.
Miller EPS, LLC	613 West 3rd Street, Mountain Grove, MO 65711.	2/14/2019	The firm manufactures plastic plumbing fixtures.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal

Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2019–03192 Filed 2–22–19; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

President's Advisory Council on Doing Business in Africa

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of an opportunity to apply for membership on the President's Advisory Council on Doing Business in Africa.

SUMMARY: The Department of Commerce is currently seeking applications for membership on the 2019–2021 term of the President's Advisory Council (Advisory Council) on Doing Business in Africa. The purpose of the Advisory Council is to advise the President through the Secretary of Commerce on strengthening commercial engagement between the United States and Africa. This term, the Secretary is particularly interested in advice on advancing President Trump's new strategy for Africa.

DATES: All applications for immediate consideration for appointment must be received by the Office of Africa by 5:00 p.m. Eastern Daylight Time (EDT) on March 18, 2019. After that date, the International Trade Administration (ITA) will continue to accept applications under this notice for a period of up to two years from the deadline to fill any vacancies that may arise.

ADDRESSES: Please submit applications by email to *dbia@trade.gov,* attention: Ashley Bubna and Giancarlo Cavallo, Designated Federal Officers, President's Advisory Council on Doing Business in Africa, Office of Africa, or by mail to Ashley Bubna and Giancarlo Cavallo, Designated Federal Officers, President's Advisory Council on Doing Business in Africa, Office of Africa, 1401 Constitution Avenue NW, Suite 22004, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Ashley Bubna or Giancarlo Cavallo, Designated Federal Officers, President's Advisory Council on Doing Business in Africa, Department of Commerce, 1401 Constitution Ave. NW, Room 22004, Washington, DC 20230, telephone: 202–482–5205, email: *dbia@trade.gov, Ashley.Bubna@trade.gov, Giancarlo.Cavallo@trade.gov.*

SUPPLEMENTARY INFORMATION: The President's Advisory Council on Doing Business in Africa (Advisory Council) was established pursuant to Executive Order No. 13675 dated August 5, 2014, and continued by Executive Order 13811 until September 30, 2019. The Advisory Council was established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App., to advise the President through the Secretary of Commerce (Secretary) on strengthening commercial engagement between the United States and Africa.

The Department of Commerce, International Trade Administration, Office of Africa, is accepting applications for Advisory Council members. The Advisory Council shall provide information, analysis, and recommendations to the President that address the following, in addition to other topics deemed relevant by the President, the Secretary, or the Advisory Council:

(i) Creating jobs in the United States and Africa through trade and investment;

(ii) Developing strategies by which the U.S. private sector can identify and take advantage of trade and investment opportunities in Africa;

(iii) Building lasting commercial partnerships between the U.S. and African private sectors;

(iv) Facilitating U.S. business participation in Africa's infrastructure development;

(v) Contributing to the growth and improvement of Africa's agricultural sector by encouraging partnerships between U.S. and African companies to bring innovative agricultural technologies to Africa;

(vi) Making available to the U.S. private sector an accurate understanding of the opportunities presented for increasing trade with and investment in Africa;

(vii) Developing and strengthening partnerships and other mechanisms to increase U.S. public and private sector financing of trade with and investment in Africa;

(viii) Analyzing the effect of policies in the United States and Africa on U.S. trade and investment interests in Africa;

(ix) Identifying other means to expand commercial ties between the United States and Africa; and

(x) Building the capacity of Africa's young entrepreneurs to develop trade and investment ties with U.S. partners.

Executive Order 13675, as amended, provides that the Advisory Council shall consist of not more than 26 private sector corporate members, including small businesses and representatives from infrastructure, agriculture, consumer goods, banking, services, and other industries. The Secretary of Commerce intends to make appointments under this notice up to the current number of Advisory Council members, consistent with the Executive Order and the Advisory Council charter.

The Advisory Council shall be broadly representative of the key industries with business interests in the functions of the Advisory Council as set forth above. Each Advisory Council member shall serve as the representative of a U.S. company engaged in activities involving trade, investment, development or finance with African markets. The Department particularly seeks applicants who are active executives (Chief Executive Officer, Executive Chairman, President or comparable level of responsibility); however, for very large companies, a person having substantial responsibility for the company's commercial activities in Africa may be considered.

For eligibility purposes, a ''U.S. company'' is a for-profit firm incorporated in the United States or with its principal place of business in the United States that is (a) majority controlled (more than 50 percent ownership interest and/or voting stock) by U.S. citizens or by another U.S. entity or (b) majority controlled (more than 50 percent ownership interest and/or voting stock) directly or indirectly by a foreign parent company. Members are not required to be a U.S. citizen; however, members may not be registered as a foreign agent under the Foreign Agents Registration Act. Additionally, no member shall represent a company that is majority owned or controlled by a foreign government entity or entities.

Members of the Advisory Council will be selected, in accordance with applicable Department of Commerce guidelines, based on their ability to carry out the objectives of the Advisory Council as set forth above. Members shall be selected in a manner that ensures that the Advisory Council is balanced in terms of points of view, industry subsector, activities in and with African markets, range of products and services, demographics, geography, and company size. Additional factors which will be considered in the selection of Advisory Council members include candidates' proven leadership and experience in the trade, investment, financing, development, or other

commercial activities between the United States and Africa. Priority may be given to active executives (Chief Executive Officer, Executive Chairman, President or comparable level of responsibility). Appointments to the Advisory Council shall be made without regard to political affiliation.

The Secretary appoints the members of the Advisory Council in consultation with the Trade Promotion Coordinating Committee (TPCC), a Federal interagency group led by the Secretary and tasked with coordinating export promotion and export financing activities of the U.S. Government and development of a government-wide strategic plan to carry out such activities. Members shall serve a term of two years, at the pleasure of the Secretary.

Members shall serve in a representative capacity, representing the views and interests of their particular industry sector. Advisory Council members are not special government employees, and will receive no compensation for their participation in Advisory Council activities. Members participating in Advisory Council meetings and events will be responsible for their travel, living and other personal expenses. Meetings will be held regularly and, to the extent practical, not less than twice annually, in Washington, DC, or other locations as feasible. Teleconference meetings may also be held as needed.

To be considered for membership, submit the following information by 5:00 p.m. EDT on March 18, 2019 to the email or mailing address listed in the **ADDRESSES** section:

1. Name and title of the individual requesting consideration.

2. A sponsor letter from the applicant on his or her company letterhead containing a brief statement of why the applicant should be considered for membership on the Advisory Council. This sponsor letter should also address the applicant's experience and leadership related to trade, investment, financing, development, or other commercial activities between the United States and Africa.

3. The applicant's personal resume and short bio (less than 300 words).

4. An affirmative statement that the applicant meets all eligibility criteria, including an affirmative statement that the applicant is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

5. Information regarding the ownership and control of the company, including the stock holdings as appropriate, signifying compliance with the criteria set forth above.

6. The company's size, product or service line, and major markets in which the company operates.

7. A profile of the company's trade, investment, development, finance, partnership, or other commercial activities in or with African markets.

8. Brief statement describing how the applicant will contribute to the work of the Advisory Council based on his or her unique experience and perspective (not to exceed 100 words).

Fred Stewart,

Director, Office of Africa.

GM FRN Certifier:

Anthony Diaz,

Program Analyst.

[FR Doc. 2019–03171 Filed 2–22–19; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–091]

Certain Steel Wheels 12 to 16.5 Inches in Diameter From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that producers and/or exporters subject to this investigation received countervailable subsidies. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 25, 2019.

FOR FURTHER INFORMATION CONTACT: Emily Halle or Keith Haynes, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0176 or (202) 482–5139, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on September 5, 2018.[1] On October 15, 2018, Commerce postponed the preliminary determination of this investigation, and reset the deadline to January 7, 2019.[2] Subsequently, 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] The revised deadline for the preliminary determination decision is now February 14, 2019.

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are certain steel wheels from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations, the *Initiation Notice* set aside a period of time for parties to raise issues regarding product

[1] *See Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 83 FR 45100 (September 5, 2018) (*Initiation Notice*).

[2] *See Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation,* 83 FR 51926 (October 15, 2018).

[3] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce intends to issue its preliminary decision regarding comments concerning the scope of the antidumping duty (AD) and countervailing duty (CVD) investigations in the preliminary determination of the companion AD investigation.

Period of Investigation

The period of investigation is January 1, 2017, through December 31, 2017.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit on the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

In making these findings, Commerce relied, in part, on facts available. Further, because one or more respondents did not act to the best of their ability to respond to Commerce's requests for information, an adverse inference was drawn, where appropriate, in selecting from among the facts otherwise available.[7] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances

In accordance with section 703(e)(1) of the Act, Commerce preliminarily determines that critical circumstances exist with respect to imports of certain steel wheels from China for Zhejiang Jingu Company Limited (Zhejiang Jingu), Xingmin Intelligent Transportation Systems (Group) (Xingmin), and all other exporters or producers not individually examined. For a full description of the methodology and results of Commerce's analysis, *see* the Preliminary Decision Memorandum.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), and based on the petitioner's request,[8] we are aligning the final CVD determination in this investigation with the final determination in the companion AD investigation of certain steel wheels from China. Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than July 1, 2019, unless postponed.

All-Others Rate

Sections 703(d)(1)(A)(i) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce calculated a rate that is not zero, *de minimis* or based entirely on the facts available for Zhejiang Jingu. Specifically, Zhejiang Jingu is the only participating respondent with a rate that is not zero, *de minimis* or based entirely on the facts available. Consequently, the rate calculated for Zhejiang Jingu is also assigned as the rate for all-other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Producer/exporter	Subsidy rate (percent)
Zhejiang Jingu Company Limited[9]	58.30
Xingmin Intelligent Transportation Systems (Group)[10]	293.27
All-Others	58.30

Suspension of Liquidation

Section703(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise produced and/or exported by Zhejiang Jingu, Xingmin, and all other exporters or producers. In accordance with section 703(e)(2)(A) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend the liquidation of entries to unliquidated entries of merchandise from the exporters/producers identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

Furthermore, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

Commerce intends to disclose its calculations and analysis to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to

[5] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also Initiation Notice.*

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See* sections 776(a) and (b) of the Act.

[8] *See* Letter from the petitioner, ''Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China (C–570–091)—Petitioner's Request for Alignment of Countervailing Duty Investigation Final Determination Deadline with Antidumping Investigation Final Determination Deadline,'' dated December 12, 2018.

[9] As discussed in the Preliminary Decision Memorandum, Commerce has assigned Zhejiang Jingu's rate to each of the entities named as cross-owned in its affiliation questionnaire response: Shanghai Yata Industry Company Limited; Shangdong Jingu Auto Parts Co., Ltd.; An'Gang Jingu (Hangzhou) Metal Materials Co., Ltd.; Zhejiang Wheel World Co., Ltd.; and Hangzhou Jingu New Energy Development Co. Ltd. Zhejiang Jingu's rate has also been assigned to Zhejiang Jingu Automobile Components, which was the prior name of Zhejiang Jingu.

[10] As discussed in the Preliminary Decision Memorandum, Commerce has assigned Xingmin's rate to each of the entities for which Xingmin provided an initial questionnaire response: Sino-Tex (Longkou) Wheel Manufacturers Inc.; Tangshan Xingmin Wheel Co., Ltd.; and Xianning Xingmin Wheel Co., Ltd.

issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[11] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its determination. If Commerce's final determination is affirmative, the ITC will make its final determination before the later of 120 days after the date of this preliminary determination or 45 days after Commerce's final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: February 14, 2019.

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.

Appendix I

Scope of the Investigation

The scope of this investigation is certain on-the-road steel wheels, discs, and rims for tubeless tires with a nominal wheel diameter of 12 inches to 16.5 inches, regardless of width. Certain on-the-road steel wheels with a nominal wheel diameter of 12 inches to 16.5 inches within the scope are generally for road and highway trailers and other towable equipment, including, *inter alia,* utility trailers, cargo trailers, horse trailers, boat trailers, recreational trailers, and towable mobile homes. The standard widths of certain on-the-road steel wheels are 4 inches, 4.5 inches, 5 inches, 5.5 inches, 6 inches, and 6.5 inches, but all certain on-the-road steel wheels, regardless of width, are covered by the scope.

The scope includes rims and discs for certain on-the-road steel wheels, whether imported as an assembly, unassembled, or separately. The scope includes certain on-the-road steel wheels regardless of steel composition, whether cladded or not cladded, whether finished or not finished, and whether coated or uncoated. The scope also includes certain on-the-road steel wheels with discs in either a ''hub-piloted'' or ''stud-piloted'' mounting configuration, though the stud-piloted configuration is most common in the size range covered.

All on-the-road wheels sold in the United States must meet Standard 110 or 120 of the National Highway Traffic Safety Administration's (NHTSA) Federal Motor Vehicle Safety Standards, which requires a rim marking, such as the ''DOT'' symbol, indicating compliance with applicable motor vehicle standards. *See* 49 CFR 571.110 and § 571.120. The scope includes certain on-the-road steel wheels imported with or without NHTSA's required markings.

Certain on-the-road steel wheels imported as an assembly with a tire mounted on the wheel and/or with a valve stem or rims imported as an assembly with a tire mounted on the rim and/or with a valve stem are included in the scope of this investigation. However, if the steel wheels or rims are imported as an assembly with a tire mounted on the wheel or rim and/or with a valve stem attached, the tire and/or valve stem is not covered by the scope.

Excluded from this scope are the following:

(1) steel wheels for use with tube-type tires; such tires use multi piece rims, which are two-piece and three-piece assemblies and require the use of an inner tube;

(2) aluminum wheels;

(3) certain on-the-road steel wheels that are coated entirely with chrome; and

(4) steel wheels that do not meet Standard 110 or 120 of the NHTSA's requirements other than the rim marking requirements found in 49 CFR 571.110S4.4.2 and § 571.120S5.2.

Certain on-the-road steel wheels subject to this investigation are properly classifiable under the following category of the Harmonized Tariff Schedule of the United States (HTSUS): 8716.90.5035 which covers the exact product covered by the scope whether entered as an assembled wheel or in components. Certain on-the-road steel wheels entered with a tire mounted on them may be entered under HTSUS 8716.90.5059 (Trailers and semi-trailers; other vehicles, not mechanically propelled, parts, wheels, other, wheels with other tires) (a category that will be broader than what is covered by the scope). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2019–03131 Filed 2–22–19; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–856]

Certain Corrosion-Resistant Steel Products From Taiwan: Amended Final Results of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce is amending the final results of the

administrative review of the antidumping duty order on certain corrosion-resistant steel products (CORE) from Taiwan to correct a ministerial error.

DATES: Applicable February 25, 2019.

FOR FURTHER INFORMATION CONTACT: Emily Halle, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0176.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 2018, the Department of Commerce (Commerce) published its *Final Results* of the first administrative review of the antidumping duty order on CORE from Taiwan.[1] On December 21, 2018, AK Steel Corporation, the petitioner in this administrative review, submitted comments alleging ministerial errors in Commerce's *Final Results*.[2] 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] The revised deadline for the amended final results decision is now February 25, 2019.

Legal Framework

A ministerial error, as defined in section 751(h) of the Tariff Act of 1930, as amended (the Act), includes ''errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.'' [4] With respect to final results, 19 CFR 351.224(e) provides that Commerce ''will analyze any comments received and, if appropriate, correct any ministerial error by amending . . . the final results of review . . . .''

Amendment to Final Results

Commerce committed an inadvertent error within the meaning of section 735(e) of the Act and 19 CFR 351.224(f) [5] with respect to the U.S credit expense calculation for Yieh Phui Enterprise Co., Ltd. (YP) and Synn Industrial Co., Ltd. (Synn) (collectively, YP/Synn).[6] Therefore, pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of this ministerial error in the calculation of the final margin assigned to YP/Synn, which changes from 2.22 percent to 2.24 percent.[7] Furthermore, we are revising the review-specific average rate applicable to Chung Hung Steel Corporation, which was not selected for individual examination in this administrative review, as it was based, in part, on the weighted-average dumping margin assigned to YP/Synn.

Amended Final Results of the Review

We determine that, for the period of June 2, 2016, through June 30, 2017, the following weighted-average dumping margins exist:

Exporter/producer	Weighted-average dumping margin (percent)
Chung Hung Steel Corporation	[8] 2.60
Yieh Phui Enterprise Co., Ltd. and Synn Industrial Co., Ltd	2.24

Disclosure

We intend to disclose the calculation performed for these amended final results in accordance with 19 CFR 351.224(b).

Antidumping Duty Assessment

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by YP/Synn for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective retroactively for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the December 17, 2018, the date of publication of the *Final Results* of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for YP/Synn and Chung Hung will be equal to the weighted-average dumping margins established in these amended final results of review; (2) for previously reviewed or investigated companies, including those for which Commerce may have determined they had no shipments during the POR, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review or another completed segment of this proceeding, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previously completed segment of this proceeding, then the cash deposit rate will be the ''all-others'' rate of 10.34 percent established in the less-than-fair-value investigation.[9] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also 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 the Secretary's presumption that reimbursement of

[1] *See Certain Corrosion-Resistant Steel Products from Taiwan: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 64527 (December 17, 2018) (*Final Results*) and accompanying Issues and Decision Memorandum (IDM).

[2] *See* letter from the petitioner, ''Certain Corrosion-Resistant Steel Products from Taiwan: Petitioner's Ministerial Error Comments Regarding Yieh Phui and Synn,'' dated December 21, 2018 (Ministerial Error Allegation).

[3] *See* memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[4] *See also* 19 CFR 351.224(f).

[5] *Id.*

[6] *See* memorandum, ''Ministerial Error Memorandum for the Final Results of the 2016–2017 Antidumping Duty Administrative Review of Certain Corrosion-Resistant Steel Products from Taiwan,'' signed concurrently with this notice.

[7] *See* memorandum, ''Amended Final Results Calculations for YP/Synn,'' dated concurrently with this decision.

[8] This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis* or based entirely on facts available. *See* section 735(c)(5)(A) of the Act.

[9] *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 82 FR 48390 (July 25, 2016).

antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties' subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with section 735(e) of the Act and 19 CFR 351.224(e) and (f).

Dated: February 19, 2019.

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.

[FR Doc. 2019–03130 Filed 2–22–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the Civil Nuclear Trade Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Civil Nuclear Trade Advisory Committee (CINTAC).

DATES: The meeting is scheduled for Tuesday, March 26, 2019, from 9:00 a.m. to 4:00 p.m. Eastern Standard Time (EST). The deadline for members of the public to register, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EST on Wednesday, March 20, 2019.

ADDRESSES: The meeting will be held in Room 1412, U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Ave. NW, Washington, DC 20230. Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted to: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, International Trade Administration, Room 28018, 1401 Constitution Ave. NW, Washington, DC 20230. (Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov*). Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, International Trade Administration, Room 28018, 1401 Constitution Ave. NW, Washington, DC 20230. (Phone: 202–482–1297; Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the U.S. Government regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics to be considered: The agenda for the Tuesday, March 26, 2019, CINTAC meeting will be as follows:

9:00 a.m.–4:00 p.m.

1. International Trade Administration's Civil Nuclear Trade Initiative Update
2. Election of CINTAC Leadership
3. Civil Nuclear Trade Promotion Activities Discussion
4. Public comment period

Public attendance is limited and available on a first-come, first-served basis. Members of the public wishing to attend the meeting must notify Mr. Jonathan Chesebro at the contact information above by 5:00 p.m. EST on Wednesday, March 20, 2019 in order to pre-register. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted but may not be possible to fill.

Oral Comments: A limited amount of time will be available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 30 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Chesebro and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EST on Wednesday, March 20, 2019. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers.

Written Comments: Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, Room 28018, 1401 Constitution Ave. NW, Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EST on Wednesday, March 20, 2019. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Dated: February 19, 2019.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2019–03196 Filed 2–22–19; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE308

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Small-Mesh Multispecies Fishery; Notice of Intent To Withdraw Existing Draft Environmental Impact Statement for Amendment 22 to the Northeast Multispecies Fishery Management Plan

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

ACTION: Notice of withdrawal.

SUMMARY: The New England Fishery Management Council initiated development of Amendment 22 to the Northeast Multispecies Fishery Management Plan, which considered limited access alternatives for the small-mesh multispecies fishery, in 2015. At its December 2018 meeting, the Council voted to take no action on any of the limited access alternatives analyzed in the draft amendment and draft environmental impact statement. With this decision the Council and the National Marine Fisheries Service have completed all the necessary work on this action and hereby withdraw the draft environmental impact statement from further consideration.

FOR FURTHER INFORMATION CONTACT: Peter Burns, Fishery Policy Analyst, 978–281–9144, *peter.burns@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The small-mesh multispecies complex consists of five stocks: Northern silver hake, southern silver hake, and offshore hake, all collectively referred to as whiting; along with northern and southern red hake. The New England Fishery Management Council manages these stocks as part of the Northeast Multispecies Fishery Management Plan (FMP). Fishermen targeting whiting and red hake use small-mesh trawl gear, authorized by multiple exemptions to the Northeast multispecies (also called groundfish) regulations. The small-mesh multispecies fishery is open access, meaning any vessel may obtain a permit to fish with small-mesh gear to target whiting and red hake.

Based on specifications recommended by the Council, NMFS sets annual catch levels for each of the small-mesh multispecies stocks. The fishery routinely harvests only a small fraction of the allowable silver hake landings each year, due to high bycatch levels of red hake that reduce the possession limits to incidental levels when harvest levels reach a certain percentage of the red hake annual catch limits. All whiting and northern red hake stocks are healthy; southern red hake is overfished and experiencing overfishing.

The Council expressed concerns that the fishery could become overcapitalized if it remains open access. In response, the Council developed Amendment 22 to the FMP. The amendment considered multiple alternatives for a limited access program, including various options for possession limits and permit conditions, contingent upon the selection of one of the limited access alternatives. The Council's preferred alternative prior to public hearings was to maintain open access, which it ultimately selected when it took final action on the draft Amendment on December 4, 2018.

Amendment 22 included a draft environmental impact statement (DEIS), which analyzed the impacts of the various management alternatives. At the recommendation of the Council, NMFS published a Notice of Intent to prepare an environmental impact statement on November 23, 2015 (80 FR 72951). In July 2018, the Council hosted a series of public hearings and solicited comments on the DEIS and amendment. Along with the DEIS, the Council prepared a separate public hearing document to summarize the impacts of alternatives, which included the estimated number of vessels that would qualify under each limited access alternative. After the public hearings, but prior to final action, the Council discovered a discrepancy between the numbers in the public hearing document and the DEIS, prompting the Council to announce a second comment period during October and November 2018, which included an informational webinar.

The majority of the comments received on the issue favored the no action/preferred alternative. The commenters argued that keeping the fishery open access would allow more flexibility for fishermen who may have few other options given the limited access approach to many fisheries in the Northeast. After careful consideration of the public comments received and extensive examination of the alternatives analyzed in the DEIS and draft amendment, the Council voted to maintain status quo and take no action to limit access to the small-mesh multispecies fishery. Consequently, we are informing the public that the work on this action is complete and the DEIS is withdrawn from further consideration.

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

Dated: February 20, 2019.

Alan D. Risenhoover,

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

[FR Doc. 2019–03199 Filed 2–22–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0101]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; State Survey on Activities Supported on Student Support and Academic Enrichment Grants (Title IV, Part A)

AGENCY: Office of Planning, Evaluation and Policy Development (OPEPD), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before March 27, 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–0101. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov*. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Leticia Braga, 202–401–7767.

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: State Survey on Activities Supported on Student Support and Academic Enrichment Grants (Title IV, Part A).

OMB Control Number: 1875–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 17.

Total Estimated Number of Annual Burden Hours: 17.

Abstract: The study will examine the early implementation of Student Support and Academic Enrichment (SSAE) grants, a new state-administered grant program created through the 2016 Every Student Succeeds Act (ESSA). This program has the goal of improving student academic achievement by increasing the capacity of states, school districts, schools, and local communities to: (1) Provide all students with access to a well-rounded education (Section 4109); (2) improve school conditions for student learning (Section 4108); and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all student (Section 4109).

Within these three broad areas, the statute outlines a large number of potential activities that states and school districts can support, and the Department of Education has little information about the extent to which state and school districts are using SSAE funds for the wide range permissible activities. To provide an early look at how SSAE funds are being used, this study will conduct a survey of all states in Spring 2019 to obtain information about the types of activities states and school districts are supporting with SSAE Fiscal Year (FY) 18 funds during the 2018–19 school year.

Dated: February 20, 2019.

Stephanie Valentine,

PRA Clearance Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–03205 Filed 2–22–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0132]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Streamlined Clearance Process for Discretionary Grants

AGENCY: Office of the Secretary (OS), 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 27, 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–0132. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov*. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, 202–245–6110.

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: Streamlined Clearance Process for Discretionary Grants.

OMB Control Number: 1894–0001.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 1.

Total Estimated Number of Annual Burden Hours: 3.

Abstract: Section 3505(a)(2) of the PRA of 1995 provides the OMB Director authority to approve the streamlined clearance process proposed in this information collection request. This information collection request was originally approved by OMB in January of 1997. This information collection streamlines the clearance process for all discretionary grant information collections which do not fit the generic application process. The streamlined clearance process continues to reduce the clearance time for the U.S. Department of Education's (ED's) discretionary grant information collections by two months or 60 days. This is desirable for two major reasons: It would allow ED to provide better customer service to grant applicants and help meet ED's goal for timely awards

of discretionary grants. § 3474.20(d) adds the requirement for grantees to develop a dissemination plan for copyrighted work under open licensing. Information contained in the narrative of an application will be captured in the Evidence of Effectiveness Form.

Dated: February 20, 2019.

Stephanie Valentine,

PRA Clearance Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019–03179 Filed 2–22–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC19–15–000]

Commission Information Collection Activities (FERC–730); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–730 (Report of Transmission Investment Activity).

DATES: Comments on the collection of information are due April 26, 2019.

ADDRESSES: You may submit comments (identified by Docket No. IC19–15–000) by either of the following methods:

- *eFiling at Commission's website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov*, or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov*, telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–730, Report of Transmission Investment Activity.

OMB Control No.: 1902–0239.

Type of Request: Three-year extension of the FERC–730 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the FERC–730 information collection to determine the effectiveness of its rules and to provide it with an accurate assessment of the state of transmission investment by public utilities. This annual report includes projections, information that details the level and status of transmission investment, and the reason for delay (if any). The report must conform to the format prescribed in Order No. 679, Appendix A.[1] Filers are strongly encouraged to submit the FERC–730 electronically via eFiling. FERC–730 is filed by public utilities that have been granted incentive rate treatment for specific electric transmission projects. Actual and planned transmission investments, and related project data for the most recent calendar year and the subsequent five years, must be reported annually beginning with the calendar year that the Commission granted the incentive rates.

Congress enacted section 1241 of the Energy Policy Act of 2005 (EPAct 2005), adding section 219 to the Federal Power Act (FPA), to promote the operation, maintenance and enhancement of electric transmission infrastructure.[2] Congress aimed to benefit consumers by ensuring reliability and/or reducing the cost of delivered power through reducing transmission congestion. In response to EPAct 2005, the Commission amended its regulations to allow for these incentive-based, (including performance-based), rate treatments.

The Commission amended its regulations in 18 CFR 35.35 to identify the incentive ratemaking treatments allowed under FPA section 219. Incentives are required to be tailored to the type of transmission investments being made, and each applicant must demonstrate that its proposal meets the requirements of FPA section 219.

Type of Respondents: Public utilities that have been granted incentive based rate treatment for specific transmission projects under provisions of 18 CFR 35.35.

Estimate of Annual Burden:[3] The Commission estimates the total Public Reporting Burden and cost for this information collection as follows:

FERC–730: Report of Transmission Investment Activity

	Number of respondents	Number of responses per respondent	Total number of responses	Average burden hours & average cost per response[4] ($)	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
	(1)	(2)	(1) × (2) = (3)	(4)	(3) × (4) = (5)	(5) ÷ (1) = (6)
FERC–730	63	1	63	30 hrs.; $2,370	1,890 hrs.; $149,310	$2,370

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility;

[1] Issued on 12/22/2006 in Docket No. RM06–4–001 (Promoting Transmission Investment through Pricing Reform).

[2] Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594, 315 and 1283 (2005).

[3] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

[4] The estimates for cost per response are derived using the formula: Average Burden Hours per Response * 79.00 per hour = Average Cost per Response. The hourly cost figure comes from the FERC average salary plus benefits of $164,820 per year (or $79.00/hour). These estimates were updated in May 2018. This figure is being used because the staff thinks industry is similarly situated in terms of average hourly cost.

(2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03139 Filed 2–22–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1047–000]

VESIVEC LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced VESIVEC LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 7, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03141 Filed 2–22–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–57–000.

Applicants: The Vanguard Group, Inc., Vanguard Global Advisors, LLC, Vanguard Asset Management, Ltd., Vanguard Investments Australia Ltd., Vanguard Fiduciary Trust Company.

Description: Application for Authorization Under Section 203(1)2) of the Federal Power Act to Acquire Securities of The Vanguard Group, Inc., et al.

Filed Date: 2/15/19.

Accession Number: 20190215–5180.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: EC19–58–000.

Applicants: Crystal Lake Wind II, LLC, Crystal Lake Wind Energy II, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Crystal Lake Wind II, LLC, et al.

Filed Date: 2/15/19.

Accession Number: 20190215–5205.

Comments Due: 5 p.m. ET 3/8/19.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–57–000.

Applicants: Coyote Ridge Wind, LLC.

Description: Notice of Self-Certification of Coyote Ridge Wind, LLC.

Filed Date: 2/19/19.

Accession Number: 20190219–5073.

Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: EG19–58–000.

Applicants: Big Level Wind LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Big Level Wind LLC.

Filed Date: 2/19/19.

Accession Number: 20190219–5090.

Comments Due: 5 p.m. ET 3/12/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–1471–009; ER16–915–002; ER15–1672–008; ER10–2861–006; ER13–2169–006; ER16–2010–003; ER11–3634–007; ER10–2977–008; ER12–1308–010; ER16–711–006; ER16–2561–003; ER13–1504–007; ER10–2866–006; ER10–2867–006.

Applicants: Blue Sky West, LLC, Comanche Solar PV, LLC, Evergreen Wind Power II, LLC, Fountain Valley Power, L.L.C., Goal Line L.P., Hancock Wind, LLC, KES Kingsburg, L.P., Mesquite Power, LLC, Palouse Wind, LLC, Pio Pico Energy Center, LLC, Sunflower Wind Project, LLC, SWG Arapahoe, LLC, SWG Colorado, LLC, Valencia Power, LLC.

Description: Notice of Non-Material Change in Status of Blue Sky West, LLC, et al.

Filed Date: 2/15/19.

Accession Number: 20190215–5198.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–828–000.

Applicants: Solomon Forks Wind Project, LLC.

Description: Supplement to January 17, 2019 Solomon Forks Wind Project, LLC tariff filing.

Filed Date: 1/24/19.

Accession Number: 20190124–5211.

Comments Due: 5 p.m. ET 3/1/19.

Docket Numbers: ER19–1003–000.

Applicants: Crystal Lake Wind Energy II, LLC.

Description: Amendment to February 6, 2019 Crystal Lake Wind Energy II, LLC tariff filing.

Filed Date: 2/15/19.

Accession Number: 20190215–5181.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1061–000.

Applicants: Solar Alpine LLC.

Description: Baseline eTariff Filing: Notice of Succession, Revisions to MBR & Request for Administrative Cancellation to be effective 2/16/2019.

Filed Date: 2/15/19.

Accession Number: 20190215–5167.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1062–000.
Applicants: Solar Avra Valley LLC.
Description: Baseline eTariff Filing: Notice of Succession, Revisions to MBR & Request for Administrative Cancellation to be effective 2/16/2019.
Filed Date: 2/15/19.
Accession Number: 20190215–5168.
Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1063–000.
Applicants: Solar Borrego I LLC.
Description: Baseline eTariff Filing: Notice of Succession, Revisions to MBR & Request for Administrative Cancellation to be effective 2/16/2019.
Filed Date: 2/15/19.
Accession Number: 20190215–5169.
Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1064–000.
Applicants: The Dayton Power and Light Company.
Description: § 205(d) Rate Filing: DP&L-Haas Facilities Agreement Filing to be effective 4/17/2019.
Filed Date: 2/15/19.
Accession Number: 20190215–5170.
Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1065–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2019–02–15 Attachment X revisions relative to Generator Replacement to be effective 5/16/2019.
Filed Date: 2/15/19.
Accession Number: 20190215–5171.
Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1066–000.
Applicants: Nevada Power Company.
Description: § 205(d) Rate Filing: OATT Revisions to Tariffs 01/15/19 to be effective 5/1/2019.
Filed Date: 2/19/19.
Accession Number: 20190219–5000.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1067–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2019–02–19_SA 3243 Deuel Harvest Wind-OTP GIA (J526) to be effective 2/6/2019.
Filed Date: 2/19/19.
Accession Number: 20190219–5093.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1068–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA No. 5289; Queue No. AD2–042 to be effective 1/26/2019.
Filed Date: 2/19/19.
Accession Number: 20190219–5095.
Comments Due: 5 p.m. ET 3/12/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 19, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03174 Filed 2–22–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC19–59–000.
Applicants: Crius Energy Corporation, Vistra Energy Corp.
Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Crius Energy Corporation, et al.
Filed Date: 2/19/19.
Accession Number: 20190219–5096.
Comments Due: 5 p.m. ET 3/12/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–532–001.
Applicants: PPA Grand Johanna LLC.
Description: Notice of Non-Material Change in Status of PPA Grand Johanna LLC.
Filed Date: 2/19/19.
Accession Number: 20190219–5121.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–848–001.
Applicants: Arizona Public Service Company.
Description: Tariff Amendment: Service Agreement No. 371—TOUA Revision to be effective 1/1/2019.
Filed Date: 2/19/19.
Accession Number: 20190219–5154.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1069–000.
Applicants: Northland Power Energy Marketing (US) Inc.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 2/28/2019.
Filed Date: 2/19/19.
Accession Number: 20190219–5099.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1070–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 4848; Queue No. AB2–166 to be effective 3/11/2019.
Filed Date: 2/19/19.
Accession Number: 20190219–5107.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1071–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2019–02–19_SA 2894 Ameren-Gibson City GIA (J339 J734) to be effective 2/19/2019.
Filed Date: 2/19/19.
Accession Number: 20190219–5109.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1072–000.
Applicants: Entergy Texas, Inc.
Description: § 205(d) Rate Filing: ETI–ETEC Wholesale Distribution Service Agreement to be effective 3/1/2019.
Filed Date: 2/19/19.
Accession Number: 20190219–5125.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1073–000.
Applicants: Alta Wind VIII, LLC.
Description: Compliance filing: Baseline Market-Based Rate Tariff Refiling and Request for Administrative Cancel to be effective 10/16/2017.
Filed Date: 2/19/19.
Accession Number: 20190219–5153.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1074–000.
Applicants: Brookfield Energy Marketing Inc.
Description: Compliance filing: Baseline Market-Based Rate Tariff Refiling and Request for Administrative Cancel to be effective 10/16/2017.
Filed Date: 2/19/19.
Accession Number: 20190219–5156.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1075–000.
Applicants: Brookfield Renewable Energy Marketing U.S.
Description: Compliance filing: Baseline Market-Based Rate Tariff Refiling and Request for Administrative Cancel to be effective 10/16/2017.
Filed Date: 2/19/19.
Accession Number: 20190219–5169.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1076–000.
Applicants: Windstar Energy, LLC.
Description: Compliance filing: Baseline Market-Based Rate Tariff

Refiling and Request for Administrative Cancel to be effective 10/16/2017.

Filed Date: 2/19/19.

Accession Number: 20190219–5171.

Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1077–000.

Applicants: Wildcat Wind Farm I, LLC.

Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 4/20/2019.

Filed Date: 2/19/19.

Accession Number: 20190219–5182.

Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1078–000.

Applicants: PPA Grand Johanna LLC.

Description: § 205(d) Rate Filing: Revised Market Based Rate Tariff Filing to be effective 2/20/2019.

Filed Date: 2/19/19.

Accession Number: 20190219–5183.

Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: ER19–1079–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 4847, Queue No. AB2–084 to be effective 4/2/2019.

Filed Date: 2/19/19.

Accession Number: 20190219–5184.

Comments Due: 5 p.m. ET 3/12/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 19, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03172 Filed 2–22–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1946–011; ER12–1946–012; ER13–2387–005; ER13–2387–006; ER10–1333–011; ER10–1333–012; ER15–190–008; ER15–190–009; ER17–543–005; ER17–543–006; ER18–1343–002; ER18–1343–003.

Applicants: Duke Energy Beckjord, LLC, Duke Energy Florida, LLC, Duke Energy Commercial Enterprises, Inc., Duke Energy Renewable Services, LLC, Duke Energy SAM, LLC, Carolina Solar Power, LLC.

Description: Supplement to November 13, 2018 and December 20, 2018 Notice(s) of Change in Status of the Duke MBR Sellers.

Filed Date: 2/15/19.

Accession Number: 20190215–5111.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–105–002.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Response to Commission's Jan 15, 2019 Deficiency Letter re: Quadrennial Review to be effective 12/12/2018.

Filed Date: 2/14/19.

Accession Number: 20190214–5130.

Comments Due: 5 p.m. ET 3/7/19.

Docket Numbers: ER19–1047–000.

Applicants: VESIVEC LLC.

Description: Baseline eTariff Filing: MBRA Tariff to be effective 2/15/2019.

Filed Date: 2/14/19.

Accession Number: 20190214–5094.

Comments Due: 5 p.m. ET 3/7/19.

Docket Numbers: ER19–1048–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 4355, Queue No. Z2–011/AD1–109 to be effective 5/10/2018.

Filed Date: 2/14/19.

Accession Number: 20190214–5105.

Comments Due: 5 p.m. ET 3/7/19.

Docket Numbers: ER19–1049–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA, SA No. 5295; Queue No. AB1–137 to be effective 1/18/2019.

Filed Date: 2/14/19.

Accession Number: 20190214–5106.

Comments Due: 5 p.m. ET 3/7/19.

Docket Numbers: ER19–1050–000.

Applicants: Quantum Pasco Power, LP.

Description: Tariff Cancellation: Quantum Pasco Notice of Cancellation MBR Tariff to be effective 2/15/2019.

Filed Date: 2/14/19.

Accession Number: 20190214–5107.

Comments Due: 5 p.m. ET 3/7/19.

Docket Numbers: ER19–1051–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2019–02–14_SA 3253 J498 J499 MPFCA (Granger Tap Sycamore) to be effective 1/31/2019.

Filed Date: 2/14/19.

Accession Number: 20190214–5112.

Comments Due: 5 p.m. ET 3/7/19.

Docket Numbers: ER19–1052–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits Fourth Quarter 2018 Capital Budget Report.

Filed Date: 2/14/19.

Accession Number: 20190214–5095.

Comments Due: 5 p.m. ET 3/7/19.

Docket Numbers: ER19–1053–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits Fourth Quarter 2018 Capital Budget Report.

Filed Date: 2/14/19.

Accession Number: 20190214–5095.

Comments Due: 5 p.m. ET 3/7/19.

Docket Numbers: ER19–1054–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2019–02–15_SA 3242 OSER-Hoosier Energy GIA (J759) to be effective 2/1/2019.

Filed Date: 2/15/19.

Accession Number: 20190215–5018.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1055–000.

Applicants: Portland General Electric Company.

Description: § 205(d) Rate Filing: Attachment N Filing to be effective 4/16/2019.

Filed Date: 2/15/19.

Accession Number: 20190215–5041.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1056–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: GIA & Distribution Serv Agmt Montecito Water District Picay Hydroelectric Plant to be effective 1/17/2019.

Filed Date: 2/15/19.

Accession Number: 20190215–5077.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1057–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Revisions to Appendix A to the US DOE Berkeley Site Office IA LLNL (SA 63) to be effective 4/16/2019.

Filed Date: 2/15/19.

Accession Number: 20190215–5078.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1058–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2019–02–15 Revisions to Attachment FF–4 and VV to add City of Henderson, KY to be effective 4/17/2019.

Filed Date: 2/15/19.

Accession Number: 20190215–5091.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1059–000.

Applicants: Northern Iowa Windpower, LLC.

Description: § 205(d) Rate Filing: Revised Tariff, Notice of Category 1 Seller Cntr & Status Change, ER10–1529 to be effective 2/16/2019.

Filed Date: 2/15/19.

Accession Number: 20190215–5118.

Comments Due: 5 p.m. ET 3/8/19.

Docket Numbers: ER19–1060–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 4093, Queue No. Y2–055 to be effective 1/8/2019.

Filed Date: 2/15/19.

Accession Number: 20190215–5137.

Comments Due: 5 p.m. ET 3/8/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03143 Filed 2–22–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4644–015]

Stevens & Thompson Paper Company, Inc., GR Catalyst Two, LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On January 7, 2019, Stevens & Thompson Paper Company, Inc. (transferor) and GR Catalyst Two, LLC (transferee) filed an application for the transfer of license of the Dahowa Project No. 4644. The project is located on the Batten Kill River in Washington County, New York.

The applicants seek Commission approval to transfer the license for the Dahowa Project from the transferor to the transferee.

Applicants Contact: For transferor: Stevens & Thompson Paper Company, Inc., Attn: Emory L. Waldrip II, President, 27711 Marina Pointe Drive, Bonita Springs, Florida 34134, Email: *emoryw@earthlink.net.*

For transferee: GR Catalyst Two, LLC, c/o Gravity Renewables, Inc., Attn: Mark J. Boumansour, COO, 1401 Walnut Street, Suite 420, Boulder, Colorado 80302, Email: *mark@gravityrenewables.com.*

FERC Contact: Anumzziatta Purchiaroni, (202) 502–6191, *Anumzziatta.purchiaroni@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–4644–015.

Dated: February 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03145 Filed 2–22–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–78–000]

PennEast Pipeline Company, LLC; Notice of Application for Amendment

Take notice that on February 1, 2019 PennEast Pipeline Company, LLC, One Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations to amend the certificate of public convenience and necessity and related authorizations issued by the Commission on January 19, 2018 in Docket No. CP15–558–000 (January 19 Order).[1] In this application, PennEast has proposed a series of changes to the Project route approved as conditioned in the Certificate Order, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

PennEast states that the proposed changes to the Project route address agency and landowner requests, and reduce environmental and landowner impacts. The proposed modifications include realignments and an adjustment in Luzerne, Carbon, Monroe, and Northampton Counties, in Pennsylvania. Among other route changes, PennEast proposes a realignment of the project route to implement an alternate crossing of the Appalachian Trail to be collocated with an existing easement. The other modifications include two (2) minor route realignments and one (1) workspace adjustment. Except for the realignment of the Appalachian Trail crossing, PennEast states that all other realignments and adjustment are within 0.25 mile of the existing Project route approved in the January 19 Order.

Questions regarding this filing may be directed Jeffrey D. England, Project Manager PennEast Pipeline Company, LLC, One Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610; Phone: (610) 373–7999, Email: *jengland@ugies.com.*

This filing is available for review at the Commission's Washington, DC

[1] *PennEast Pipeline Company, LLC,* 162 FERC ¶ 61,053 (2018), *order on reh'g* 164 FERC ¶ 16,098 (2018).

offices, or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''e-Library'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or call toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

There are two ways to become involved in the Commission's review of this Project. First, any person wishing to obtain legal status by becoming a party to the proceeding for this project should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, 385.211 (2016), by the comment date below. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission, and will receive copies of all documents filed by the applicant and by all other parties. A party must submit filings made with the Commission by mail, hand delivery, or internet, in accordance with Rule 2001 of the Commission's Rules of Practice and Procedure, id. 385.2001. A copy must be served on every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Protests and interventions may be filed electronically via the internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website under the ''e-filing'' link. The Commission strongly encourages electronic filings.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.[2] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to ''show good cause why the time limitation should be waived,'' and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[3]

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying the requested authorizations will be issued.

Comment Date: 5:00 p.m. Eastern Time, March 8, 2019.

Dated: February 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03140 Filed 2–22–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: February 21, 2019, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's website at *http://ferc.capitolconnection.org/* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1052ND MEETING—OPEN MEETING

[February 21, 2019, 10:00 a.m.]

Item No.	Docket No.	Company
	Administrative	
A–1	AD19–1–000	Agency Administrative Matters.
A–2	AD19–2–000	Customer Matters, Reliability, Security and Market Operations.
	Electric	
E–1	RM17–8–001	Reform of Generator Interconnection Procedures and Agreements.
E–2	RM18–15–000	Interlocking Officers and Directors; Requirements for Applicants and Holders.
E–3	RM19–4–000	Implementation of Amended Section 203(a)(1)(B) of the Federal Power Act.
E–4	ER19–697–000, EL19–41–000	Cheyenne Light, Fuel and Power Company.
E–5	ER18–1598–001, EL18–77–000	New York Independent System Operator, Inc., Central Hudson Gas & Electric Corporation.
E–6	ER17–1561–002, ER17–1561–003	New York Independent System Operator, Inc.
E–7	ER19–538–000	California Independent System Operator Corporation.
E–8	ER19–308–000	California Independent System Operator Corporation.

[2] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[3] 18 CFR 385.214(d)(1).

1052ND MEETING—OPEN MEETING—Continued

[February 21, 2019, 10:00 a.m.]

Item No.	Docket No.	Company
E–9	ER18–1169–002	California Independent System Operator Corporation.
E–10	EL18–200–000	Jacksonville Electric Authority.
E–11	ER19–550–000, EL18–119–000	Tucson Electric Power Company.
E–12	ER18–1259–001	Vermont Transco, LLC.
E–13	ER18–810–000	FirstEnergy Solutions Corp.
E–14	ER18–809–000	FirstEnergy Solutions Corp.
E–15	ER18–1596–001, EL18–112–000	Sky River LLC.
E–16	EL18–108–000	Pacific Gas and Electric Company.
E–17	EL18–203–000	Owensboro Municipal Utilities v. Louisville Gas and Electric Company and Kentucky Utilities Company.
E–18	ER18–1704–001	Stuttgart Solar, LLC.
E–19	EL18–171–000	Kathryn E. Leonard v. Rhode Island Public Utilities Commission, Narragansett Electric Company, Inc., and Deepwater Wind Block Island, LLC.
	Gas	
G–1	RP18–922–000	Trailblazer Pipeline Company LLC.
G–2	IS08–390–010, IS08–390–011	SFPP, L.P.
G–3	RP19–276–000, RP19–276–001	Young Gas Storage Company, Ltd.
	Hydro	
H–1	RM19–13–000	Revisions and Technical Corrections to Conform the Commission's Regulations to the America's Water Infrastructure Act of 2018.
	Certificates	
C–1	CP18–506–000, CP18–539–000	Portland Natural Gas Transmission System, Maritimes & Northeast Pipeline, L.L.C.
C–2	CP18–534–000	Northern Natural Gas Company.

Issued: February 14, 2019.

Kimberly D. Bose,

Secretary.

A free webcast of this event is available through *http://ferc.capitolconnection.org/.* Anyone with internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *http://ferc.capitolconnection.org/* or contact Shirley Al-Jarani at 703–993–3104.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2019–03260 Filed 2–21–19; 11:15 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2622–013]

Turners Falls Hydro, LLC; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2622–013.

c. *Date filed:* February 4, 2019.

d. *Applicant:* Turners Falls Hydro, LLC (Turners Falls Hydro).

e. *Name of Project:* Turners Falls Project.

f. *Location:* On the Connecticut River, in the power canal of the Turners Falls Hydroelectric Project No. 1889, in Franklin County, Massachusetts. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. Michael Scarzello, Director, Eagle Creek Renewable Energy, LLC, 65 Madison Avenue, Suite 500, Morristown, NJ 07960; Phone at (973) 998–8400, or email at *michael.scarzello@eaglecreekre.com.*

i. *FERC Contact:* Amanda Gill, (202) 502–6773 or *amanda.gill@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and

serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* April 5, 2019.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2622–013.

m. The application is not ready for environmental analysis at this time.

n. *Project Description:* The Turners Falls Project consists of: (1) An existing 10-foot-long, 20-foot-wide, 12- to 22-foot-high forebay; (2) a 20-foot-wide, 22-foot-high trashrack with 1.5-inch clear-bar spacing; (3) two headgates; (4) an 8.5-foot-diameter, 50-foot-long steel penstock; (5) a 3,847-square foot powerhouse containing one 937-kilowatt vertical Francis-type turbine-generator unit; (6) a 50-foot-long, underground flume; (7) an 80-foot-long, 10-foot-wide tailrace; (8) a 1,000-foot-long, 13.8-kilovolt transmission line; (9) and appurtenant facilities.

When generating, the project withdraws up to 289 cubic feet per second from FirstLight Hydro Generating Company's power canal for the Turners Falls Hydroelectric Project No. 1889, and discharges directly into the Connecticut River. Turners Falls Hydro operates the project in a run-of-river mode with an average annual generation of approximately 1,512 megawatt-hours. Turners Falls Hydro proposes to continue operating the project in a run-of-river mode and does not propose any new construction or modifications to the project.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. *Procedural schedule and final amendments:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter (if necessary)—April 2019
Request Additional Information—April 2019
Issue Acceptance Letter—July 2019
Issue Scoping Document 1 for Comments—August 2019
Request Additional Information (if necessary)—September 2019
Issue Scoping Document 2—October 2019
Issue Notice of Ready for Environmental Analysis—October 2019
Issue Notice of Availability of Environmental Assessment—May 2020

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: February 15, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03146 Filed 2–22–19; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT: 84 FR 5083.

PREVIOUSLY ANNOUNCED TIME, DATE, AND PLACE OF THE MEETING: Thursday, February 21, 2019 at 10:00 a.m., 1050 First Street NE, Washington, DC (12th Floor).

CHANGES IN THE MEETING: The February 21, 2019 Open Meeting was canceled.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2019–03242 Filed 2–21–19; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT: 84 FR 4465.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, February 20, 2019 at 10:00 a.m. and its continuation at the conclusion of the open meeting on February 21, 2019.

CHANGES IN THE MEETING: This meeting has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2019–03248 Filed 2–21–19; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT

Board Member Meeting

77 K Street NE, 10th Floor, Washington, DC 20002, February 25, 2019, 8:30 a.m.

Open Session

1. Approval of the Minutes of the January 28, 2019 Board Meeting
2. Monthly Reports
   (a) Participant Activity Report
   (b) Legislative Report
   (c) Investment Performance
3. Quarterly Reports
   (d) Metrics
4. Results of the FRTIB 2018 FISMA Audit
5. Office of Enterprise Risk Management Annual Report
6. Office of Technology Services Annual Report
7. Additional Withdrawals Project Update

Closed Session

Information covered under 5 U.S.C. 552b (c)(4), (c)(9)(B), and (c)(10).

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: February 19, 2019.

Megan Grumbine,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2019–03166 Filed 2–22–19; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0248]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on Formal Dispute Resolution; Appeals Above the Division Level

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) 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 27, 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 0910–0430. 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.

Formal Dispute Resolution; Appeals Above the Division Level; OMB Control Number 0910–0430—Extension

This approval request is for information collection found in the FDA guidance document entitled, ''Formal Dispute Resolution: Sponsor Appeals Above the Division Level Guidance for Industry and Review Staff.'' The guidance document discusses the process for formally resolving scientific and procedural disputes in FDA's Center for Drug Evaluation and Research (CDER) and Center for Biologics Evaluation and Research (CBER) that cannot be resolved at the division level. The guidance document describes procedures for formally appealing such disputes to the office or center level and for submitting information to assist center officials in resolving the issue or issues presented. The guidance document provides information on how the Agency will interpret and apply provisions of the existing regulations regarding internal Agency review of decisions (§ 10.75 (21 CFR 10.75)) and dispute resolution during the investigational new drug (IND) process (§ 312.48 (21 CFR 312.48)) and the new drug application/abbreviated new drug application (NDA/ANDA) process (§ 314.103 (21 CFR 314.103)). In addition, the guidance document provides information on how the Agency will interpret and apply the specific Prescription Drug User Fee Act (PDUFA) goals for major dispute resolution associated with the development and review of PDUFA products. The guidance document is available on our website at: *https://www.fda.gov/downloads/drugs/guidances/ucm343101.pdf.*

Existing regulations, which appear primarily in parts 10, 312, and 314 (21 CFR parts 10, 312, and 314), establish procedures for the resolution of scientific and procedural disputes between interested persons and the Agency, CDER, and CBER. All Agency decisions on such matters are based on information in the administrative file (§ 10.75(d)). In general, the information in an administrative file is collected under existing regulations in part 312 (OMB control number 0910–0014), part 314 (OMB control number 0910–0001), and part 601 (21 CFR part 601) (OMB control number 0910–0338), which specify the information manufacturers must submit so that FDA may properly evaluate the safety and effectiveness of drugs and biological products. This information is usually submitted as part of an IND, NDA, or biologics license application (BLA), or as a supplement to an approved application. Although FDA already possesses in the administrative file the information that would form the basis of a decision on a matter in dispute resolution, the submission of information regarding the request itself and the data and information that the requestor relies on in the appeal would facilitate timely resolution of the dispute. The guidance document describes the following collections of information not expressly specified under existing regulations: The submission of the request for dispute resolution as an amendment to the application for the underlying product, including the submission of supporting information with the request for dispute resolution.

Agency regulations (§§ 312.23(a)(11) and (d), 314.50, 314.94, and 601.2) state that information provided to the Agency as part of an IND, NDA, ANDA, or BLA must be submitted in triplicate and with an appropriate cover form. Form FDA 1571 must accompany submissions under INDs and Form FDA 356h must accompany submissions under NDAs, ANDAs, and BLAs. Both forms have valid OMB control numbers as follows: Form FDA 1571 (OMB control number 0910–0014) and Form FDA 356h (OMB control number 0910–0338).

In the guidance document, CDER and CBER ask that a request for formal dispute resolution be submitted as an amendment to the application for the underlying product and that it be submitted to the Agency in triplicate with the appropriate form attached, either Form FDA 1571 or Form FDA 356h. The Agency recommends that a request be submitted as an amendment in this manner for two reasons: (1) To ensure that each request is kept in the administrative file with the entire underlying application; and (2) to ensure that pertinent information about the request is entered into the appropriate tracking databases. Use of the information in the Agency's tracking databases enables the appropriate Agency official to monitor progress on the resolution of the dispute and to ensure that appropriate steps will be taken in a timely manner.

CDER and CBER have determined and the guidance document recommends that the following information should be submitted to the appropriate center with each request for dispute resolution so that the center may quickly and efficiently respond to the request: (1) A brief but comprehensive statement of each issue to be resolved, including a description of the issue, the nature of the issue (*i.e.,* scientific, procedural, or both), possible solutions based on information in the administrative file, whether informal dispute resolution was sought prior to the formal appeal, whether advisory committee review is sought, and the expected outcome; (2) a statement identifying the review division/office that issued the original decision on the matter and, if applicable, the last Agency official that attempted to formally resolve the matter; (3) a list of documents in the administrative file or additional copies of such documents that are deemed necessary for resolution of the issue or issues; and (4) a statement that the previous supervisory level has already

had the opportunity to review all of the material relied on for dispute resolution. The information the Agency suggests submitting with a formal request for dispute resolution consists of: (1) Statements describing the issue from the perspective of the person with a dispute; (2) brief statements describing the history of the matter; and (3) the documents previously submitted to FDA under an OMB approved collection of information.

Based on FDA's experience with dispute resolution, the Agency expects that most persons seeking formal dispute resolution will have gathered the materials listed previously when identifying the existence of a dispute with the Agency. Consequently, FDA anticipates that the collection of information attributed solely to the guidance document will be minimal.

Provided in this document is an estimate of the annual reporting burden for requests for dispute resolution. Based on data collected from review divisions and offices within CDER and CBER, FDA estimates that approximately 12 sponsors and applicants (respondents) will submit requests for formal dispute resolution to CDER annually and approximately 1 respondent will submit requests for formal dispute resolution to CBER annually.

The total annual responses are the total number of requests submitted to CDER and CBER in 1 year, including requests for dispute resolution that a single respondent submits more than one time. FDA estimates that CDER receives approximately 17 requests annually and CBER receives approximately 1 request annually. The hours per response is the estimated number of hours that a respondent would spend preparing the information to be submitted with a request for formal dispute resolution in accordance with the guidance document, including the time it takes to gather and copy brief statements describing the issue from the perspective of the person with the dispute, brief statements describing the history of the matter, and supporting information that has already been submitted to the Agency. Based on experience, FDA estimates that approximately 8 hours, on average, would be needed per response. Therefore, FDA estimates that 8 hours will be spent per year by respondents requesting formal dispute resolution in accordance with the guidance document.

In the **Federal Register** of August 20, 2018 (83 FR 42127), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Requests for formal dispute resolution	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
CDER	12	1.42	17	8	136
CBER	1	1	1	8	8
Total					144

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden for this information collection has changed since the last OMB approval. Our burden estimate reflects a decrease in burden by 14 records and 112 hours. This adjustment corresponds to a decrease in the number of requests received over the last few years.

Dated: February 19, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–03193 Filed 2–22–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369]

Product-Specific Guidances; Draft and Revised Draft Guidances 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 additional draft and revised draft product-specific guidances. The guidances provide product-specific recommendations on, among other things, the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs). In the **Federal Register** of June 11, 2010, FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products'' that explained the process that would be used to make product-specific guidances available to the public on FDA's website. The guidances identified in this notice were developed using the process described in that guidance.

DATES: Submit either electronic or written comments on the draft guidance by April 26, 2019 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the

manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2007–D–0369 for ''Product-Specific Guidances; Draft and Revised Draft Guidances for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidances 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 draft guidance documents.

FOR FURTHER INFORMATION CONTACT: Wendy Good, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4714, Silver Spring, MD 20993–0002, 240–402–1146.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products'' that explained the process that would be used to make product-specific guidances available to the public on FDA's website at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific guidances and provide a meaningful opportunity for the public to consider and comment on those guidances. Under that process, draft guidances are posted on FDA's website and announced periodically in the **Federal Register**. The public is encouraged to submit comments on those recommendations within 60 days of their announcement in the **Federal Register**. FDA considers any comments received and either publishes final guidances or publishes revised draft guidances for comment. Guidances were last announced in the **Federal Register** on November 29, 2018 (83 FR 61388). This notice announces draft product-specific guidances, either new or revised, that are posted on FDA's website.

II. Drug Products For Which New Draft Product-Specific Guidances Are Available

FDA is announcing the availability of new draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Acalabrutinib.
Acetaminophen; Caffeine; Dihydrocodeine bitartrate.
Angiotensin II acetate.
Bexarotene.
Bosentan.
Bromocriptine mesylate.
Chlorothiazide.
Daptomycin.
Dexamethasone.
Dihydroergotamine mesylate.
Diltiazem hydrochloride.
Doxycycline calcium.
Doxylamine succinate; Pyridoxine hydrochloride.
Fish oil; Medium chain triglycerides; Olive oil; Soybean oil.
Isocarboxazid.
Ivacaftor; Tezacaftor.
Letrozole; Ribociclib succinate.
Loratadine; Pseudoephedrine sulfate.
Methsuximide.

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS—Continued

Ozenoxacin.
Paroxetine mesylate.
Succimer.

III. Drug Products For Which Revised Draft Product-Specific Guidances Are Available

FDA is announcing the availability of revised draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 2—REVISED DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Acetaminophen; Butalbital.
Aripiprazole.
Azelastine HCl; Fluticasone propionate.
Betamethasone Dipropionate; Calcipotriene Hydrate (multiple Reference Listed Drugs).
Betamethasone Dipropionate; Clotrimazole (multiple Reference Listed Drugs).
Butenafine HCl (multiple Reference Listed Drugs).
Butoconazole nitrate (multiple Reference Listed Drugs).
Calcipotriene (multiple Reference Listed Drugs).
Ceritinib.
Ciclopirox (multiple Reference Listed Drugs).
Clotrimazole (multiple Reference Listed Drugs).
Crisaborole.
Dexamethasone; Tobramycin (multiple Reference Listed Drugs).
Diclofenac sodium.
Econazole nitrate.
Fluorouracil (multiple Reference Listed Drugs).
Fluticasone propionate.
Haloperidol.
Imiquimod (multiple Reference Listed Drugs).
Ingenol mebutate (multiple Reference Listed Drugs).
Ketoconazole.
Lumacaftor; Ivacaftor.
Miconazole.
Mometasone furoate monohydrate (multiple Reference Listed Drugs).
Oxiconazole Nitrate (multiple Reference Listed Drugs).
Tazarotene (multiple Reference Listed Drugs).
Terbinafine hydrochloride.
Treprostinil diethanolamine (multiple Reference Listed Drugs).
Tretinoin.
Triamcinolone acetonide.

For a complete history of previously published **Federal Register** documents related to product-specific guidances, go to *https://www.regulations.gov* and enter Docket No. FDA–2007–D–0369.

These draft guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). These draft guidances, when finalized, will represent the current thinking of FDA on, among other things, the product-specific design of BE studies to support ANDAs. They do not establish any rights for any person and are 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.

IV. Electronic Access

Persons with access to the internet may obtain the draft guidances at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: February 19, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–03129 Filed 2–22–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1130]

Implanted Brain-Computer Interface Devices for Patients With Paralysis or Amputation—Nonclinical Testing and Clinical Considerations; Draft Guidance for Industry and Food and Drug Administration Staff; 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 the draft guidance entitled ''Implanted Brain-Computer Interface Devices for Patients with Paralysis or Amputation—Nonclinical Testing and Clinical

Considerations.'' Implanted brain-computer interface (BCI) devices are neuroprostheses that interface with the central or peripheral nervous system to restore lost motor and/or sensory capabilities in patients with paralysis or amputation. This draft guidance provides recommendations for nonclinical testing and study design considerations for investigational device exemptions feasibility and pivotal clinical studies. This draft guidance is not final nor is it in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by April 26, 2019 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2014–N–1130 for ''Implanted Brain-Computer Interface Devices for Patients with Paralysis or Amputation—Nonclinical Testing and Clinical Considerations.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Implanted Brain-Computer Interface Devices for Patients with Paralysis or Amputation—Nonclinical Testing and Clinical Considerations'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Vivek Pinto, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2668, Silver Spring, MD 20993–0002, 301–796–1136.

SUPPLEMENTARY INFORMATION:

I. Background

The field of implanted BCI devices is progressing rapidly from fundamental neuroscience discoveries to translational applications and market access. Implanted BCI devices have the potential to bring benefit to people with severe disabilities by increasing their ability to interact with their environment, and consequently, providing new independence in daily life. On November 21, 2014, the Center for Devices and Radiological Health (CDRH) held an open public workshop with the aim of fostering an open discussion on the scientific and clinical considerations associated with the development of implanted BCI devices. FDA considered the input provided during this workshop to develop this guidance document. This guidance document provides clinical study design and nonclinical testing recommendations associated with BCI devices.

This is a leapfrog guidance: A type of guidance that serves as a mechanism by which the Agency can share initial thoughts regarding emerging technologies that are likely to be of public health importance early in product development. This leapfrog guidance represents the Agency's initial thinking and our recommendations may change as more information becomes available.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on implanted BCI devices for patients with paralysis or amputation—

nonclinical testing and clinical considerations. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all CDRH guidance documents is available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* This guidance document is also available at *https://www.regulations.gov.* Persons unable to download an electronic copy of ''Implanted Brain-Computer Interface Devices for Patients with Paralysis or Amputation—Nonclinical Testing and Clinical Considerations'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1500045 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the following table:

21 CFR part or guidance	Topic	OMB control No.
812	Investigational Device Exemption	0910–0078
''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff''.	Q-submissions	0910–0756
801	Medical Device Labeling Regulations	0910–0485
820	Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation.	0910–0073
50, 56	Protection of Human Subjects: Informed Consent; Institutional Review Boards.	0910–0755

Dated: February 14, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–03144 Filed 2–22–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1425]

Agency Information Collection Activities; Proposed Collection; Comment Request; Focused Mitigation Strategies To Protect Food Against Intentional Adulteration

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 collections of information describing mitigation strategies to protect food against intentional adulteration.

DATES: Submit either electronic or written comments on the collection of information by April 26, 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 26, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 26, 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–1425 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Focused Mitigation Strategies to Protect Food Against Intentional Adulteration.'' 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, FDA invites comments 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.

Focused Mitigation Strategies To Protect Food Against Intentional Adulteration—21 CFR Part 121

OMB Control Number 0910–0812—Extension

This information collection supports FDA regulations. Under the Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the FDA Food Safety Modernization Act (FSMA), certain provisions have been established to protect against the intentional adulteration of food. Section 418 of the FD&C Act (21 U.S.C. 350g) addresses intentional adulteration in the context of facilities that manufacture, process, pack, or hold food and are required to register under section 415 of the FD&C Act (21 U.S.C. 350d). Section 419 of the FD&C Act (21 U.S.C. 350h) addresses intentional adulteration in the context of fruits and vegetables that are raw agricultural commodities. Section 420 of the FD&C Act (21 U.S.C. 350i) addresses intentional adulteration in the context of high risk foods and exempts farms except for farms that produce milk. These provisions are codified at part 121 (21 CFR part 121), and include requirements that that an owner, operator, or agent in charge of a facility must:

• Prepare and implement a written food defense plan that includes a vulnerability assessment to identify significant vulnerabilities and actionable process steps, mitigation strategies, and procedures for food defense monitoring, corrective actions, and verification (§ 121.126);

• identify any significant vulnerabilities and actionable process steps by conducting a vulnerability assessment for each type of food manufactured, processed, packed, or held at the facility using appropriate methods to evaluate each point, step, or procedure in a food operation (§ 121.130);

• identify and implement mitigation strategies at each actionable process step to provide assurances that the significant vulnerability at each step will be significantly minimized or prevented and the food manufactured, processed, packed, or held by the facility will not be adulterated. For each mitigation strategy implemented at each actionable process step, include a written explanation of how the mitigation strategy sufficiently minimizes or prevents the significant vulnerability associated with the actionable process step (§ 121.135);

• establish and implement mitigation strategies management components, as appropriate to ensure the proper implementation of each such mitigation strategy, taking into account the nature of the mitigation strategy and its role in the facility's food defense system (§ 121.138);

• establish and implement food defense monitoring procedures, for monitoring the mitigation strategies, as appropriate to the nature of the mitigation strategy and its role in the facility's food defense system (§ 121.140);

• establish and implement food defense corrective action procedures that must be taken if mitigation strategies are not properly implemented, as appropriate to the nature of the actionable process step and the nature of the mitigation strategy (§ 121.145);

• establish and implement specified food defense verification activities, as appropriate to the nature of the mitigation strategy and its role in the facility's food defense system (§ 121.150);

• conduct a reanalysis of the food defense plan (§ 121.157);

• ensure that all individuals who perform required food defense activities are qualified to perform their assigned duties (§ 121.4); and

• establish and maintain certain records, including the written food defense plan (vulnerability assessment,

mitigation strategies and procedures for food defense monitoring, corrective actions, and verification) and documentation related to training of personnel. All records are subject to certain general recordkeeping and record retention requirements (§§ 121.301 to 121.330).

Description of Respondents: The respondents to this information collection are manufacturers of retail food products marketed in the United States.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity; 21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Exemption for food from very small businesses; § 121.5.	18,080	1	18,080	0.5 (30 minutes)	9,040

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Certain facilities may qualify for an exemption under the regulations. Because these facilities must provide documentation upon request to verify their exempt status, we have characterized this as a reporting burden. We estimate 18,080 respondents will prepare and update relevant files an average of 30 minutes annually, for a total annual burden of 9,040 hours (30 minutes × 18,080 firms).

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity; 21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Food Defense Plan; § 121.126	3,247	1	3,247	23	74,681
Actionable Process Steps; § 121.130	9,759	1	9,759	20	195,180
Mitigation Strategies; § 121.135(b)	9,759	1	9,759	20	195,180
Monitoring Corrective Actions, Verification; § 121.140(a), § 121.145(a)(1).	9,759	1	9,759	175	1,707,825
Training; § 121.160	367,203	1	367,203	0.67 (40 minutes) ...	244,802
Records; § 121.305, § 121.310, ...	9,759	1	9,759	10	97,590
Total	.....	.....	.....	.....	2,515,258

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Under the regulations, an owner, operator, or agent in charge of a facility must prepare, or have prepared, and implement a written food defense plan, including written identification of actionable process steps, written mitigation strategies, written procedures for defense monitoring, written food defense corrective actions, and written food defense verification procedures. The estimated recordkeeping burden associated with these activities totals 2,515,258 annual recordkeeping burden hours and 409,486 annual recordkeeping responses.

We estimate an average of 3,247 firms will continue to need to create a food defense plan under § 121.126, that a one-time burden of 60 hours will be needed to create a plan, and that a burden of 10 hours will be required to update the plan. We annualize this estimate by dividing the total number of burden hours (70) over a 3-year period as reflected in table 2, row 1.

Under § 121.130, each of the estimated 9,759 food production facilities will identify and specify actionable process steps for its food defense plan. We estimate that an individual at the level of an operations manager incurs a burden of 20 hours for this activity, as reflected in table 2, row 2.

Under § 121.135(b), each of the estimated 9,759 food production facilities must identify and implement mitigation strategies to provide assurances that any significant vulnerability at each step is significantly minimized or prevented, ensuring that the food manufactured, processed, packed, or held by the facility will not be adulterated. We do not specify a specific number or set of mitigation strategies to be implemented. Some of the covered facilities are already implementing mitigation strategies. We estimate that it requires an average of 20 hours per facility to satisfy the recordkeeping burden associated with these activities for a total of 195,180 hours, as reflected in table 2, row 3.

We estimate that the recordkeeping activities associated with monitoring, documenting mitigation strategies, and implementing necessary corrective actions require first-line supervisors or others responsible for quality control an average of 175 hours for each recordkeeping, and that these provisions apply to each of the 9,759 facilities. This results in a total of 1,707,825 annual burden hours, as reflected in table 2, row 4.

We estimate that recordkeeping activities associated with training under § 121.60 total 244,802 annual burden hours, as reflected in table 2, row 5. We estimate that there are 1.2 million employees working at the regulated facilities and that 30 percent of them (367,203) require training. We estimate that the average burden for the associated recordkeeping activity is approximately 40 minutes (or .67 hours) per record.

Finally, we estimate the 9,759 food production facilities will fulfill the recordkeeping requirements under §§ 121.305 and 121.310, and that it will require an average of 10 hours per record, as reflected in table 2, row 6.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: February 19, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–03197 Filed 2–22–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Committee on Organ Transplantation

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), this notice announces that the Secretary's Advisory Committee on Organ Transplantation (ACOT) has scheduled a public meeting. Information about ACOT and the agenda for this meeting can be found on the ACOT website at *https://www.organdonor.gov/about-dot/acot.html.*

DATES: April 16, 2019, 10:00 a.m.–4:00 p.m. Eastern Time.

ADDRESSES: This meeting will be held by webinar. Members of the public can access the webinar link and conference call-in number at *https://www.organdonor.gov/about-dot/acot.html.*

FOR FURTHER INFORMATION CONTACT: Robert Walsh, Designated Federal Official, (DFO), at Healthcare Systems Bureau, Division of Transplantation, HRSA, 5600 Fishers Lane, 8W60, Rockville, Maryland 20857; 301–443–6839; or *RWalsh@hrsa.gov.*

SUPPLEMENTARY INFORMATION: ACOT advises the Secretary of HHS, through the HRSA Administrator, on all aspects of organ donation, procurement, allocation, and transplantation, and on such other matters that the Secretary determines; advises the Secretary on federal efforts to maximize the number of deceased donor organs made available for transplantation and to support the safety of living organ donation; at the request of the Secretary, reviews significant proposed Organ Procurement and Transplantation Network (OPTN) policies submitted for the Secretary's approval to recommend whether they should be made enforceable; and provides expert input on the latest advances in the science of transplantation.

During the April 16, 2019, meeting, ACOT will receive updates on recent activity of OPTN and discuss efforts to increase organ donation and transplantation. Agenda items are subject to change as priorities dictate. Refer to the ACOT website for any updated information concerning the meeting.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to ACOT should be sent to Robert Walsh, DFO, using the contact information above at least three business days before the meeting.

Individuals who plan to participate in the webinar and need special assistance or other reasonable accommodations should notify Robert Walsh at the address and phone number listed above at least 10 business days before the meeting.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2019–03185 Filed 2–22–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Council on Blood Stem Cell Transplantation

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), this notice announces that the Secretary's Advisory Council on Blood Stem Cell Transplantation (ACBSCT) has scheduled a public meeting. Information about ACBSCT and the agenda for this meeting can be found on the ACBSCT website at *https://bloodcell.transplant.hrsa.gov/about/advisory_council/meetings/index.html.*

DATES: May 7, 2019, 10:00 a.m.–4:00 p.m. Eastern Time.

ADDRESSES: This meeting will be held by webinar. Members of the public can access the webinar link and conference call-in number at *https://www.organdonor.gov/about-dot/acot.html.*

FOR FURTHER INFORMATION CONTACT: Robert Walsh, Designated Federal Official, (DFO), at Healthcare Systems Bureau, Division of Transplantation, HRSA, 5600 Fishers Lane, 8W60, Rockville, Maryland 20857; 301–443–6839; or *RWalsh@hrsa.gov.*

SUPPLEMENTARY INFORMATION: ACBSCT provides advice and recommendations to the Secretary of HHS and the HRSA Administrator on the activities of the C.W. Bill Young Cell Transplantation Program (CWBYCTP) and the National Cord Blood Inventory (NCBI) Program. The principal purpose of these programs is to make blood stem cells from adult donors and cord blood units available for patients who need a transplant to treat life-threatening conditions such as leukemia, and who lack a suitably matched relative who can be the donor.

During the May 7, 2019, meeting, members of ACBSCT will discuss issues related utilization of cord blood for transplant and utilization of blood stem cells in cellular therapies. Agenda items are subject to change as priorities dictate. Refer to the ACBSCT website for any updated information concerning the meeting.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to ACBSCT should be sent to Robert Walsh, DFO, using the contact information above at least three business days before the meeting.

Individuals who plan to participate in the webinar and need special assistance or other reasonable accommodations should notify Robert Walsh at the address and phone number listed above at least 10 business days before the meeting.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2019–03184 Filed 2–22–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

National Advisory Council on the National Health Service Corps

AGENCY: Department of Health and Human Services (HHS), Health Resources and Service Administration (HRSA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Advisory Council on the National Health Service Corps (NACNHSC) has scheduled public meetings for the 2019 calendar year

(CY). Information about the NACNHSC, agendas, and materials for these meetings can be found on the NACNHSC website at *https://nhsc.hrsa.gov/about/national-advisory-council-nhsc/index.html.*

DATES: April 2–3, 2019, from 8:30 a.m.–5:00 p.m. Eastern Time (ET) and September 17–18, 2019, from 8:30 a.m.–5:00 p.m. ET.

ADDRESSES: The April 2–3, 2019, meeting will be held by webinar. The September 17–18, 2019, meeting will be held in-person at 5600 Fishers Lane, Rockville, Maryland 20857. Additional instructions for joining the meetings either in person or remotely will be posted on the NACNHSC website 30 business days before the date of the meeting. For meeting information updates, go to the NACNHSC website meeting page at *https://nhsc.hrsa.gov/nac/meetings.html.*

FOR FURTHER INFORMATION CONTACT: Diane Fabiyi-King, Designated Federal Official, Division of National Health Service Corps; Bureau of Health Workforce, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; (301) 443–3609; *BHWNACNHSC@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The NACNHSC was established by section 337 of the Public Health Service (PHS) Act (42 U.S.C. 254j), as enacted by Public Law (Pub. L.) 92–463, and as subsequently amended, and advises the Secretary of HHS (the Secretary) on issues related to NHSC responsibilities. During the CY 2019 meetings, NACNHSC will discuss and draft policy recommendations for submission to the Secretary and the HRSA Administrator. Agenda items are subject to change as priorities dictate. Refer to the NACNHSC website for any updated information concerning the CY 2019 meetings.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meetings. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to the NACNHSC should be sent to Diane Fabiyi-King, DFO, at the contact information listed above at least five business days before the meeting dates. Individuals who need special assistance or another reasonable accommodation should notify Diane Fabiyi-King, DFO at the address and phone number listed above at least 10 business days before the meetings they wish to attend. Since all in person meetings will occur in a federal government building, attendees must go through a security check to enter the building. Non-U.S. Citizen attendees must notify HRSA of their planned attendance at least 20 business days prior to the meeting in order to facilitate their entry into the building. All attendees are required to present government-issued identification prior to entry.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2019–03180 Filed 2–22–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 Aging Special Emphasis Panel; Roybal Centers Meeting: Coordinating Center (M3).

Date: March 14, 2019.

Time: 9:00 a.m. to 1:00 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: Kimberly Firth, Ph.D., National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7702, *firthkm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 20, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03187 Filed 2–22–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Clinical Trial Applications Special Emphasis Panel.

Date: February 25, 2019.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7009, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–4721, *kozelp@niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 20, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03186 Filed 2–22–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood 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 the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Clinical and Basic Science Review Committee.

Date: June 20–21, 2019.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Keith A. Mintzer, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7186, Bethesda, MD 20892–7924, 301–827–7949, *mintzerk@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 19, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03150 Filed 2–22–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Sleep Disorders Research Advisory Board.

The meeting will be open to the public, 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.

Name of Committee: Sleep Disorders Research Advisory Board.

Date: March 12, 2019.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: Discuss revision of the NIH Sleep Disorders Research Plan.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Telephone Access: Dial: 650–479–3208, *Access Code:* 625 685 352.

WebEx Link: https://nih.webex.com/nih/onstage/g.php?MTID=ecaeb0d992f8d2737b357112c4f29fa62.

WeEx Access: Event Number: 325 685 352, *Event Password:* sdrab2019.

Contact Person: Michael J. Twery, Ph.D., Executive Secretary, Director, National Center on Sleep Disorders Research, Division of Lung Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Suite 10042, Bethesda, MD 20892, 301–435–0199, *twerym@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 19, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03151 Filed 2–22–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed 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 Aging Special Emphasis Panel; Roybal Centers Meeting: Provider Support (M2).

Date: March 14, 2019.

Time: 1:00 p.m. to 5:30 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: Kimberly Firth, Ph.D., National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7702, *firthkm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 20, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03191 Filed 2–22–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood 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 the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group; NHLBI Institutional Training Mechanism Review Committee.

Date: June 13–14, 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: Lindsay M. Garvin, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Suite 7189, Bethesda, MD 20892, 301–827–7911, *lindsay.garvin@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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 19, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03148 Filed 2–22–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood 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 the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Transition to Independence Review Committee.

Date: March 7–8, 2019.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–435–0287, *Pintuccig@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 19, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03149 Filed 2–22–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed 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 Aging Special Emphasis Panel, SWAN.

Date: March 18, 2019.

Time: 11:00 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892.

Contact Person: Isis S. Mikhail, MD, MPH, DRPH, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7704, *MIKHAILI@MAIL.NIH.GOV.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 20, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03188 Filed 2–22–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed 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 Aging Special Emphasis Panel; Roybal Centers Meeting: Coordinating Center (M3).

Date: March 15, 2019.

Time: 8:00 a.m. to 3:00 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: Kimberly Firth, Ph.D., National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7702, *firthkm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 20, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03189 Filed 2–22–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Board of Scientific Counselors, NHLBI.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 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 Heart, Lung, and Blood Institute, 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, NHLBI.

Date: June 3, 2019.

Time: 8:00 a.m. to 4:00 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: Robert S. Balaban, Ph.D., Scientific Director, Division of Intramural Research, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 10, 10 Center Drive, 4th Floor, Room 1587, Bethesda, MD 20892, 301–496–2116, *balabanr@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 19, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03152 Filed 2–22–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0017]

Agency Information Collection Activities: Protest

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than April 26, 2019) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0017 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email:* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail:* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Protest.

OMB Number: 1651–0017.

Form Number: CBP Form 19.

Current Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 19, *Protest,* is filed to seek the review of a decision of an appropriate CBP officer. This review may be conducted by a CBP officer who participated directly in the underlying decision. This form is also used to request ''Further Review,'' which means a request for review of the protest to be performed by a CBP officer who did not participate directly in the protested decision, or by the Commissioner, or his designee as provided in the CBP regulations.

The matters that may be protested include: the appraised value of merchandise; the classification and rate and amount of duties chargeable; all charges within the jurisdiction of the U.S. Department of Homeland Security; exclusion of merchandise from entry or delivery, or demand for redelivery; the liquidation or reliquidation of an entry; and the refusal to pay a claim for drawback.

The parties who may file a protest or application for further review include: The importer or consignee shown on the entry papers, or their sureties; any person paying any charge or exaction; any person seeking entry or delivery, or upon whom a demand for redelivery has been made; any person filing a claim for drawback; or any authorized agent of any of the persons described above.

CBP Form 19 collects information such as the name and address of the protesting party, information about the entry, detailed reasons for the protest, and justification for applying for further review.

The information collected on CBP Form 19 is authorized by Sections 514 and 514(a) of the Tariff Act of 1930 and provided for by 19 CFR part 174. This form is accessible at *https://www.cbp.gov/newsroom/publications/forms?title=19.*

Estimated Number of Respondents: 3,750.

Estimated Number of Responses per Respondent: 12.

Estimated Number of Total Annual Responses: 45,000.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 45,000.

Dated: February 19, 2019.

Seth D Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–03155 Filed 2–22–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0054]

Agency Information Collection Activities: Exportation of Used Self-Propelled Vehicles

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than April 26, 2019). to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0054 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email:* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail:* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT:

Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Exportation of Used Self-Propelled Vehicles.

OMB Number: 1651–0054.

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Individuals and Businesses.

Abstract: CBP regulations require an individual attempting to export a used self-propelled vehicle to furnish to CBP, at the port of export, the vehicle and documentation describing the vehicle, which includes the Vehicle Identification Number (VIN), or if the vehicle does not have a VIN, the product identification number. Exportation of a vehicle will be permitted only upon compliance with these requirements. This requirement does not apply to vehicles that were entered into the United States under an in-bond procedure, a carnet, or temporary importation bond. The required documentation includes, but is not limited to, a Certificate of Title or a Salvage Title, the VIN, a Manufacture's Statement of Origin, etc. CBP will accept originals or certified copies of Certificate of Title. The purpose of this information is to help ensure that stolen vehicles or vehicles associated with other criminal activity are not exported.

Collection of this information is authorized by 19 U.S.C.1627a, which provides CBP with authority to impose export reporting requirements on all used self-propelled vehicles, and by Title IV, Section 401 of the Anti-Car Theft Act of 1992, 19 U.S.C. 1646c, which requires all persons exporting a used self-propelled vehicle to provide to CBP, at least 72 hours prior to export, the VIN and proof of ownership of each automobile. This information collection is provided for by 19 CFR part 192. Further guidance regarding these requirements is provided at: *https://www.cbp.gov/trade/basic-import-export/export-docs/motor-vehicle.*

Estimated Number of Respondents: 750,000.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 750,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 125,000.

Dated: February 19, 2019.

Seth D Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–03154 Filed 2–22–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2018–N066; FXES11140800000–189–FF08EACT00]

Safe Harbor Agreements for the Northern Spotted Owl for Eden Property and RPH Comptche Properties, Mendocino County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: This notice advises the public that Jennifer and Jonathan Eden and

RPH Comptche Property LLC (two separate applicants) have each applied to the U.S. Fish and Wildlife Service (Service) for an enhancement of survival (EOS) permit under the Endangered Species Act. If granted, either or both EOS permits would be in effect for a 40-year period in Mendocino County, California, and would authorize take of the northern spotted owl that is likely to occur incidental to managing the timber on their properties under periodic (approximately 10-year harvest intervals) uneven-aged forestry management practices of single-tree and group selection. The documents available for review and comment are the applicants' safe harbor agreements and our draft environmental action statements and low-effect screening forms, which support categorical exclusions under the National Environmental Policy Act. We invite comments from the public and Federal, Tribal, State, and local governments.

DATES: *Submitting Comments:* To ensure consideration, we must receive written comments by 5 p.m. on March 27, 2019.

ADDRESSES: *Obtaining Documents:* For either or both of the applicants, you may obtain the applicants' safe harbor agreements and our draft environmental action statements and low-effect screening forms by one of the following methods.

- *U.S. Mail:* U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, CA 95521;
- *In Person:* You may visit our Arcata office (address above). To make an appointment, contact the office by telephone at 707–822–7201.

Submitting Comments: You may submit written comments by any one of the following methods.

- *U.S. Mail or Hand-Delivery:* Dan Everson, Field Supervisor, at our Arcata office (address above).
- *Electronic mail: fw8_afwo_comments@fws.gov;* in email subject line, please indicate which safe harbor agreement on which you are commenting.
- *Fax:* 707–822–8411.

FOR FURTHER INFORMATION CONTACT: Mr. Bill McIver, at our Arcata office (address above), or by telephone at 707–822–7201. If you use a telecommunications device, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Under safe harbor agreements (SHAs), participating landowners voluntarily undertake management activities on their properties to enhance, restore, or maintain habitat benefiting species listed under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). SHAs, and the subsequent enhancement of survival (EOS) permits that are issued pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-Federal property owners to implement conservation efforts for listed species, by assuring property owners that they will not be subject to increased land use restriction as a result of efforts to attract or increase the numbers or distribution of a listed species on their property. Application requirements and issuance criteria for EOS permits through SHAs are found in title 50 of the Code of Federal Regulations at 50 CFR 17.22(c) and 17.32(c).

Applications

Eden Safe Harbor Agreement

We have worked with the Edens to develop an SHA for the creation and enhancement of habitat for the northern spotted owl on two parcels comprising the 242-acre Eden property, Mendocino County, California. The term of the proposed SHA is 40 years. Currently the property supports 143 acres of northern spotted owl nesting/roosting habitat and one northern spotted owl activity center. We anticipate that, under the northern spotted owl habitat creation and enhancement timber management regime proposed in the SHA, approximately 185 acres of nesting/roosting habitat and potentially up to two northern spotted owl activity centers could exist on the property at the end of 40 years.

RPH Comptche Properties LLC Safe Harbor Agreement

We have worked with the applicant to develop an SHA for the creation and enhancement of habitat for the northern spotted owl on the 120-acre RPH Comptche Properties (formerly, Herr et al. Ranch), Mendocino County, California. The term of the proposed SHA is 40 years. Currently the property supports 108 acres of northern spotted owl nesting/roosting habitat, 12 acres of grassland, and one northern spotted owl activity center. We anticipate that, under the northern spotted owl habitat creation and enhancement timber management regime proposed in the SHA, approximately 108 acres of nesting/roosting habitat and potentially as many as two northern spotted owl activity centers could exist on the property at the end of 40 years.

For both the Eden SHA and the RPH Comptche Properties LLC SHA, if more than one northern spotted owl activity center become established on the property, take of northern spotted owls associated with the effects of timber harvest on such additional northern spotted owl activity centers would be authorized under the incidental take permit during the 40-year permit term. At the end of the 40-year SHA and permit term, no further take of northern spotted owls would be allowed unless the SHA and incidental take permit are renewed or extended. The development and maintenance of high-quality functional habitat employing uneven-aged timber management practices in a matrix of private timberland subject to even-aged management regimes will provide a relatively stable habitat condition that we believe will provide high productivity for multiple generations of northern spotted owls. Therefore, the cumulative impact of the SHA and the activities it covers, which are facilitated by the allowable incidental take, are expected to provide a net conservation benefit to the northern spotted owl.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority: We provide this notice under section 10(c) of the ESA and its implementing regulations (50 CFR 17.22 and 17.32) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations for the Department of the Interior (43 CFR part 46).

Daniel Everson,

Field Supervisor, Arcata Fish and Wildlife Office, Arcata, California.

[FR Doc. 2019–03194 Filed 2–22–19; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1073]

Certain Thermoplastic-Encapsulated Electric Motors, Components Thereof, and Products and Vehicles Containing Same II; Notice of Commission Determination To Review a Final Initial Determination in Its Entirety; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding; Extension of the Target Date

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in its entirety the presiding administrative law judge's final initial determination, finding no violation of section 337 of the Tariff Act of 1930, as amended, with respect to U.S. Patent Nos. 7,683,509 and 7,928,348. The Commission has also determined to extend the target date for completion of the above-captioned investigation until April 29, 2019. The Commission requests certain briefing from the parties on certain issues under review, as indicated in this notice. The Commission also requests briefing from the parties and interested persons on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–3438. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on October 11, 2017, based on a complaint filed on September 5, 2017, by Intellectual Ventures II LLC of Bellevue, Washington (''IV''). 82 FR 47250 (Oct. 11, 2017). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,683,509 (''the '509 patent''); 7,928,348 (''the '348 patent''); 7,154,200 (''the '200 patent''); 7,067,944 (''the '944 patent''); and 7,067,952 (''the '952 patent''). The notice of investigation names as respondents Aisin Seiki Co., Ltd. of Aichi, Japan, Aisin Holdings of America, Inc. of Seymour, Indiana, Aisin Technical Center of America, Inc. of Northville, Michigan, and Aisin World Corporation of America of Northville, Michigan (collectively, ''Aisin'' or ''Aisin Seiki''); Bayerische Motoren Werke AG of Munich, Germany, BMW of North America, LLC of Woodcliff Lake, New Jersey, and BMW Manufacturing Co., LLC of Greer, South Carolina (collectively, ''BMW''); Denso Corporation of Aichi, Japan and Denso International America, Inc. of Southfield, Michigan (''collectively, DENSO''); Honda Motor Co., Ltd. of Tokyo, Japan, Honda North America, Inc., of Torrance, California, American Honda Motor Co., Inc. of Torrance, California, Honda of America Mfg., Inc. of Marysville, Ohio, Honda Manufacturing of Alabama, LLC of Lincoln, Alabama, and Honda R&D Americas, Inc. of Torrance, California (collectively, ''Honda''); Mitsuba Corporation of Gunma, Japan and American Mitsuba Corporation of Mount Pleasant, Michigan (collectively, ''Mitsuba''); Nidec Corporation of Kyoto, Japan and Nidec Automotive Motor Americas, LLC of Auburn Hills, Michigan (collectively, ''Nidec''); and Toyota Motor Corporation of Aichi Prefecture, Japan, Toyota Motor North America, Inc. of New York, New York, Toyota Motor Sales, U.S.A., Inc. of Torrance, California, Toyota Motor Engineering & Manufacturing North America, Inc. of Erlanger, Kentucky, Toyota Motor Manufacturing, Indiana, Inc. of Princeton, Indiana, and Toyota Motor Manufacturing, Kentucky, Inc. of Georgetown, Kentucky (collectively, ''Toyota''). The Office of Unfair Import Investigations (''OUII'') was also named a party in this investigation.

The Commission previously terminated the investigation in part with respect to respondents BMW, DENSO, Mitsuba, and Nidec, as well as the '200, '944, and '952 patents. Notice (Apr. 18, 2018) (determining not to review Order No. 22 (Mar. 16, 2018)); Notice (May 4, 2018) (determining not to review Order No. 29 (Apr. 10, 2018)); Notice (May 4, 2018) (determining not to review Order No. 31 (Apr. 16, 2018)); Notice (May 11, 2018) (determining not to review Order No. 33 (Apr. 23, 2018)); Notice (June 19, 2018) (determining not to review Order No. 39 (May 21, 2018)); Notice (Aug. 15, 2018) (determining not to review Order No. 46 (July 19, 2018)); Notice (Aug. 15, 2018) (determining not to review Order No. 47 (July 24, 2018)); Notice (Aug. 27, 2018) (determining not to review Order No. 48 (Aug. 13, 2018)). Thus, the remaining respondents in this investigation are Aisen, Honda, and Toyota (collectively, ''Respondents''), and the remaining asserted patents are the '509 and '348 patents (collectively, the ''asserted patents'').

On November 13, 2018, the presiding administrative law judge (''ALJ'') issued a final initial determination (''ID''), finding no violation of section 337 with respect to the '509 and '348 patents. Specifically, the ID found that the accused products infringe claims 14 and 15 of the '509 patent and do not infringe claims 24–27 of the '348 patent. With respect to both patents, the ID found that IV has not satisfied the technical and economic prongs of the domestic industry requirement nor have Respondents established that any asserted claim is invalid for obviousness.

On November 27, 2018, the ALJ issued a Recommended Determination (''RD'') on remedy, the public interest, and bonding, recommending, should the Commission find a violation: (1) The issuance of a limited exclusion order directed to certain infringing thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing same; (2) the issuance of cease and desist orders against Aisin and Toyota; and (3) imposition of a bond of zero percent for infringing products that are imported during the period of Presidential review.

Also, on November 27, 2018, IV filed a petition for review, and Respondents filed a contingent petition for review, each challenging various findings in the final ID. On December 6, 2018, IV, Respondents, and OUII filed responses to the petitions for review.

On December 14, 2018, Respondents filed a notice that, on December 12, 2018, the Patent Trial and Appeal Board of the U.S. Patent and Trademark Office issued four final written decisions finding that every claim asserted against Respondents in this investigation is unpatentable on invalidity grounds.

On January 30, 2019, the Commission received comments from the public in response to the Commission notice issued on December 4, 2018. 83 FR

62603 (Dec. 4, 2018). On February 1, 2019, the Commission received post-RD public interest comments from IV and Respondents pursuant to Commission Rule 210.50(a)(4).

Having examined the record of this investigation, including the final ID and the parties' submissions, the Commission has determined to review the final ID in its entirety.

The Commission has also determined to extend the target date for completion of the investigation until April 29, 2019.

In connection with its review, the Commission requests responses to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

1. With respect to the ''non-linear heat transfer fluid pathway'' limitation required by the asserted claims of the '509 patent, discuss whether the specification of the '509 patent defines the term ''non-linear'' and whether the term should be construed accordingly. If so, explain the record evidence cited by the parties in briefing to the Commission regarding the process by which the accused element is formed and discuss whether the accused element satisfies the ''non-linear'' term.

2. With respect to the ''monolithic body of injection molded thermoplastic material substantially encapsulating the at least one conductor'' limitation required by the asserted claims of the '348 patent, describe the process by which the accused element encapsulates the conductor and discuss whether that process results in the accused element substantially encapsulating the at least one conductor.

3. With respect to the alleged ''significant and unusual'' circumstances, discuss whether the record indicates that the KickStart pump is finalized, whether the record supports Encap's projected ''explosive growth,'' and whether there are any other ''significant and unusual'' circumstances in the record.

4. In the event the Commission determines to issue a form of remedy, discuss an appropriate exemption period for the repair and replacement of infringing products that are imported before the issuance of a remedial order.

5. In the event the Commission determines to issue a form of remedy, discuss an appropriate transition period for the continued importation of infringing products after the issuance date of a remedial order to allow Respondents to implement and introduce non-infringing alternatives.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue a cease and desist order that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (Dec. 1994), Comm'n Opinion.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist order would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on all of the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant is also requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to state the date that the asserted patents expire and the HTSUS numbers under which the accused products are imported, and provide identification information for all known importers of the subject articles. Initial written submissions and proposed remedial orders must be filed no later than close of business on March 1, 2019. Reply submissions must be filed no later than the close of business on March 8, 2019. No further submissions on these issues will be permitted unless otherwise ordered by the Commission. Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (Inv. No. 337–TA–1073) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary at (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 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,[1] solely for cybersecurity purposes. All nonconfidential written

[1] All contract personnel will sign appropriate nondisclosure agreements.

submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 19, 2019.

Katherine Hiner,

Supervisory Attorney.

[FR Doc. 2019–03182 Filed 2–22–19; 8:45 am]

BILLING CODE 7020–02–P

LEGAL SERVICES CORPORATION

Notice to LSC Grantees of Application Process for Midyear Subgrants of 2019 Basic Field Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Notice of application dates and format for applications for approval of 2019 Basic Field Grant midyear subgrants.

SUMMARY: The Legal Services Corporation (LSC) is the national organization charged with administering Federal funds provided for civil legal services to low-income people. LSC hereby announces the submission dates for applications for subgrants of Basic Field Grant funds starting after March 1, 2019 but before January 1, 2020. LSC is also providing information about where applicants may locate subgrant application forms and directions for providing the information required to apply for a subgrant.

DATES: See **SUPPLEMENTARY INFORMATION** section for application dates.

ADDRESSES: Legal Services Corporation—Office of Compliance and Enforcement, 3333 K Street NW, Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Megan Lacchini, Office of Compliance and Enforcement by email at *lacchinim@lsc.gov,* by phone at (202) 295–1506, or visit the LSC website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

SUPPLEMENTARY INFORMATION: Under 45 CFR part 1627, LSC must publish, on an annual basis, ''notice of the requirements concerning the format and contents of the application annually in the **Federal Register** and on its website.'' 45 CFR 1627.4(b). This Notice and the publication of the Subgrant Application Forms on LSC's website satisfy Section 1627.4(b)'s notice requirement for midyear subgrants of Basic Field Grant funds. Only current or prospective recipients of LSC Basic Field Grants may apply for approval of a subgrant.

Applications for approval to subgrant 2019 Basic Field Grant funds with starting dates between March 1, 2019 and December 31, 2019, must be submitted at least 45 days in advance of the proposed effective date. 45 CFR 1627.4(b)(3).

Subgrant applications must be submitted through LSC Grants at *https://lscgrants.lsc.gov.* Applicants may access the application under the ''Subgrants'' heading on their LSC Grants home page. Applicants may initiate an application by selecting ''Initiate Subgrant Application.'' Applicants must then provide the information requested in the LSC Grants data fields, located in the Subrecipient Profile, Subgrant Summary, and Subrecipient Budget screens, and upload the following documents:

- A draft Subgrant Agreement (with the required terms provided in the Subgrant Application Template); and
- Subgrant Inquiry Form B (for new subgrants) or C (for renewal subgrants).

Applicants seeking to subgrant to an organization that is not a current LSC grantee must also upload:

- The subrecipient's accounting manual (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's most recent audited financial statement (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's most recent Form 990 filed with the IRS (or letter indicating that the subrecipient does not have one and why);
- The subrecipient's current fidelity bond coverage (or letter indicating that the subrecipient does not have one);
- The subrecipient's conflict of interest policy (or letter indicating that the subrecipient does not have one); and
- The subrecipient's whistleblower policy (or letter indicating that the subrecipient does not have one).

LSC's Subgrant Agreement Template and Application Forms B and C are available on LSC's website at *http://www.lsc.gov/grants-grantee-resources/grantee-guidance/how-apply-subgrant.*

LSC encourages applicants to use LSC's Subgrant Agreement Template as a model subgrant agreement. If the applicant does not use LSC's Template, the proposed agreement must include, at a minimum, the substance of the provisions of the Template.

Once submitted, LSC will evaluate the application and provide applicants with instructions on any needed modifications to the information, documents, or Draft Agreement provided with the application. The applicant must then upload a final and signed subgrant agreement through LSC Grants. This can be done by selecting ''Upload Signed Agreement'' to the right of the application ''Status'' under the ''Subgrant'' heading on an applicant's LSC Grants home page.

As required by 45 CFR 1627.4(b)(3), LSC will inform applicants of its decision to disapprove, approve, or request modifications to the subgrant by no later than the subgrant's proposed effective date.

Dated: February 19, 2019.

Stefanie Davis,

Assistant General Counsel.

[FR Doc. 2019–03168 Filed 2–22–19; 8:45 am]

BILLING CODE 7050–01–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 19–CRB–0006–NSR (2021–2025)]

Determination of Rates and Terms for Digital Performance of Sound Recordings by New Subscription Services and Making of Ephemeral Copies To Facilitate Those Performances (NSS IV)

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Notice announcing commencement of proceeding with request for Petitions to Participate.

SUMMARY: The Copyright Royalty Judges (Judges) announce commencement of a proceeding to determine reasonable rates and terms for digital performance of sound recordings by new subscription services and the making of ephemeral recordings to facilitate those performances for the period beginning January 1, 2021, and ending December 31, 2025. The Judges also announce the date by which a party wishing to participate in the rate determination proceeding must file its Petition to Participate and the accompanying $150 filing fee.

DATES: Petitions to Participate and the filing fee are due no later than March 15, 2019.

ADDRESSES: Interested parties must submit petitions to participate and the required filing fee, using docket number 19–CRB–0006–NSR (2021–2025). The CRB accepts all filings through eCRB,

the CRB's electronic filing application, at *https://app.crb.gov/.* Parties without access to the internet may file using any of the following methods:

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE, Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE and D Street NE, Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE, Washington, DC 20559–6000.

Instructions: Parties unable to use eCRB must submit an original, two paper copies, and an electronic version on a CD. All submissions must include the Copyright Royalty Board name and docket number. All submissions received will be posted without change on eCRB including any personal information provided.

Docket: For access to the docket, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at *https://app.crb.gov/* and search for docket number 19–CRB–0006–NSR (2021–2025).

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Specialist, by telephone at (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: Under the Copyright Act, the Copyright Royalty Judges (Judges) must commence a proceeding every five years to determine reasonable rates and terms to license the digital transmission of sound recordings by new subscription services and the making of ephemeral recordings to facilitate those transmissions. *See* 17 U.S.C. 112(e), 114(d)(2), 803(b)(1)(A)(i)(III), 804(b)(3)(A). This notice commences the rate determination proceeding for the license period 2021–2025.

Petitions To Participate

Any party with a significant interest in the outcome of the rate proceeding must file a Petition to Participate in accordance with the Judges' regulations, including all of the information required by 37 CFR 351.1(b)(1). *See* 37 CFR 351.1(b). Parties must pay the $150 filing fee for each Petition to Participate.

The CRB will not accept cash. Parties filing online through eCRB must pay by credit card. Any party without access to the internet must pay the filing fee with a check or money order made payable to the ''Copyright Royalty Board'' and mailed or delivered with its Petition to Participate as described in the **ADDRESSES** section above. If a check is returned for lack of sufficient funds, the corresponding Petition to Participate will be dismissed.

Any participant that is an individual may represent herself or himself. All other participants must be represented by counsel. Only attorneys who are members of the bar in one or more states or the District of Columbia and in good standing will be allowed to represent parties before the Copyright Royalty Judges. *See* 37 CFR 350.2. The Judges will address further procedural matters, including scheduling, after receiving Petitions to Participate.

Dated: February 19, 2019.

Jesse M. Feder,

Chief Copyright Royalty Judge.

[FR Doc. 2019–03153 Filed 2–22–19; 8:45 am]

BILLING CODE 1410–72–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m., Wednesday, March 20, 2019.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW, Washington, DC

STATUS: Hearing open to the Public at 2:00 p.m.

MATTERS TO BE CONSIDERED: This will be a Public Hearing, held in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m. Tuesday, March 5, 2019. The notice must include the individual's name, title, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m. Tuesday, March 5, 2019. Such statement must be typewritten, double spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda, which will be available at the hearing, that identifies speakers, the subject on which each participant will speak, and the time allotted for each presentation.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

Written summaries of the projects to be presented at the March 20, 2019, Board meeting will be posted on OPIC's website.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Catherine F.I. Andrade at (202) 336–8768, via facsimile at (202) 408–0297, or via email at *Catherine.Andrade@opic.gov.*

Dated: February 21, 2019.

Catherine F. I. Andrade,

OPIC Corporate Secretary.

[FR Doc. 2019–03283 Filed 2–21–19; 4:15 pm]

BILLING CODE 3210–01–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service™.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the United States Postal Service® (Postal Service) is revising the notice for Privacy Act System of Records USPS 100.000, General Personnel Records, and USPS 100.400, Personnel Compensation and Payroll Records.

DATES: These revisions will become effective without further notice on March 27, 2019 unless comments received on or before that date result in a contrary determination.

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. As detailed below, the Postal Service has determined that USPS 100.000 General Personnel Records and USPS 100.400 Personnel Compensation and Payroll Records should be revised to modify Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses. The changes are being made to permit disclosure of current and former postal employee records to credit bureaus and prospective employers.

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 these amended systems of records to have any adverse effect on individual privacy rights. The notices for USPS 100.000 General Personnel Records and USPS 100.400 Personnel Compensation and Payroll Records, provided below in their entirety, are as follows:

SYSTEM NAME AND NUMBER

USPS 100.000, General Personnel Records

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

All USPS facilities and personnel offices; Integrated Business Solutions Services Centers; National Personnel Records Center; Human Resources Information Systems; Human Resources Shared Services Center; Headquarters; Computer Operations Service Centers; and contractor sites.

SYSTEM MANAGER(S):

Director, Human Resources, USPS OIG, 1735 N Lynn Street, Arlington, VA 22209–2020, (703) 248–2197.

Vice President, Employee Resource Management, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–4200; (202) 268–3783.

Vice President, Labor Relations, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–4100; (202) 268–7447.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 410, 1001, 1005, and 1206.

PURPOSE(S) OF THE SYSTEM:

1. To perform routine personnel functions.

2. To maintain a source of readily available information on employees for administrative purposes.

3. To administer the grievance and appeal procedure for nonbargaining unit employees.

4. To match a vacant position to the most qualified candidate in bids for preferred assignment.

5. To provide public relations information on USPS management personnel.

6. To provide federal benefit information to retired employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former USPS employees, their family members, and former spouses who apply and qualify for federal employee benefits under public law.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Employee, former employee, and family member information: Name(s), Social Security Number(s), Employee Identification Number, date(s) of birth, place(s) of birth, marital status, postal assignment information, work contact information, home address(es) and phone number(s), personal email address, finance number(s), duty location, and pay location.

2. *Official Personnel Folder (OPF) or eOPF (electronic version):* Records related to appointment support, prior federal civilian employment, postal employment, personnel actions, anniversary dates, retirement, benefits, and compensation.

3. *Automated employee information:* Records generated, approved, and stored by electronic means such as *Notification of Personnel Actions,* health benefit elections, tax withholding changes, and address changes.

4. *Reference copies of all discipline or adverse actions:* Letters of warning; notices of removal, suspension and/or reduction in grade or pay; letters of decisions; and documents relating to these actions. These are used only to refute inaccurate statements by witnesses before a judicial or administrative body. They may not be maintained in the employee's OPF or eOPF but must be maintained in a separate file by Labor Relations.

5. *Nonbargaining unit employee discipline, grievance, and appeals records.*

6. *Job bidding records:* Records related to the employee's bid for a preferred assignment.

7. *Biographical summaries:* Records and photographs used for public relations purposes.

8. *Level 2 supervisors' notes:* Records of discussions, letters of warning, and any other relevant official records being maintained at the supervisor's discretion for the purpose of enabling effective management of personnel. (A level 2 supervisor directly supervises bargaining unit employees.)

9. *Email Addresses:* personal email address(es) for retired employees are retained in a separate database and file from other current and former employee information.

RECORD SOURCE CATEGORIES:

Employees; employees' supervisors; USPS customers; law enforcement agencies; individuals who are personal references; former employers, including other federal agencies; and other systems of records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Standard routine uses 1. through 9. apply. In addition:

a. Job bidding records may be disclosed on official bulletin boards in Postal Service facilities and to supervisory and other managerial organizations recognized by USPS.

b. Records pertaining to financial institutions and to nonfederal insurance carriers and benefits providers elected by an employee may be disclosed for the purposes of salary payment or allotments, eligibility determination, claims, and payment of benefits.

c. Records may be disclosed to the National Labor Relations Board (NLRB) in response to its request for investigative purposes, to the extent that the requested information is relevant and necessary.

d. Disclosure of the employee name and past or present grade, duty station, dates of employment, job title, and salary information may be made to a credit bureau or other commercial firm from which a current or former postal employee is seeking credit.

e. Disclosure of a current or former postal employee's name and past or present grade, duty station, dates of employment, job title, salary information, date and reason for separation may be made to a prospective employer upon request. With respect to former employees, the reason for separation must be limited to one of the following terms: Retired, resigned, or separated.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database, computer storage media, digital files, and paper files. Duplicates of records in the OPF or eOPF and automated employee data may be maintained for localized employee administration or supervision. Records may be filed at offices other than where OPF or eOPF is located, or may be duplicated at a site closer to where the employee works.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

By name, Social Security Number, Employee Identification Number, or duty or pay location.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. Permanent OPF or eOPF records are permanently retained. Temporary OPF or eOPF records are generally retained 2 years and are purged upon the employee's separation from USPS.

2. Except as otherwise provided by a collective bargaining agreement, original or copies of discipline or adverse actions are maintained up to 2 years; or, if an additional or more recent disciplinary action has been taken, for a longer period. After 2 years, or lesser time specified in the decision, the employee may request the disciplinary record be purged from the OPF or eOPF provided no subsequent discipline was issued. Records that support a PS Form 50, *Notification of Personnel Action, e.g.,* the separation of an employee for cause or the resignation of an employee pending charges, are considered permanent records and may not be purged at the request of an employee.

3. Reference copies of discipline or adverse actions. These records are kept for historical purposes and are not to be used for decisions about the employee. The retention of these records may not exceed 10 years beyond the employee's separation date. The records are maintained longer if the employee is rehired during the 10-year period. They may not be maintained in the employee's OPF or eOPF, but must be maintained in a separate file by Labor Relations.

4. Grievance and appeal records of nonbargaining unit employees are retained 7 years.

5. Job bidding records are retained 2 years.

6. Biographical summaries are retained for the duration of employment.

7. Records to provide federal benefit information to retired employees are retained for 10 years. Records may be purged at the request of the retired employee.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, 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. Nonbargaining unit employee discipline, grievance, and appeals records maintained outside the OPF (hard or soft copy) are kept in locked filing cabinets or secured record storage rooms; and related automated records are protected with password security. 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.

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 266.6.

CONTESTING RECORD PROCEDURES:

See Notification Procedures below and Record Access Procedures above.

NOTIFICATION PROCEDURES:

Individuals wanting to know if information about them is maintained in this system must address inquiries to the facility head where currently or last employed. Headquarters employees must submit inquiries to Corporate Personnel Management, 475 L'Enfant Plaza SW, Washington, DC 20260. Inquiries must include full name, Social Security Number or Employee Identification Number, name and address of facility where last employed, and the dates of USPS employment.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Records in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access as permitted by 5 U.S.C. 552a(d)(5). The USPS has also claimed exemption from certain provisions of the Act for several of its other systems of records at 39 CFR 266.9. To the extent that copies of exempted records from those other systems are incorporated into this system, the exemptions applicable to the original primary system continue to apply to the incorporated records.

HISTORY:

January 26, 2018, *83 FR 3777;* July 19, 2013, *78 FR 43247;* February 22, 2013, *78 FR 12368;* June 17, 2011, *76 FR 35483;* April 29, 2005, *70 FR 22516;* December 16, 2002, *67 FR 77086.*

SYSTEM NAME AND NUMBER

USPS 100.400, Personnel Compensation and Payroll Records

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

USPS Area and District Human Resources offices, the Human Resources Shared Services Center, Integrated Business Solutions Services Centers, Computer Operations Services Centers, Accounting Services Centers, other area and district facilities, Headquarters, contractor sites, and all organizational units.

SYSTEM MANAGER(S):

Chief Human Resource Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–4000; (202) 268–2828.

Vice President, Employee Resource Management, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–4200; (202) 268–3783.

Vice President, Controller, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–5200; (202) 268–5521.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409, 410, 1001, 1003, 1004, 1005, and 1206; and 29 U.S.C. 2601 *et seq.*

PURPOSE(S) OF THE SYSTEM:

1. To support all necessary compensation and payroll activities and related management functions.

2. To generate lists of employee information for home mailings, dues membership, and other personnel support functions.

3. To generate retirement eligibility information and analysis of employees in various salary ranges.

4. To administer the purchase of uniforms.

5. To administer monetary awards programs and employee contests.

6. To detect improper payment related to injury compensation claims.

7. To adjudicate employee claims for loss or damage to their personal property in connection with or incident to their postal duties.

8. To process garnishment of employee wages.

9. To support statistical research and reporting.

10. To generate W–2 and 1095–C information for use with external third party tax preparation services at the request of the individual employee.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Current and former USPS employees and postmaster relief/leave replacement employees.

2. Current and former employees' family members, beneficiaries, and former spouses who apply and qualify for benefits.

3. An agent or survivor of an employee who makes a claim for loss or damage to personal property.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. *Employee and family member information:* Name(s), Social Security Number(s), Employee Identification Number, ACE ID, date(s) of birth, postal assignment information, work contact information, home address(es) and phone number(s), finance number(s), occupation code; occupation title; duty location, and pay location.

2. *Compensation and payroll information:* Records related to payroll, annual salary, hourly rate, Rate Schedule Code (RSC) or pay type, payments, deductions, compensation, and benefits; uniform items purchased; proposals and decisions under monetary awards; suggestion programs and contests; injury compensation; monetary claims for personal property loss or damage; and garnishment of wages.

RECORD SOURCE CATEGORIES:

Employees; employees' supervisor or manager; other systems of records; claimants or their survivors or agents who make monetary claims; witnesses; investigative sources; courts; and insurance companies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Standard routine uses 1. through 9. apply. In addition:

a. Records pertaining to financial institutions and to nonfederal insurance carriers and benefits providers elected by an employee may be disclosed for the purposes of salary payment or allotments, eligibility determination, claims, and payment of benefits.

b. Records pertaining to supervisors and postmasters may be disclosed to supervisory and other managerial organizations recognized by USPS.

c. Records pertaining to recipients of monetary awards may be disclosed to the news media when the information is of news interest and consistent with the public's right to know.

d. Disclosure of records about current or former Postal Service employees may be made to requesting states under an approved computer matching program to determine employee participation in, and eligibility under, unemployment insurance programs administered by the states (and by those states to local governments), to improve program integrity, and to collect debts and overpayments owed to those governments and their components.

e. Disclosure of records about current or former Postal Service employees may be made to requesting federal agencies or nonfederal entities under approved computer matching programs to make a determination of employee participation in, and eligibility under, particular benefit programs administered by those agencies or entities or by USPS; to improve program integrity; to collect debts and overpayments owed under those programs and to provide employees with due process rights prior to initiating any salary offset; and to identify those employees who are absent parents owing child support obligations and to collect debts owed as a result.

f. Disclosure of records about current or former Postal Service employees may be made, upon request, to the Department of Defense (DoD) under approved computer matching programs to identify Postal Service employees who are ready reservists for the purposes of updating DoD's listings of ready reservists and to report reserve status information to USPS and the Congress; and to identify retired military employees who are subject to restrictions under the Dual Compensation Act and to take subsequent actions to reduce military retired pay or collect debts and overpayments.

g. Disclosure of records may be made to the Internal Revenue Service under approved computer matching programs to identify current or former Postal Service employees who owe delinquent federal taxes or returns and to collect the unpaid taxes by levy on the salary of those individuals pursuant to Internal Revenue Code; and to make a determination as to the proper reporting of income tax purposes of an employee's wages, expenses, compensation, reimbursement, and taxes withheld and to take corrective action as warranted.

h. Disclosure of the records about current or recently terminated Postal Service employees may be made to the Department of Transportation (DOT) under an approved computer matching program to identify individuals who appear in DOT's National Driver Register Problem Driver Pointer System. The matching results are used only to determine as a general matter whether commercial license suspension information within the pointer system would be beneficial in making selections of USPS motor vehicle and tractor-trailer operator personnel and will not be used for actual selection decisions.

i. Disclosure of records about current or former Postal Service employees may be made to the Department of Health and Human Services under an approved computer matching program for further release to state child support enforcement agencies when needed to locate noncustodial parents, to establish and/or enforce child support obligations, and to locate parents who may be involved in parental kidnapping or child custody cases.

j. Disclosure of records about current or former Postal Service employees may be made to the Department of the Treasury under Treasury Offset Program computer matching to establish the identity of the employee as an individual owing a delinquent debt to another federal agency and to offset the salary of the employee to repay that debt.

k. Disclosure of employment and wage data records about current Postal Service employees may be made to the Bureau of Labor Statistics for use in their Occupational Employment Statistics program for the purpose of developing estimates of the number of jobs in certain occupations, and estimates of the wages paid to them.

l. Disclosure of W–2 and 1095–C tax information records to external third party tax preparation services.

m. Disclosure of the employee name and past or present grade, duty station, dates of employment, job title, and salary information may be made to a credit bureau or other commercial firm from which a current or former postal employee is seeking credit.

n. Disclosure of a current or former postal employee's name and past or present grade, duty station, dates of employment, job title, salary information, date and reason for separation may be made to a prospective employer upon request. With respect to former employees, the reason for separation must be limited to one of the following terms: Retired, resigned, or separated.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database, computer storage media, digital files, and paper files.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

By employee name, Social Security Number, Employee Identification Number, occupation code, occupation title, or duty or pay location.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. Leave application and unauthorized overtime records are retained 3 years. Time and attendance records (other than payroll) and local payroll records are retained 3 years. Automated payroll records are retained 10 years.

2. Uniform allowance case files are retained 3 years; and automated records are retained 6 years.

3. Records of monetary awards with a status that they have been processed, processing failed, cancelled, and reported (Service Award Pins, Retirement Service Awards, Posthumous Service Awards) are retained 7 years, as payroll records would have been affected/processed. Records of award submissions with the status approved, deleted, and/or draft are retained 31 days, as payroll records would not have been affected/processed.

4. Records of employee submitted ideas are maintained for 90 days after being closed.

5. Injury compensation records are retained 5 years. Records resulting in affirmative identifications become part of a research case file, which if research determines applicability, become either part of an investigative case record or a remuneration case record that is retained 2 years beyond the determination.

6. Monetary claims records are retained 3 years.

7. Automated records of garnishment cases are retained 6 months. Records located at a Post Office are retained 3 years.

8. Overtime administrative records are retained for 7 years.

9. Tax preparation records are limited to an employee's previous year's wages, tax documentation and health insurance coverage as required by the Affordable Care Act

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, 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.

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 266.6.

CONTESTING RECORD PROCEDURES:

See Notification Procedures below and Record Access Procedures above.

NOTIFICATION PROCEDURES:

Individuals wanting to know if information about them is maintained in this system must address inquiries to the facility head where currently or last employed. Headquarters employees must submit inquiries to Corporate Personnel Management, 475 L'Enfant Plaza SW, Washington, DC 20260. Inquiries must include full name, Social Security Number or Employee Identification Number, name and address of facility where last employed, and dates of USPS employment.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Records in this system relating to injury compensation that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access as permitted by 5 U.S.C. 552a(d)(5). The USPS has also claimed exemption from certain provisions of the Act for several of its other systems of records at 39 CFR 266.9. To the extent that copies of exempted records from those other systems are incorporated into this system, the exemptions applicable to the original primary system continue to apply to the incorporated records.

HISTORY:

February 23, 2017, *82 FR 11489;* March 2, 2015, *80 FR 11241;* June 17, 2011, *76 FR 35483;* April 29, 2005, *70 FR 22516.*

* * * * *

Brittany M. Johnson,

Attorney, Federal Compliance.

[FR Doc. 2019–03183 Filed 2–22–19; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85166; File No. SR–CboeBZX–2018–077]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the JPMorgan Inflation Managed Bond ETF of the J.P. Morgan Exchange-Traded Fund Trust Under Rule 14.11(i), Managed Fund Shares

February 19, 2019.

I. Introduction

On November 2, 2018, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') 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 list and trade shares (''Shares'') of the JPMorgan Inflation Managed Bond ETF (''Fund'') of the J.P. Morgan Exchange-Traded Fund Trust (''Trust'') under Rule 14.11(i) (''Managed Fund Shares'').

The proposed rule change was published for comment in the **Federal Register** on November 21, 2018.[3] On December 10, 2018, the Exchange filed Amendment No. 1 to the proposed rule change.[4] On December 21, 2018, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 84604 (November 15, 2018), 83 FR 58789 (''Notice'').

[4] In Amendment No. 1, which amended and replaced the proposed rule change in its entirety, the Exchange: (a) Amended the universe of Equity Holdings (as defined herein); (b) stated where intraday price quotations for Bonds (as defined herein) and Equity Holdings that are not exchange-traded could be found; (c) represented that the Equity Holdings held by the Fund that will trade on markets that are a member of Intermarket Surveillance Group (''ISG'') or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement would be the exchange-listed Equity Holdings; and (d) made technical and conforming changes. Because Amendment No. 1 does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues

Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] The Commission has received no comments on the proposal, as modified by Amendment No. 1. This order grants approval of the proposed rule change, as modified by Amendment No. 1.

II. Exchange's Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange proposes to list and trade the Shares of the Fund pursuant to BZX Rule 14.11(i), which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by the Trust, which was established as a Delaware statutory trust.[6] The Fund will be an actively managed exchange-traded fund. J.P Morgan Investment Management, Inc. is the investment adviser (''Adviser'') and the administrator to the Fund. JPMorgan Chase Bank, N.A. is the custodian and transfer agent for the Trust. JPMorgan Distribution Services, Inc. serves as the distributor for the Trust. The Exchange represents the Adviser is not a broker-dealer, but is affiliated with multiple broker-dealers and has implemented and will maintain ''fire walls'' with respect to such broker-dealers regarding access to information concerning the composition of, and/or changes to, the Fund's portfolio. In addition, Adviser personnel who make decisions regarding the Fund's portfolio are subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the Fund's portfolio.[7]

Under the proposal, the Exchange seeks to permit the Fund to hold Inflation Swaps and Other Derivatives, each as defined below, in a manner that may not comply with BZX Rules 14.11(i)(4)(C)(iv)(a),[8] 14.11(i)(4)(C)(iv)(b),[9] and/or 14.11(i)(4)(C)(v),[10] as further described below.[11] Otherwise, the Exchange represents that the Fund will comply with all other listing requirements on an initial and continued listing basis under BZX Rule 14.11(i).

A. Exchange's Description of the Fund's Primary Investments[12]

According to the Exchange, the Fund is designed to protect the total return[13] generated by its fixed income holdings from inflation risk and will seek to maximize inflation protected total return. The Fund seeks to achieve its investment objective by investing, under Normal Market Conditions,[14] at least 80% of its net assets in Bonds,[15] Inflation Hedging Instruments, and Other Derivatives, as defined below.

The Fund will gain exposure to U.S. dollar-denominated bonds primarily through investing directly in Bonds. Up to 10% of the Fund's total assets may be invested in securities rated below investment grade (junk bonds). Junk bonds are rated in the fifth or lower rated categories (for example, BB+ or

under the Act, Amendment No. 1 is not subject to notice and comment. Amendment No. 1 to the proposed rule change is available at: *https://www.sec.gov/comments/SR-cboebzx-2018-077/srcboebzx2018077-4777675-176818.pdf.*

[5] *See* Securities Exchange Act Release No. 84944, 83 FR 67751 (December 31, 2018).

[6] The Exchange represents that the Trust is registered under the Investment Company Act of 1940 (''1940 Act''). *See* Registration Statement on Form N–1A for the Trust, dated July 31, 2018 (File Nos. 333–191837 and 811–22903) (''Registration Statement''). The Exchange further represents that the Trust has obtained certain exemptive relief under the 1940 Act.

[7] *See* BZX Rule 14.11(i)(7). The Exchange further represents that, in the event that (a) the Adviser becomes registered as a broker-dealer or newly affiliated with another 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 such broker-dealer affiliate, as applicable, regarding access to information concerning the composition of, 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.

[8] BZX Rule 14.11(i)(4)(C)(iv)(a) provides that ''there shall be no limitation to the percentage of the portfolio invested in such holdings; provided, however, that in the aggregate, at least 90% of the weight of such holdings invested in futures, exchange-traded options, and listed swaps shall, on both an initial and continuing basis, consist of futures, options, and swaps for which the Exchange may obtain information via the ISG from other members or affiliates of the ISG or for which the principal market is a market with which the Exchange has a comprehensive surveillance sharing agreement, calculated using the aggregate gross notional value of such holdings.'' The Exchange is proposing that the Fund be exempt from this requirement only as it relates to the Fund's holdings in certain credit default swaps, interest rate swaps, and Inflation Swaps, as further described below.

[9] BZX Rule 14.11(i)(4)(C)(iv)(b) provides that ''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).'' The Exchange is proposing that the Fund would meet neither the 65% nor the 30% requirements of BZX Rule 14.11(i)(4)(C)(iv)(b). Specifically, the Exchange is proposing that the Fund be exempt from this requirement as it relates to the Fund's holdings in listed derivatives, which include U.S. Treasury futures, Eurodollar futures, options on U.S. Treasuries and Treasury futures, credit default swaps, and certain Inflation Swaps and interest rate swaps, as further described below, which could constitute as much as 100% of the weight of the portfolio (including gross notional exposures) based on a single underlying reference asset.

[10] BZX Rule 14.11(i)(4)(C)(v) provides that ''the portfolio may, on both an initial and continuing basis, 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 the aggregate gross notional value of OTC derivatives shall not exceed 20% of the weight of the portfolio (including gross notional exposures).'' The Exchange is proposing that the Fund be exempt from this requirement as it relates to the Fund's holdings in OTC derivatives, which could constitute as much as 75% of the weight of the portfolio (including gross notional exposures).

[11] The Adviser notes that the Fund may by virtue of its holdings be issued certain exchange-listed or OTC equity instruments, including common and preferred stock, common stock warrants and rights, and securities issued by real estate investment trusts (collectively, ''Equity Holdings''), that may not meet the requirements of Rule 14.11(i)(4)(C)(i). The Fund will not purchase such instruments and will dispose of such holdings as the Adviser determines is in the best interest of the Fund's shareholders. Equity Holdings will not constitute more than 10% of the Fund's net assets. The Adviser expects that the Fund will generally acquire Equity Holdings through issuances that it receives by virtue of its other holdings, such as corporate actions or convertible securities.

[12] The Commission notes that additional information regarding the Fund, the Trust, and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, calculation of net asset value (''NAV''), distributions, and taxes, among other things, can be found in Amendment No. 1 to the proposed rule change and the Registration Statement, as applicable. *See* Amendment No. 1 and Registration Statement, *supra* notes 4 and 6, respectively.

[13] According to the Exchange, total return includes income and capital appreciation.

[14] As defined in BZX Rule 14.11(i)(3)(E), the term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[15] For purposes of this proposal, the term ''Bond'' includes only the following U.S. dollar denominated instruments issued by the U.S. Government or its agencies and instrumentalities, a domestic or a foreign corporation or a municipality: Corporate bonds, U.S. government and agency debt securities (excluding Treasury Inflation Protected Securities (''TIPS''), which, as described below, may be held by the Fund in order to attempt to mitigate inflation risk), asset-backed securities, and mortgage-related and mortgage-backed securities. Mortgage-related and mortgage-backed securities may be structured as collateralized mortgage obligations (agency and non-agency), stripped mortgage-backed securities (interest-only or principal-only), commercial mortgage-backed securities, mortgage pass-through securities, collateralized mortgage obligations, adjustable rate mortgages, convertible bonds, and zero-coupon obligations. The Exchange notes that the Fund's holdings in Bonds will meet the requirements of BZX Rule 14.11(i)(4)(C)(ii)(a)–(e) related to the fixed income securities portion of the Fund, including the requirement that non-agency, non-GSE, and privately-issued mortgage-related and other asset-backed securities components of a portfolio shall not account, in the aggregate, for more than 20% of the weight of the fixed income portion of the portfolio.

lower by Standard & Poor's Ratings Services and Ba1 or lower by Moody's). The Fund may also use the following instruments to gain exposure to credit or interest rates: Credit default swaps,[16] interest rate swaps,[17] Eurodollar futures, U.S. Treasury futures, options on U.S. Treasury Futures, and options on U.S. Treasuries [18] (collectively, ''Other Derivatives'').

The Fund will attempt to mitigate the inflation risk of the Fund's exposure to Bonds primarily through the use of either over-the-counter (''OTC'') or listed inflation swaps (''Inflation Swaps''),[19] which are managed on an active basis. Additionally, the Fund may also attempt to mitigate inflation risk through investing in TIPS (together with Inflation Swaps, collectively, ''Inflation Hedging Instruments''). The Exchange is proposing to allow the Fund to hold up to 100% of the weight of its portfolio (including gross notional exposure) in Inflation Swaps and Other Derivatives, collectively, in a manner that may not comply with BZX Rules 14.11(i)(4)(C)(iv)(a),[20] 14.11(i)(4)(C)(iv)(b),[21] and/or 14.11(i)(4)(C)(v).[22]

The Fund's investments, including derivatives, will be consistent with the 1940 Act and the Fund's investment objective and policies and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage).[23] That is, while the Fund will be permitted to borrow as permitted under the 1940 Act, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A). The Fund will only use those derivatives included in the defined terms Inflation Swaps and Other Derivatives. The Fund's use of derivative instruments will be collateralized. In addition to the use described above, the Fund will also use derivative holdings for efficient portfolio management, profit and gain for the Fund, interest rate hedging, and managing credit risk.

B. Exchange's Description of the Fund's Other Investments

Under Normal Market Conditions, the Fund may invest up to 20% of its net assets in the following: One or more ETFs,[24] Equity Holdings, money market mutual funds, including affiliated money market mutual funds, bank obligations, convertible securities (including contingent convertible securities), loan assignment and participations, commitments to purchase loan assignments, auction rate securities, commercial paper, custodial receipts, inverse floating rate instruments, non-ETF investment company securities, repurchase and reverse repurchase agreements, short-term funding agreements, structured investments, synthetic variable rate instruments, trust preferred securities, when-issued securities, delayed delivery securities, forward commitments, pay-in-kind securities, and deferred payment securities (collectively, excluding ETFs and Equity Holdings, ''20% OTC Instruments''). The Fund may also engage in securities lending.

C. Exchange's Description of the Application of the Generic Listing Requirements

The Exchange represents that the Shares will meet each of the initial and continued listing criteria in BZX Rule 14.11(i), except that the Fund may not comply with BZX Rules 14.11(i)(4)(C)(iv)(a),[25] 14.11(i)(4)(C)(iv)(b),[26] and 14.11(i)(4)(C)(v).[27] With respect to the requirement in BZX Rule 14.11(i)(4)(C)(iv)(a) that at least 90% of the weight of the listed derivatives portion of the portfolio be in listed derivatives for which the Exchange may obtain information via ISG or for which the principal market is a market with which the Exchange has a comprehensive surveillance sharing agreement, the Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Additionally, the Exchange represents that all of the listed instruments that would not meet this requirement would nevertheless have a primary market that is a swap execution facility that is registered with and under the regulatory oversight of the CFTC.[28]

The Exchange believes that the liquidity in the Treasury futures,[29] Eurodollar futures,[30] and TIPS [31] markets mitigates the concern that BZX Rule 14.11(i)(4)(C)(iv)(b) is intended to address, and that such liquidity would help prevent the Shares from being susceptible to manipulation. Further, the Exchange believes that for listed swaps, including credit default swaps, interest rate swaps, and Inflation Swaps, the price transparency and surveillance performed by the applicable swap execution facility would similarly act to mitigate the risk of manipulation of the Shares. The Exchange also believes that

[16] Credit default swaps held by the Fund will be traded on a U.S. Swap Execution Facility registered with the Commodity Futures Trading Commission (''CFTC''). The Fund may hold up to 10% of its net assets in credit default swaps that are not investment-grade at the time of purchase.

[17] Interest rate swaps held by the Fund may include listed swaps, centrally cleared OTC swaps, or non-cleared OTC swaps. To the extent that the Fund holds listed interest rate swaps, all such listed swaps held by the Fund will be traded on a U.S. Swap Execution Facility registered with the CFTC.

[18] Options on U.S. Treasuries held by the Fund may include listed or OTC options. The Fund will attempt to limit counterparty risk in non-listed and non-cleared OTC options contracts by entering into such contracts only with counterparties the Adviser believes are creditworthy and by limiting the Fund's exposure to each counterparty. The Exchange represents that the Adviser will monitor the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis.

[19] The Fund will attempt to limit counterparty risk in non-listed and non-cleared OTC swap contracts by entering into such contracts only with counterparties the Adviser believes are creditworthy and by limiting the Fund's exposure to each counterparty. The Exchange represents that the Adviser will monitor the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis. To the extent that the Fund holds listed Inflation Swaps, all such listed Inflation Swaps held by the Fund will be traded on a U.S. Swap Execution Facility registered with the CFTC. Inflation Swaps held by the Fund will reference the Consumer Price Index For All Urban Consumers (CPI–U).

[20] *See supra* note 8.

[21] *See supra* note 9.

[22] *See supra* note 10.

[23] The Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of a fund, including a fund's use of derivatives, may give rise to leverage, causing a fund to be more volatile than if it had not been leveraged. The Fund's investments in derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies. To mitigate leveraging risk, the Fund will segregate or earmark liquid assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board and in accordance with the 1940 Act (or, as permitted by applicable regulations, enter into certain offsetting positions) to cover its obligations under derivative instruments.

[24] For purposes of this proposal, the term ''ETF'' includes Portfolio Depositary Receipts, Index Fund Shares, and Managed Fund Shares as defined in BZX Rules 14.11(b), (c), and (i), respectively, and their equivalents on other national securities exchanges.

[25] *See* supra note 8.

[26] *See* supra note 9.

[27] *See* supra note 10.

[28] The Exchange represents that not all CFTC registered swap execution facilities are members or affiliates of members of the ISG.

[29] According to the Exchange, in 2017, there were approximately 744 million Treasury futures contracts traded.

[30] According to the Exchange, in 2017, there were approximately 367 million Eurodollar futures contracts traded.

[31] According to the Exchange, in 2017, there were approximately $17 billion worth of TIPS traded at primary dealers on a daily basis.

the size of the inflation swaps market,[32] which would include all of the Inflation Swaps that the Fund intends to invest in, would also mitigate manipulation concerns relating to both listed and OTC Inflation Swaps held by the Fund.[33]

As it relates to BZX Rule 14.11(i)(4)(C)(v), which provides that the notional value of OTC derivatives shall not exceed 20% of the weight of the portfolio (including gross notional exposures), in an effort to minimize exposure to potentially illiquid and manipulable derivatives contracts, the Exchange notes that the inflation swaps market, which would include all of the listed and OTC Inflation Swaps that the Fund intends to invest in, is large and liquid, which the Exchange believes further mitigates the concerns which BZX Rule 14.11(i)(4)(C)(v) is intended to address. The Exchange also notes that the Fund will attempt to limit counterparty risk in non-cleared OTC swap contracts, OTC Inflation Swaps, and interest rate swaps, by entering into such contracts only with counterparties the Adviser believes are creditworthy and by limiting the Fund's exposure to each counterparty. The Exchange also notes that the Adviser will monitor the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis. Further, the Exchange notes that notional principal never changes hands in such swaps transactions, and it is a theoretical value used to base the exchanged payments. The Exchange believes that a more accurate representation of the swaps value in order to monitor total counterparty risk would be the mark-to market value of the swap since inception, which the Adviser generally expects to remain below 15% of the Fund's net assets.

The Exchange represents that, except for the exceptions to BZX Rule 14.11(i)(4)(C) as described above, the Fund's proposed investments will satisfy, on an initial and continued listing basis, all of the generic listing standards under BZX Rule 14.11(i)(4)(C) and all other applicable requirements for Managed Fund Shares under BZX Rule 14.11(i). The Trust is required to comply with Rule 10A–3 under the Act for the initial and continued listing of the Shares of the Fund. In addition, the Exchange represents that the Shares of the Fund will comply with all other requirements applicable to Managed Fund Shares including, but not limited to, requirements relating to the dissemination of key information such as the Disclosed Portfolio, NAV, and the intraday indicative value (''IIV''), rules governing the trading of equity securities, trading hours, trading halts, surveillance, firewalls, and the information circular, as set forth in Exchange rules applicable to Managed Fund Shares and the orders approving such rules. According to the Exchange, at least 100,000 Shares will be outstanding upon the commencement of trading.

The Exchange further represents that all of the ETFs, exchange-listed Equity Holdings, futures contracts, and listed options contracts held by the Fund will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[34] Additionally, the Exchange or the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, is able to access as needed trade information for certain fixed income instruments reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'') and municipal securities reported to the Municipal Securities Rulemaking Board's (''MSRB'') Electronic Municipal Market Access system. FINRA may also access data obtained from the MSRB relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares.

III. Discussion and Commission's Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares, as modified by Amendment No. 1, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[35] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,[36] which requires, among other things, that the Exchange's rules be 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.

As noted above, the Fund may hold up to 100% Inflation Swaps and Other Derivatives [37] in a manner that may not comply with the generic listing requirements in Rules 14.11(i)(4)(C)(iv)(a), 14.11(i)(4)(C)(iv)(b), and 14.11(i)(4)(C)(v).[38] The Exchange states that the Fund will only use those derivatives included in the defined term Inflation Hedging Instruments and Other Derivatives in order to attempt to mitigate the inflation risk of the U.S. dollar-denominated bonds to which the Fund will have exposure. The Exchange states that the Fund's use of derivative instruments will be collateralized. In addition, the Exchange represents that the Shares of the Fund will comply with all other requirements applicable to Managed Fund Shares including, but not limited to, requirements relating to the dissemination of key information such as the Disclosed Portfolio, NAV, IIV, rules governing the trading of equity securities, trading hours, trading halts, surveillance, firewalls, and the information circular.

The Exchange states that the Fund's Inflation Swaps and Other Derivatives will not meet the generic listing requirement that at least 90% of the weight of the listed derivatives portion of the portfolio be in listed derivatives for which the Exchange may obtain information via ISG from other members or affiliates of the ISG or for which the principal market is a market with which the Exchange has a comprehensive

[32] For purposes of this discussion, the term ''inflation swaps market'' means any swap contract that references either a measure of inflation, an inflation index, or an instrument designed to transfer inflation risk from one party to another.

[33] According to publicly available numbers from LCH. Clearnet Limited, which clears both listed and OTC swaps, as of October 26, 2018, there had been approximately $637 billion in U.S. dollar-denominated inflation swaps traded year-to-date, which would include the Inflation Swaps that the Fund intends to invest in, cleared through their platform alone.

[34] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[35] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[36] 15 U.S.C. 78f(b)(5).

[37] The Exchange states that the Fund's investments, including derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies. To mitigate leveraging risk, the Fund will segregate or earmark liquid assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board and in accordance with the 1940 Act to cover its obligations under derivative instruments.

[38] The Commission notes that it has previously approved other proposals to list and trade series of Managed Fund Shares based on a portfolio containing securities and instruments substantially similar to Bonds, Inflation Hedging Instruments, and Other Derivatives. *See, e.g.,* Securities Exchange Act Release Nos. 76719 (December 21, 2015), 80 FR 80859 (December 28, 2015) (NYSEArca–2015–73) (order approving listing and trading of the Guggenheim Total Return ETF) and 77522 (April 5, 2016), 81 FR 21420 (April 11, 2016) (NYSEArca–2015–125) (order approving listing and trading of the RiverFront Dynamic Unconstrained Income ETF and RiverFront Dynamic Core Income ETF).

surveillance sharing agreement. The Exchange represents that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. The Exchange also represents that all of the listed instruments that would not meet this requirement would nevertheless have a primary market that is a swap execution facility that is registered with and under the regulatory oversight of the CFTC.[39]

The Exchange states that the Fund's investments in Inflation Swaps and Other Derivatives will not meet the generic listing requirement that 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 and that the aggregate gross notional value of listed derivatives based on any single underlying reference asset not exceed 30% of the weight of the portfolio. The Exchange states that it believes the liquidity in the Treasury futures, Eurodollar futures, and TIPS markets mitigates manipulation concerns. The Exchange further believes that for listed swaps, including credit default swaps, interest rate swaps, and Inflation Swaps, the price transparency and surveillance performed by the applicable swap execution facility would similarly act to mitigate the risk of manipulation of the Shares. The Exchange also states that it believes that the size of the inflation swaps market, which would include all of the Inflation Swaps that the Fund intends to invest in, also mitigates manipulation concerns relating to both listed and OTC Inflation Swaps held by the Fund.

The Exchange states that the Fund's holdings in OTC derivatives will exceed 20% of the weight of the portfolio and, therefore, not meet the generic listing requirements. The Exchange states that the Fund will attempt to limit counterparty risk in non-cleared OTC swaps and OTC Inflation Swaps and interest rate swaps by entering into such contracts only with counterparties the Adviser believes are creditworthy and by limiting the Fund's exposure to each counterparty, and that the Adviser will monitor the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis. The Exchange states that the inflation swaps market, which would include all of the listed and OTC Inflation Swaps that the Fund intends to invest in, is large and liquid, which the Exchange believes mitigates the concerns the 20% limitation is intended to address.

The Commission also finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act[40] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. The Exchange represents that the intra-day, closing and settlement prices of exchange-traded portfolio assets, including exchange-listed Equity Holdings, ETFs, options, and futures, will be readily available from the securities exchanges and futures exchanges trading such securities and futures, as the case may be, automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Intraday price quotations on both listed and OTC swaps, TIPS, 20% OTC Instruments, Bonds, Equity Holdings that are not exchange-listed, and fixed income instruments are available from major broker-dealer firms and from third-parties, which may provide prices free with a time delay or in real-time for a paid fee. Trade price and other information relating to municipal securities is available through the MSRB.

In addition, the Disclosed Portfolio will be available on the issuer's website free of charge. The Fund's website includes a form of the prospectus for the Fund and additional information related to NAV and other applicable quantitative information. Information regarding market price and trading volume of the Shares will be continuously available throughout the day on brokers' computer screens and other electronic services. Quotation and last-sale information on the Shares will be available through the Consolidated Tape Association. Information regarding the previous day's closing price and trading volume for the Shares will be published daily in the financial section of newspapers. Quotation and last-sale information for listed options contracts cleared by the Options Clearing Corporation will be available via the Options Price Reporting Authority. Further, trading in the Shares may be halted for market conditions or for reasons that, in the view of the Exchange, make trading inadvisable. 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. The Exchange represents that it has appropriate rules to facilitate trading in the Shares during all trading sessions.

The Exchange has made the following representations in support of its proposal:

(1) Other than BZX Rules 14.11(i)(4)(C)(iv)(a), 14.11(i)(4)(C)(iv)(b), and 14.11(i)(4)(C)(v), the Fund will comply with all other requirements on an initial and continued listing basis for Managed Fund Shares under BZX Rule 14.11(i), including those requirements regarding the Disclosed Portfolio and the requirement that the Disclosed Portfolio and the NAV will be made available to all market participants at the same time,[41] IIV,[42] suspension of trading or removal,[43] trading halts,[44] disclosure,[45] and firewalls.[46]

(2) Trading of the Shares on the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Managed Fund Shares, and these procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws.

(3) All of the ETFs, exchange-listed Equity Holdings, futures contracts, and listed options contracts held by the Fund will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. Additionally, the Exchange or FINRA, on behalf of the Exchange, are able to access, as needed, trade information for certain fixed income instruments reported to FINRA's TRACE and municipal securities reported to the MSRB's Electronic Municipal Market Access system. FINRA also can access data obtained from the MSRB relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares. The Exchange has a policy prohibiting the distribution of material, non-public information by its employees.

(4) Certain of the listed Inflation Swaps, listed credit default swaps, and listed interest rate swaps held by the Fund will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange, FINRA, on behalf of the Exchange, or both will communicate regarding trading in the Shares and in certain of the listed Inflation Swaps, credit default swaps, and listed interest rate swaps held by the Fund with the ISG, other markets or entities who are members or affiliates of the ISG, or with

[39] *See supra* note 28.

[40] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[41] *See* BZX Rules 14.11(i)(4)(A)(ii) and 14.11(i)(4)(B)(ii).

[42] *See* BZX Rule 14.11(i)(4)(B)(i).

[43] *See* BZX Rule 14.11(i)(4)(B)(iii).

[44] *See* BZX Rule 14.11(i)(4)(B)(iv).

[45] *See* BZX Rule 14.11(i)(6).

[46] *See* BZX Rule 14.11(i)(7).

which the Exchange has entered into a comprehensive surveillance sharing agreement.

(5) Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) BZX Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (c) how information regarding the IIV and the Disclosed Portfolio is disseminated; (d) the risks involved in trading the Shares during the Pre-Opening [47] and After Hours Trading Sessions [48] when an updated IIV will not be calculated or publicly disseminated; (e) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(6) The Fund's investments, including derivatives, will be consistent with the 1940 Act and the Fund's investment objective and policies and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage).[49]

(7) The Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).

(8) Credit default swaps held by the Fund will be traded on a U.S. Swap Execution Facility registered with the CFTC. At least 90% of the Fund's net assets in credit default swaps will be investment-grade at the time of purchase.

(9) To the extent that the Fund holds listed Inflation Swaps or interest rate swaps, all such listed Inflation Swaps and listed interest rate swaps held by the Fund will be traded on a U.S. Swap Execution Facility registered with the CFTC.

(10) The Trust is required to comply with Rule 10A–3 under the Act [50] for the initial and continued listing of the Shares of the Fund, and at least 100,000 Shares will be outstanding upon the commencement of trading.

The Exchange represents that all statements and representations made in this filing regarding the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values, and the applicability of Exchange rules specified in this filing shall constitute continued listing requirements for the Fund. In addition, the issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under BZX Rule 14.12.

This approval order is based on all of the Exchange's representations and descriptions of the Shares and the Fund, including those set forth above and in Amendment No. 1 to the proposed rule change. Except as described herein, the Commission notes that the Shares must comply with all applicable requirements of BZX Rule 14.11(i) to be listed and traded on the Exchange on an initial and continuing basis.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 11A(a)(1)(C)(iii) of the Act [51] and Section 6(b)(5) of the Act [52] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[53] that the proposed rule change (SR–CboeBZX–2018–077), as modified by Amendment No. 1, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[54]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03175 Filed 2–22–19; 8:45 am]

BILLING CODE 8011–01–P

[47] The Pre-Opening Session is from 8:00 a.m. to 9:30 a.m. Eastern Time.

[48] The After Hours Trading Session is from 4:00 p.m. to 5:00 p.m. Eastern Time.

[49] *See supra* note 23.

[50] *See* 17 CFR 240.10A–3.

[51] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[52] 15 U.S.C. 78f(b)(5).

[53] 15 U.S.C. 78s(b)(2).

[54] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33377; 812–14850]

CM Finance Inc, et al.

February 19, 2019.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act permitting certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and under rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain closed-end management investment companies to co-invest in portfolio companies with each other and with affiliated investment funds.

APPLICANTS: CM Finance Inc (''CMFN''), CM Credit Opportunities BDC I Inc. (''CM Credit'' and together with CMFN, the ''Existing Regulated Funds''), CM Investment Partners LLC (''CM Adviser'') on behalf of itself and its successors,[1] CM Credit Opportunity Fund I LLC (the ''Existing Affiliated Fund''), and CM Finance SPV Ltd. (''CM SPV''), a Wholly-Owned Investment Sub (defined below) of CMFN.

FILING DATES: The application was filed on December 13, 2017, and amended on April 30, 2018 and October 25, 2018.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 18, 2019, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F St. NE, Washington, DC 20549–1090. Applicants: 601 Lexington Avenue, 26th Floor, New York, NY 10022.

FOR FURTHER INFORMATION CONTACT: Laura L. Solomon, Senior Counsel, at (202) 551–6915 or David J. Marcinkus, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's

[1] The term ''successor,'' as applied to each Adviser (as defined below), means an entity that results from a reorganization into another jurisdiction or change in the type of business organization.

website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. CMFN is a Maryland corporation organized as a closed-end management investment company that has elected to be regulated as a business development company (''BDC'') under section 54(a) of the Act.[2] The Objectives and Strategies [3] of CMFN are to maximize total return by investing primarily in privately held middle-market companies. The board of directors of CMFN (the ''CMFN Board'') [4] is comprised of six directors, four of whom are not ''interested persons,'' within the meaning of section 2(a)(19) of the Act (''Non-Interested Directors'').

2. CM Credit is a Maryland corporation and will be structured as a closed-end management investment company that intends to file an election to be regulated as a BDC under section 54(a) of the Act. CM Credit's Objectives and Strategies are to generate current income and capital appreciation by investing primarily in middle-market companies and leveraged companies. The board of directors of CM Credit (the ''CM Credit Board'') will be comprised of a majority of Non-Interested Directors.

3. The Existing Affiliated Fund is a Delaware limited liability company with the investment objective to seek current income and capital appreciation by investing primarily in middle-market companies. The Existing Affiliated Fund would be an investment company but for the exclusion from the definition of investment company provided by section 3(c)(7) of the Act.

4. CM Adviser is a Delaware limited liability company and is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). CM Adviser serves as the investment adviser to CMFN and will serve as the investment adviser to CM Credit and the Existing Affiliated Fund.

5. Applicants seek an order (''Order'') to permit one or more Regulated Funds [5] and/or one or more Affiliated Funds [6] to participate in the same investment opportunities through a proposed co-investment program (the ''Co-Investment Program'') where such participation would otherwise be prohibited under section 57(a)(4) and rule 17d–1 by (a) co-investing with each other in securities issued by issuers in private placement transactions in which an Adviser negotiates terms in addition to price [7] and (b) making additional investments in securities of such issuers, including through the exercise of warrants, conversion privileges, and other rights to purchase securities of the issuers (''Follow-On Investments''). ''Co-Investment Transaction'' means any transaction in which a Regulated Fund (or its Wholly-Owned Investment Sub, as defined below) participated together with one or more other Regulated Funds and/or one or more Affiliated Funds in reliance on the requested Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub) could not participate together with one or more Affiliated Funds and/or one or more other Regulated Funds without obtaining and relying on the Order.[8]

6. Applicants state any of the Regulated Funds may, from time to time, form one or more Wholly-Owned Investment Subs.[9] A Wholly-Owned Investment Sub would be prohibited from investing in a Co-Investment Transaction with any Affiliated Fund or Regulated Fund because it would be a company controlled by its parent Regulated Fund for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of its parent Regulated Fund and that the Wholly-Owned Investment Sub's participation in any such transaction be treated, for purposes of the requested order, as though the parent Regulated Fund were participating directly.[10] Applicants represent that this treatment is justified because a Wholly-Owned Investment Sub would have no purpose other than serving as a holding vehicle for the Regulated Fund's investments and, therefore, no conflicts of interest could arise between the Regulated Fund and the Wholly-Owned Investment Sub. The Regulated Fund's Board would make all relevant determinations under the conditions with regard to a Wholly-Owned Investment Sub's participation in a Co-Investment Transaction, and the Regulated Fund's Board would be informed of, and take into consideration, any proposed use of a Wholly-Owned Investment Sub in the Regulated Fund's place. If the Regulated Fund proposes to participate in the same Co-Investment Transaction with any of its Wholly-Owned Investment Subs, the Board will also be informed of, and take into consideration, the relative participation of the Regulated Fund and the Wholly-Owned Investment Sub.

7. When considering Potential Co-Investment Transactions for any Regulated Fund, the applicable Adviser will consider only the Objectives and Strategies, investment policies, investment positions, capital available

[2] Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

[3] ''Objectives and Strategies'' means the investment objectives and strategies of a Regulated Fund (as defined below), as described in the Regulated Fund's registration statement on Form N–2, other filings the Regulated Fund has made with the Commission under the Securities Act of 1933 (the ''Securities Act''), or under the Securities Exchange Act of 1934, and the Regulated Fund's reports to shareholders.

[4] The term ''Board'' refers to the board of directors or trustees of any Regulated Fund.

[5] ''Regulated Fund'' means any of the Existing Regulated Funds and any Future Regulated Fund. ''Future Regulated Fund'' means any closed-end management investment company (a) that is registered under the Act or has elected to be regulated as BDC, (b) whose investment adviser is an Adviser, and (c) that intends to participate in the Co-Investment Program. The term ''Adviser'' means (a) CM Adviser and (b) any future investment adviser that controls, is controlled by or is under common control with CM Adviser and is registered as an investment adviser under the Advisers Act.

[6] ''Affiliated Fund'' means the Existing Affiliated Fund and any Future Affiliated Fund. ''Future Affiliated Fund'' means any entity (a) whose investment adviser is an Adviser, (b) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act, and (c) that intends to participate in the Co-Investment Program.

[7] The term ''private placement transactions'' means transactions in which the offer and sale of securities by the issuer are exempt from registration under the Securities Act.

[8] All existing entities that currently intend to rely upon the requested Order have been named as applicants. Any other existing or future entity that subsequently relies on the Order will comply with the terms and conditions of the application.

[9] The term ''Wholly-Owned Investment Sub'' means an entity (a) that is wholly-owned by a Regulated Fund (with the Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (b) whose sole business purpose is to hold one or more investments on behalf of the Regulated Fund (and in the case of a SBIC Subsidiary (as defined below) maintain a license under the SBA Act (as defined below) and issue debentures guaranteed by the SBA (as defined below); (c) with respect to which the Regulated Fund's Board has the sole authority to make all determinations with respect to the Wholly-Owned Investment Sub's participation under the conditions of the application; and (d) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. ''SBIC Subsidiary'' means a Wholly-Owned Investment Sub that is licensed by the Small Business Administration (''SBA'') to operate under the Small Business Investment Act of 1958 (the ''SBA Act'') as a small business investment company.

[10] All subsidiaries of the Regulated Funds participating in Co-Investment Transactions will be Wholly-Owned Investment Subs and will have Objectives and Strategies that are either the same as, or a subset of, the Regulated Fund's Objectives and Strategies.

for investment (''Available Capital''),[11] and other pertinent factors applicable to that Regulated Fund. The Board of each Regulated Fund, including the Non-Interested Directors, has (or will have prior to relying on the requested Order) determined that it is in the best interests of the Regulated Fund to participate in Co-Investment Transactions.[12]

8. Other than pro rata dispositions and Follow-On Investments as provided in conditions 7 and 8, and after making the determinations required in conditions 1 and 2(a), the Adviser will present each Potential Co-Investment Transaction and the proposed allocation to the directors of the Board eligible to vote under section 57(o) of the Act (''Eligible Directors''), and the ''required majority,'' as defined in section 57(o) of the Act (''Required Majority'')[13] will approve each Co-Investment Transaction prior to any investment by the participating Regulated Fund.

9. With respect to the pro rata dispositions and Follow-On Investments provided in conditions 7 and 8, a Regulated Fund may participate in a pro rata disposition or Follow-On Investment without obtaining prior approval of the Required Majority if, among other things: (i) The proposed participation of each Regulated Fund and Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition or Follow-On Investment, as the case may be; and (ii) the Board of the Regulated Fund has approved that Regulated Fund's participation in pro rata dispositions and Follow-On Investments as being in the best interests of the Regulated Fund. If the Board does not so approve, any such disposition or Follow-On Investment will be submitted to the Regulated Fund's Eligible Directors. The Board of any Regulated Fund may at any time rescind, suspend or qualify its approval of pro rata dispositions and Follow-On Investments with the result that all dispositions and/or Follow-On Investments must be submitted to the Eligible Directors.

10. No Non-Interested Director of a Regulated Fund will have a financial interest in any Co-Investment Transaction, other than through share ownership in one of the Regulated Funds.

11. If the Advisers, the principal owners of any of the Advisers (the ''Principals''), or any person controlling, controlled by, or under common control with the Advisers or the Principals, and the Affiliated Funds (collectively, the ''Holders'') own in the aggregate more than 25 percent of the outstanding voting shares of a Regulated Fund (the ''Shares''), then the Holders will vote such Shares as required under condition 14. Applicants believe that this condition will ensure that the Non-Interested Directors will act independently in evaluating the Co-Investment Program, because the ability of the Advisers or the Principals to influence the Non-Interested Directors by a suggestion, explicit or implied, that the Non-Interested Directors can be removed will be limited significantly. The Non-Interested Directors will evaluate and approve any such independent party, taking into account its qualifications, reputation for independence, cost to the shareholders, and other factors that they deem relevant.

12. Prior to the filing of the application, certain funds managed by Cyrus Capital Partners, L.P. (the ''Cyrus Funds'') may have engaged in transactions with CMFN without obtaining an order under rule 17d–1 under the Act (the ''Prior Transactions''). At the time of the Prior Transactions, the Cyrus Funds were affiliated persons of CMFN and CM Adviser, and the Cyrus Funds may have been deemed to indirectly control CMFN. Mr. Mauer, Mr. Jansen, and Stifel Venture Corp. (collectively with Messrs. Mauer and Jansen and the Cyrus Funds, the ''Affiliated Parties'') are also affiliated persons of CMFN and CM Adviser. The Order, if granted, would not provide relief for the Prior Transactions. Further, the Order, if granted, would not provide relief for the Affiliated Parties to engage in Co-Investment Transactions.

Applicants' Legal Analysis

1. Section 57(a)(4) of the Act prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC or a company controlled by a BDC in contravention of rules as prescribed by the Commission. Under section 57(b)(2) of the Act, any person who is directly or indirectly controlling, controlled by, or under common control with a BDC is subject to section 57(a)(4). Applicants submit that each of the Regulated Funds and Affiliated Funds could be deemed to be a person related to each Regulated Fund in a manner described by section 57(b) by virtue of being under common control. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d–1 also applies to joint transactions with Regulated Funds that are BDCs. Section 17(d) of the Act and rule 17d–1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Section 17(d) of the Act and rule 17d–1 under the Act prohibit affiliated persons of a registered investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

3. Applicants state that in the absence of the requested relief, the Regulated Funds would be, in some circumstances, limited in their ability to participate in attractive and appropriate investment opportunities. Applicants believe that the proposed terms and conditions will ensure that the Co-Investment Transactions are consistent with the protection of each Regulated Fund's shareholders and with the purposes intended by the policies and provisions of the Act. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions will be consistent with the provisions, policies, and purposes of the Act and on a basis that is not different from or less advantageous than that of other participants.

Applicants' Conditions

Applicants agree that the Order will be subject to the following conditions:

1. Each time an Adviser considers a Potential Co-Investment Transaction for an Affiliated Fund or another Regulated Fund that falls within a Regulated Fund's then-current Objectives and Strategies, the Regulated Fund's Adviser will make an independent

[11] The amount of each Regulated Fund's Available Capital will be determined based on the amount of cash on hand, existing commitments and reserves, if any, the targeted leverage level, targeted asset mix and other investment policies and restrictions set from time to time by the Board of the applicable Regulated Fund or imposed by applicable laws, rules, regulations or interpretations.

[12] The Regulated Funds, however, will not be obligated to invest, or co-invest, when investment opportunities are referred to them.

[13] In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to section 57(o).

determination of the appropriateness of the investment for such Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. (a) If the Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the applicable Adviser to be invested by the applicable Regulated Fund in the Potential Co-Investment Transaction, together with the amount proposed to be invested by the other participating Regulated Funds and Affiliated Funds, collectively, in the same transaction, exceeds the amount of the investment opportunity, the investment opportunity will be allocated among them pro rata based on each participant's Available Capital, up to the amount proposed to be invested by each. The applicable Adviser will provide the Eligible Directors of each participating Regulated Fund with information concerning each participating party's Available Capital to assist the Eligible Directors with their review of the Regulated Fund's investments for compliance with these allocation procedures.

(c) After making the determinations required in conditions 1 and 2(a), the applicable Adviser will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and Affiliated Fund) to the Eligible Directors of each participating Regulated Fund for their consideration. A Regulated Fund will co-invest with one or more other Regulated Funds and/or one or more Affiliated Funds only if, prior to the Regulated Fund's participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its shareholders and do not involve overreaching in respect of the Regulated Fund or its shareholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(A) The interests of the shareholders of the Regulated Fund; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Funds or Affiliated Funds would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from or less advantageous than that of other Regulated Funds or Affiliated Funds; provided that, if any other Regulated Fund or Affiliated Fund, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit the Required Majority from reaching the conclusions required by this condition (2)(c)(iii), if:

(A) The Eligible Directors will have the right to ratify the selection of such director or board observer, if any;

(B) the applicable Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(C) any fees or other compensation that any Affiliated Fund or any Regulated Fund or any affiliated person of any Affiliated Fund or any Regulated Fund receives in connection with the right of the Affiliated Fund or a Regulated Fund to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Affiliated Funds (who each may, in turn, share its portion with its affiliated persons) and the participating Regulated Funds in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Regulated Fund will not benefit the Advisers, the Affiliated Funds or the other Regulated Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by condition 13, (B) to the extent permitted by section 17(e) or 57(k) of the Act, as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in condition 2(c)(iii)(C).

3. Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The applicable Adviser will present to the Board of each Regulated Fund, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or Affiliated Funds during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies that were not made available to the Regulated Fund, and an explanation of why the investment opportunities were not offered to the Regulated Fund. All information presented to the Board pursuant to this condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made in accordance with condition 8,[14] a Regulated Fund will not invest in reliance on the Order in any issuer in which another Regulated Fund, Affiliated Fund, or any affiliated person of another Regulated Fund or Affiliated Fund is an existing investor.

6. A Regulated Fund will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for each participating Regulated Fund and Affiliated Fund. The grant to an Affiliated Fund or another Regulated Fund, but not the Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. (a) If any Affiliated Fund or any Regulated Fund elects to sell, exchange or otherwise dispose of an interest in a security that was acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by each Regulated Fund in the disposition.

(b) Each Regulated Fund will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the participating Affiliated Funds and Regulated Funds.

(c) A Regulated Fund may participate in such disposition without obtaining

[14] This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Board of the Regulated Fund is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(d) Each Affiliated Fund and each Regulated Fund will bear its own expenses in connection with any such disposition.

8. (a) If any Affiliated Fund or any Regulated Fund desires to make a Follow-On Investment in a portfolio company whose securities were acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed transaction at the earliest practical time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed Follow-On Investment, by each Regulated Fund.

(b) A Regulated Fund may participate in such Follow-On Investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer immediately preceding the Follow-On Investment; and (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application). In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(c) If, with respect to any Follow-On Investment:

(i) The amount of the opportunity is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the applicable Adviser to be invested by the applicable Regulated Fund in the Follow-On Investment, together with the amount proposed to be invested by the other participating Regulated Funds and Affiliated Funds, collectively, in the same transaction, exceeds the amount of the investment opportunity; then the investment opportunity will be allocated among them pro rata based on each participant's Available Capital, up to the maximum amount proposed to be invested by each.

(d) The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and subject to the other conditions set forth in this application.

9. The Non-Interested Directors of each Regulated Fund will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds or Affiliated Funds that the Regulated Fund considered but declined to participate in, so that the Non-Interested Directors may determine whether all investments made during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the conditions of the Order. In addition, the Non-Interested Directors will consider at least annually the continued appropriateness for the Regulated Fund of participating in new and existing Co-Investment Transactions.

10. Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these conditions were approved by the Required Majority under section 57(f) of the Act.

11. No Non-Interested Director of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise an ''affiliated person'' (as defined in the Act) of an Affiliated Fund.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) will, to the extent not payable by the Advisers under their respective investment advisory agreements with Affiliated Funds and the Regulated Funds, be shared by the Regulated Funds and the Affiliated Funds in proportion to the relative amounts of the securities held or to be acquired or disposed of, as the case may be.

13. Any transaction fee (including break-up or commitment fees but excluding broker's fees contemplated by section 17(e) or 57(k) of the Act, as applicable), received in connection with a Co-Investment Transaction will be distributed to the participating Regulated Funds and Affiliated Funds on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by such Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided pro rata among the participating Regulated Funds and Affiliated Funds based on the amounts they invest in such Co-Investment Transaction. None of the Affiliated Funds, the Advisers, the other Regulated Funds or any affiliated person of the Regulated Funds or Affiliated Funds will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Regulated Funds and the Affiliated Funds, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C); and (b) in the case of an Adviser, investment advisory fees paid in accordance with the agreement between the Adviser and the Regulated Fund or Affiliated Fund.

14. If the Holders own in the aggregate more than 25% of the Shares of a Regulated Fund, then the Holders will vote such Shares (i) as directed by an independent third party, or (ii) in the same percentages as the Regulated Fund's other shareholders (not including the Holders) when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable state law affecting the Board's composition, size or manner of election.

15. Each Regulated Fund's chief compliance officer, as defined in rule 38a–1(a)(4) under the Act, will prepare an annual report for its Board that

evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and conditions of the application and the procedures established to achieve such compliance.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03138 Filed 2–22–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85164; File No. SR–EMERALD–2019–03]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 519, MIAX Emerald Order Monitor

February 19, 2019.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 11, 2019, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 519, MIAX Emerald Order Monitor, in order to harmonize its rule to the rules of the Exchange's affiliate, MIAX PEARL, LLC (''MIAX PEARL'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald,* at MIAX Emerald's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 519, MIAX Emerald Order Monitor, to align its behavior pertaining to the handling of limit orders to buy and limit orders to sell to that of MIAX PEARL.

Current Functionality

In order to avoid the occurrence of potential obvious or catastrophic errors on the Exchange the MIAX Emerald Order Monitor will prevent certain orders from executing or being placed on the Book at prices outside pre-set standard limits. Beginning after the Opening Process is complete, the MIAX Emerald Order Monitor will be operational each trading day until the close of trading.

Paragraph (3), Limit Orders to Buy or Sell, of the Rule, states that the System will reject an incoming limit order that crosses the contra-side NBBO by at least 50% or $2.50, whichever is less. The following examples illustrate those situations where lower priced limit orders are rejected because they cross the NBBO by at least 50%: (A) If the NBBO on the offer side is $4.00, an order to buy options for $6.00 or more will be rejected; and (B) if the NBBO on the bid side is $4.00, an order to sell options for $2.00 or less will be rejected. Additionally, the following are examples of those situations where higher priced limit orders are rejected because they cross the NBBO by $2.50 or more: (A) If the NBBO on the offer side is $12.00, an order to buy options for $14.50 or more will be rejected; and (B) if the NBBO on the bid side is $12.00, an order to sell options for $9.50 or less will be rejected. Notwithstanding the foregoing, with respect to limit orders to sell, the MIAX Emerald Order Monitor will not be activated when the NBBO on the bid side is equal to or less than $0.25. Thus, the System will accept all limit orders to sell regardless of price during this time.

Proposal

MIAX Emerald plans to commence operations as a national securities exchange registered under Section 6 of the Act [3] on March 1, 2019. As described more fully in MIAX Emerald's Form 1 application,[4] the Exchange is an affiliate of Miami International Securities Exchange, LLC (''MIAX Options'') and MIAX PEARL, LLC (''MIAX PEARL''). MIAX Emerald Rules, in their current form, were filed as Exhibit B to its Form 1 on August 16, 2018, and at that time MIAX Emerald Rule 519 was substantially similar to MIAX PEARL Rule 519. In the time between when the Exchange filed its Form 1 and the time the Exchange received its approval order, MIAX PEARL made changes to its Rule 519.[5] In order to ensure consistent operation of both MIAX Emerald and MIAX PEARL through having consistent rules, the Exchange now proposes to amend the MIAX Emerald Rule as described below.

The Exchange proposes to amend current subsection (3) to create a separate subsection for limit orders to buy (proposed subsection (3)), and for limit orders to sell (proposed subsection (4)). The Exchange proposes to introduce a new threshold for limit orders to buy which will provide that for options with a National Best Offer (''NBO'') less than or equal to $0.50 the System [6] will reject an incoming limit order that has a limit price that is equal to or greater than the NBO Price by $0.25. The Exchange believes that creating separate subsections dedicated to limit orders to buy and limit orders to sell will add clarity and additional detail to the Exchange's rule. Additionally, the Exchange proposes to provide new examples demonstrating the operation of the MIAX Emerald Order Monitor functionality for both limit orders to buy and limit orders to sell.

Proposed subsection (3), Limit Orders to Buy, will provide that for options with a National Best Offer (''NBO'') greater than $0.50 the System will reject an incoming limit order that has a limit price equal to or greater than the NBO by the lesser of (i) $2.50, or (ii) 50% of the NBO price. The proposed rule will also provide that for options with an NBO less than or equal to $0.50 the System will reject an incoming limit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f.

[4] *See* Securities Exchange Act Release No. 84891 (December 20, 2018), 83 FR 67421 (December 28, 2018) (File No. 10–233) (order approving application of MIAX Emerald, LLC for registration as a national securities exchange.)

[5] *See* Securities Exchange Act Release No. 84887 (December 20, 2018), 83 FR 67452 (December 28, 2018) (SR–PEARL–2018–25).

[6] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

order that has a limit price that is equal to or greater than the NBO price by $0.25.

The proposed examples provide that (A) if the NBO is $12.00 an incoming limit order to buy options for $14.50 or more will be rejected; and (B) if the NBO is $0.10 an incoming limit order to buy options for $0.15 will not be rejected; whereas if the NBO is $0.10 an incoming limit order to buy options for $0.35 will be rejected as the limit price of the order is $0.25 greater than the NBO. Proposed example A provides an example of an order being rejected when the order's limit price ($14.50) is greater than the NBO ($12.00) by the lesser of $2.50 or 50% of the NBO price ($6.00). Proposed example B demonstrates how the protection works when the NBO of the option is $0.50 or less. If the NBO is $0.10 an incoming limit order to buy options for $0.15 will not be rejected as the order's limit price is not $0.25 greater ($.35) than the NBO price.

Proposed subsection (4) Limit Orders to Sell, will provide that for options with a National Best Bid (''NBB'') equal to or greater than $0.25 the System will reject an incoming limit order that has a limit price equal to or less than the NBB by the lesser of (i) $2.50, or (ii) 50% of the NBB price.

Additionally, the proposed rule will include examples to demonstrate the operation of the rule in different circumstances. The proposed examples provide that (A) if the NBB is $12.00 an incoming limit order to sell options for $9.50 or less will be rejected; and (B) if the NBB is $0.30 an incoming limit order to sell options for $0.15 will be rejected; whereas if the NBB is $0.30 an incoming limit order to sell options for $0.20 will not be rejected as the limit price of the order is not less than 50% of the NBB price. Proposed example A provides an example of an order being rejected when the order's limit price ($9.50) is less than the NBB ($12.00) by the lesser of $2.50 or 50% of the NBB price ($6.00). Proposed example B demonstrates how the protection works when the NBB of the option is greater than $0.25.

The Exchange believes its proposed changes provide additional detail and clarity to the Exchange's rules concerning order protections for incoming limit orders to buy and incoming limit orders to sell.

2. Statutory Basis

MIAX Emerald believes that its proposed rule change is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(5) of the Act[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in, securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes its proposal promotes just and equitable principles of trade, removes impediments to and perfects the mechanisms of a free and open market and a national market system, and in general, protects investors and the public interest by establishing thresholds for the handling of incoming limit orders to buy and sell, and by providing examples describing the System's behavior in various circumstances. Currently the Exchange's rule discusses the operation of the MIAX Emerald Order Monitor on incoming limit orders to buy or incoming limit orders to sell in a single paragraph.[9] The Exchange believes providing separate paragraphs in the rule specifically discussing the MIAX Emerald Order Monitor process for incoming limit orders to buy (proposed paragraph (a)(3)) and for incoming limit orders to sell (proposed paragraph (a)(4)), promotes the protection of investors and the public interest by providing additional detail and clarity in the rule. It is in the best interest of investors and the public for rules to be accurate and precise to avoid the potential for confusion. Further, the Exchange believes that providing a clear line of delineation for the treatment of limit orders to buy when the NBO is less than or equal to $0.50, and for limit orders to sell when the National Best Bid (''NBB'') is less than $0.25 benefits investors and the public by establishing clear and unambiguous thresholds regarding the acceptance or rejection of orders.

The Exchange believes that the proposed changes to its rulebook add additional detail and provide further clarification to Members,[10] investors, and the public, regarding the Exchange's order monitoring functionality. The Exchange believes it is in the interest of investors and the public to accurately describe the behavior of the Exchange's System in its rules as this information may be used by investors to make decisions concerning the submission of their orders. Transparency and clarity are consistent with the Act because it removes impediments to and helps perfect the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest by accurately describing the behavior of the Exchange's System.

The Exchange believes that the proposed changes promote just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system and, in general, protects investors and the public interest by providing additional detail and clarity in the Exchange's rules. Further, the Exchange's proposal provides transparency and clarity in the rules and is consistent with the Act because it removes impediments to and helps perfect the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest by accurately describing the behavior of the Exchange's System. In particular, the Exchange believes that the proposed rule changes will provide greater clarity to Members and the public regarding the Exchange's Rules, and it is in the public interest for rules to be accurate and concise so as to eliminate the potential for confusion.

Additionally, the Exchange believes that although MIAX Emerald rules may, in certain instances, intentionally differ from MIAX PEARL rules, the proposed changes will promote uniformity with MIAX PEARL with respect to rules that are intended to be identical. MIAX Emerald and MIAX PEARL may have a number of Members in common, and where feasible the Exchange intends to implement similar behavior to provide consistency between MIAX PEARL and MIAX Emerald so as to avoid confusion among 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 that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to add additional clarity and detail to the Exchange's rules.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the Rules apply equally to all

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *See* Exchange Rule 519(a)(3).

[10] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

Exchange Members. The proposed rule change is not a competitive filing and is intended to enhance the protection of investors by ensuring that the rule clearly and accurately describes the scenarios when a limit order to buy or a limit order to sell will be rejected by the Exchange's System. Additionally, the proposed rule change provides examples of hypothetical scenarios to provide additional detail and clarity to the Exchange's rulebook.

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 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 [11] and Rule 19b–4(f)(6) [12] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days from the date of filing. However, Rule 19b–4(f)(6)(iii) [13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay and designate the proposal operative on March 1, 2019, to coincide with the planned commencement date of operation of the Exchange. The Commission believes that the waiver of the 30-day operative delay is consistent with the protection of investors and the public interest and hereby waives the 30-day operative delay and designates the proposal operative on March 1, 2019.[14]

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 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.

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] 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).

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–EMERALD–2019–03 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–EMERALD–2019–03. 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–EMERALD–2019–03 and should be submitted on or before March 18, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03173 Filed 2–22–19; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, February 28, 2019.

PLACE: The meeting will be held at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Peirce, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: February 21, 2019.

Brent J. Fields,

Secretary.

[FR Doc. 2019–03333 Filed 2–21–19; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85167; File No. SR–CBOE–2019–011]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend a Fee for the S&P Select Sector Index Options (''Sector Index Options'')

February 20, 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 February 7, 2019, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') [sic] proposes to amend a fee for the S&P Select Sector Index options (''Sector Index options''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to waive the transaction fee for Clearing Trading Permit Holder Proprietary (origin code ''F'' and ''L'') facilitation orders in Sector Index options, executed in open outcry or electronically via AIM or as a Qualified Contingent Cross (''QCC'') or CFLEX transaction, through June 30, 2019. By way of background ''facilitation orders'' are defined as any order in which a Clearing Trading Permit Holder (''F'' origin code) or Non-Trading Permit Holder Affiliate (''L'' origin code) is contra to any other origin code order, provided the same executing broker and clearing firm are on both sides of the transaction (for open outcry) or both sides of a paired order (for orders executed electronically).[3] Currently, the Fees Schedule provides that Clearing Trading Permit Holder Proprietary orders in Sector Index options will be assessed $0.25 per contract. The Exchange recognizes however, that Clearing Trading Permit Holders can be an important source of liquidity when they facilitate their own customers' trading activity and, as such, the Exchange proposes to apply a waiver of Clearing Trading Permit Holder Proprietary transaction fees for facilitation orders through June 30, 2019. Accordingly the Exchange proposes to update the Fees Schedule, including the Specified Proprietary Index Options Rate Table—Underlying Symbol List A and Sector Indexes, along with Footnotes 11 and 22 of the Fees Schedule, to reflect the proposed fee waiver.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') [sic] and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[6] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

Particularly, the Exchange believes the proposed waiver of Clearing Trading Permit Holder Proprietary transaction fees for facilitation orders in Sector Index options is reasonable because it will exempt such orders from being assessed a fee. The Exchange believes that this is equitable and not unfairly discriminatory because a similar waiver also applies to other products, including other proprietary index products (*e.g.,* MXEA, MXEF, DJX and XSP).[7] Further, the Exchange recognizes that Clearing Trading Permit Holders can be an important source of liquidity when they facilitate their own customers' trading activity. Such trades add transparency and promote price discovery to the benefit of all market participants. Moreover, the exemption from any fee for Sector Index facilitation orders executed in AIM, open outcry, or as a CFLEX transaction will apply to all such orders. Lastly, the Exchange notes that the proposal to waive facilitation fees for Clearing Trading Permit Holder Proprietary orders through June 30, 2019 is reasonable, equitable and not unfairly discriminatory as the Exchange has previously exempted certain transaction fees for newly listed options products for a period of time in order to promote and encourage trading in such products.[8]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Cboe Options Fees Schedule, Footnote 11.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78f(b)(4).

[7] *See* Cboe Fees Schedule, ''Equity Options Rate Table, ''ETF and ETN Options Rate Table'' and ''Index Options Rate Table—All Index Products Excluding Underlying Symbol List A and Sector Indexes'', all of which provide a $0.00 facilitation fee for origin code ''F'' and ''L'' orders.

[8] *See* Securities and Exchange Release 34–77547 (April 6, 2016) 81 FR 21611 (April 12, 2016) (SR–CBOE–2016–021) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish Fees for Options That Overlie a Reduced Value of the FTSE 100 Index and the FTSE China 50 Index).

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 rule change will apply to all Clearing Trading Permit Holder Proprietary facilitation orders uniformly. Additionally, while the proposed transaction waiver applies only to Clearing Trading Permit Holders Proprietary facilitation orders, Clearing Trading Permit Holders can be an important source of liquidity when they facilitate their own customers' trading activity, as further discussed above. Additionally, such trades add transparency and promote price discovery to the benefit of all market participants.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because Sector Index options will be exclusively listed on Cboe Options. To the extent that the proposed change makes Cboe Options a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Cboe Options market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and paragraph (f) of Rule 19b–4 [10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2019–011 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2019–011 and should be submitted on or before March 18, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03206 Filed 2–22–19; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

TENNESSEE VALLEY AUTHORITY

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: 60-Day notice of submission of information collection approval and request for comments.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995. The Tennessee Valley Authority is soliciting public comments on this proposed collection.

DATES: Comments should be sent to the Senior Privacy Program Officer no later than April 26, 2019.

ADDRESSES: Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Senior Privacy Program Manager: Christopher A. Marsalis, Tennessee Valley Authority, 400 W Summit Hill Dr. (WT 5D), Knoxville, Tennessee 37902–1401; telephone (865) 632–2467 or by email at *camarsalis@tva.gov.*

SUPPLEMENTARY INFORMATION:

Type of Request: Revision of a currently approved collection.

Title of Information Collection: Section 26a Permit Application.

OMB Approval Number: 3316–0060.

Current Expiration Date: August 31, 2019.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households, state or local governments, farms, businesses, or other for-profit, Federal agencies or employees, non-profit institutions, small businesses or organizations.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 452.

Estimated Number of Annual Responses: 2,600.

Estimated Total Annual Burden Hours: 5,200.

Estimated Average Burden Hours per Response: 2.0.

Need For and Use of Information: TVA Land Management activities and

Section 26a of the Tennessee Valley Authority Act of 1933, as amended, require TVA to collect information relevant to projects that will impact TVA land and land rights and review and approve plans for the construction, operation, and maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries. The information is collected via paper forms (*e.g.,* Joint Application Form (TVA Form 17423), Section 26a Permit and Land Use Application: Applicant Disclosure Form (TVA Form 17423A), and Tennessee Valley Authority Floating Cabin Registration Form (TVA Form 21158)) and/or electronic submissions and is used to assess the impact of the proposed project on TVA land or land rights and statutory TVA programs to determine if the project can be approved. Rules for implementation of TVA's Section 26a responsibilities are published in 18 CFR part 1304.

Andrea S. Brackett,

Director, TVA Cybersecurity.

[FR Doc. 2019–03161 Filed 2–22–19; 8:45 am]

BILLING CODE 8120–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2018–0114 (Notice No. 2018–24)]

Hazardous Materials: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on 3 information collections pertaining to hazardous materials transportation for which PHMSA intends to request renewal from the Office of Management and Budget.

DATES: Interested persons are invited to submit comments on or before April 26, 2019.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2018–0114 (Notice No. 2018–24) by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* To the Docket Management System; Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and Docket Number (PHMSA–2018–0114) for this notice at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide.

Requests for a copy of an information collection should be directed to Steven Andrews or Shelby Geller, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES**).

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Steven Andrews or Shelby Geller, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), title 5, Code of Federal Regulations (CFR) requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collection requests that PHMSA will be submitting to the Office of Management and Budget (OMB) for renewal and extension. These information collections are contained in 49 CFR 171.6 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). PHMSA has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published since the information collections were last approved. The following information is provided for each information collection: (1) Title of the information collection, including former title if a change is being made; (2) OMB control number; (3) summary of the information collection activity; (4) description of affected public; (5) estimate of total annual reporting and recordkeeping burden; and (6) frequency of collection. PHMSA will request a 3-year term of approval for each information collection activity and will publish a notice in the **Federal Register** upon OMB's approval.

PHMSA requests comments on the following information collections:

Title: Radioactive (RAM) Transportation Requirements.

OMB Control Number: 2137–0510.

Summary: This information collection consolidates and describes the information collection provisions in the HMR involving the transportation of radioactive materials in commerce. Information collection requirements for RAM include: Documenting testing and engineering evaluations for packages, documentation for DOT 7A packages, revalidation of foreign competent authority certifications, providing specific written instruction of exclusive use shipment controls, providing written instructions for exclusive use shipment controls, obtaining U.S. competent authority for package design, registering with U.S. competent authority as user of a package, and request for a U.S. competent authority for special form. The following information collections and their burdens are associated with this OMB Control Number:

Information collection	Respondents	Total annual responses	Hours per response	Total annual burden hours
Document Test and Engineering Evaluation or Comparative Data for Packaging—Reporting	50	100	40	4,000
DOT Specification 7A Package Documentation—Reporting	50	100	80	8,000
DOT Specification 7A Package Documentation—Recordkeeping	50	500	0.0833	41.67
Revalidation of Foreign Competent Authority Certification—Reporting	25	25	80	2,000
Offeror Providing Specific Written Instruction of Exclusive Use Shipment Controls to the Carrier—Reporting	100	2,000	0.5	1,000
Offeror Obtaining U.S. Competent Authority for Package Design—Reporting	10	40	2	80
Register with U.S. Competent Authority as User of a Package—Reporting	25	50	0.5	25
Request for a U.S. Competent Authority as Required by the IAEA Regulations for Special Form—Reporting	10	100	2	200

Affected Public: Shippers and carriers of radioactive materials in commerce.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 320.

Total Annual Responses: 2,915.

Total Annual Burden Hours: 15,346.67.

Frequency of Collection: On occasion.

Title: Hazardous Materials Public Sector Training and Planning Grants.

OMB Control Number: 2137–0586.

Summary: Part 110 of 49 CFR sets forth the procedures for reimbursable grants for public sector planning and training in support of the emergency planning and training efforts of States, Indian tribes, and local communities to manage hazardous materials emergencies, particularly those involving transportation. Sections in this part address information collection and recordkeeping with regard to applying for grants, monitoring expenditures, and reporting and requesting modifications. The following information collection and burden is associated with this OMB Control Number:

Information collection	Respondents	Total annual responses	Hours per response	Total annual burden hours
Hazardous Materials Grants Applications	62	62	83.23	5,160

Affected Public: State and local governments, Indian tribes.

Annual Reporting and Recordkeeping Burden:

Annual Respondents: 62.

Annual Responses: 62.

Annual Burden Hours: 5,160.

Frequency of Collection: On occasion.

Title: Subsidiary Hazard Class and Number/Type of Packagings.

OMB Control Number: 2137–0613.

Summary: The HMR require that shipping papers and emergency response information accompany each shipment of hazardous materials in commerce. In addition to the basic shipping description information, we also require the subsidiary hazard class or subsidiary division number(s) to be entered in parentheses following the primary hazard class or division number on shipping papers. This requirement was originally required only by transportation by vessel. However, the lack of such a requirement posed problems for motor carriers with regard to complying with segregation, separation, and placarding requirements, as well as posing a safety hazard. For example, in the event the motor vehicle becomes involved in an accident, when the hazardous materials being transported include a subsidiary hazard such as ''dangerous when wet'' or a subsidiary hazard requiring more stringent requirements than the primary hazard, there is no indication of the subsidiary hazards on the shipping papers and no indication of the subsidiary risks on placards. Under circumstances such as motor vehicles being loaded at a dock, labels are not enough to alert hazardous materials employees loading the vehicles, nor are they enough to alert emergency responders of the subsidiary risks contained on the vehicles. Therefore, we require the subsidiary hazard class or subsidiary division number(s) to be entered on the shipping paper, for purposes of enhancing safety and international harmonization.

Shipping papers serve as a principal means of identifying hazardous materials during transportation emergencies. Firefighters, police, and other emergency response personnel are trained to obtain the DOT shipping papers and emergency response information when responding to hazardous materials transportation emergencies. The availability of accurate information concerning hazardous materials being transported significantly improves response efforts in these types of emergencies. The additional information would aid emergency responders by more clearly identifying the hazard.

The following information collection and burden is associated with this OMB Control Number:

Information collection	Respondents	Total annual responses	Seconds per response	Total annual burden hours
Subsidiary Hazard Class on Shipping Papers	260,000	43,810,000	2	24,339

Affected Public: Shippers and carriers of hazardous materials in commerce.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 260,000.

Total Annual Responses: 43,810,000.

Total Annual Burden Hours: 24,339.

Frequency of Collection: On occasion.

Issued in Washington, DC, on February 19, 2019.

William S. Schoonover,

Associate Administrator of Hazard Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2019–03142 Filed 2–22–19; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Funding Opportunity Title: Change to Notice of Guarantee Availability (NOGA) Inviting Qualified Issuer Applications and Guarantee Applications for the Community Development Financial Institutions (CDFI) Bond Guarantee Program

ACTION: Change of Guarantee Application deadline.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.011.

Executive Summary: On November 6, 2018, the Community Development Financial Institutions Fund (CDFI Fund) published a Notice of Guarantee Availability (NOGA) under the CDFI Bond Guarantee Program in the **Federal Register** (83 FR 55582, November 6, 2018) announcing the availability of up to $500 million in Guarantee Authority, contingent upon Congressional authorization. The CDFI Fund is issuing this notice to amend the NOGA Guarantee Application deadline from 11:59 p.m. ET on February 26, 2019, to 11:59 p.m. ET on March 26, 2019. The deadline for Qualified Issuer Applications is amended from 11:59 p.m. ET on February 19, 2019, to March 19, 2019, and the CDFI Certification Applications must have been received by the CDFI Fund by 11:59 p.m. ET on December 3, 2018, in accordance with the NOGA published on November 6, 2018.

Capitalized terms used in this NOGA and not defined elsewhere are defined in the CDFI Bond Guarantee Program regulations (12 CFR 1808.102) and the CDFI Program Regulations (12 CFR 1805.104).

All other information and requirements set forth in the NOGA published on November 6, 2018, shall remain effective, as published.

I. Agency Contacts

A. General information on questions and CDFI Fund support. The CDFI Fund will respond to questions and provide support concerning this NOGA, the Qualified Issuer Application and the Guarantee Application between the hours of 9:00 a.m. and 5:00 p.m. ET, through March 11, 2019. Applications and other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's website at *http://www.cdfifund.gov*. The CDFI Fund will post on its website responses to questions of general applicability regarding the CDFI Bond Guarantee Program.

B. The CDFI Fund's contact information is as follows:

TABLE 2—CONTACT INFORMATION

Type of question	Telephone number (not toll free)	Email addresses
CDFI Bond Guarantee Program	(202) 653–0421 Option 5	*bgp@cdfi.treas.gov*.
CDFI Certification	(202) 653–0423	*ccme@cdfi.treas.gov*.
Compliance Monitoring and Evaluation	(202) 653–0423	*ccme@cdfi.treas.gov*.
Information Technology Support	(202) 653–0422	*AMIS@cdfi.treas.gov*.

C. Communication with the CDFI Fund. The CDFI Fund will use the AMIS internet interface to communicate with applicants, Qualified Issuers, Program Administrators, Servicers, Certified CDFIs and Eligible CDFIs, using the contact information maintained in their respective AMIS accounts. Therefore, each such entity must maintain accurate contact information (including contact person and authorized representative, email addresses, fax numbers, phone numbers, and office addresses) in its respective AMIS account. For more information about AMIS, please see the AMIS Landing Page at *https://amis.cdfifund.gov*.

Authority: Pub. L. 111–240; 12 U.S.C. 4701, *et seq.;* 12 CFR part 1808; 12 CFR part 1805; 12 CFR part 1815.

Jodie L. Harris,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2019–03204 Filed 2–22–19; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Regulations Governing U.S. Treasury Securities—State and Local Government Series

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Regulations Governing U.S. Treasury Securities—State and Local Government Series.

DATES: Written comments should be received on or before April 26, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov*.

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing U.S. Treasury Securities—State and Local Government Series.

OMB Number: 1530–0044.

Abstract: The regulations govern U.S. Treasury bonds, notes and certificates of indebtedness of the States and Local Government Series. The collection of information is necessary to enable Treasury to establish an investor's account, to issue securities, to ensure that an investor meets the certification requirements, to redeem securities either at or prior to maturity, and to obtain necessary documentation where a waiver is involved.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: State or local governments.

Estimated Number of Respondents: 60.

Estimated Time per Respondent: 13 minutes.

Estimated Total Annual Burden Hours: 13.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 19, 2019.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2019–03135 Filed 2–22–19; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Request by Owner or Person Entitled to Payment or Reissue of United States Savings Bonds/Notes Deposited in Safekeeping When Original Custody Receipts Are Not Available

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Request by Owner or Person Entitled to Payment or Reissue of United States Savings Bonds/Notes Deposited in Safekeeping When Original Custody Receipts Are Not Available.

DATES: Written comments should be received on or before April 26, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Request by Owner or Person Entitled to Payment or Reissue of United States Savings Bonds/Notes Deposited in Safekeeping When Original Custody Receipts Are Not Available

OMB Number: 1530–0024.

Form Number: FS Form 4239.

The information is requested to establish ownership and request reissue or payment when original custody receipts are not available.

Current Actions: Extension of a previously approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 1,400.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 233.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 19, 2019.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2019–03136 Filed 2–22–19; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Claim for United States Savings Bonds Not Received

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning Claim for United States Savings Bonds Not Received.

DATES: Written comments should be received on or before April 26, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Claim for United States Savings Bonds Not Received.

OMB Number: 1530–0048.

Form Number: FS Form 3062–4.

Abstract: The information is used to support a request for relief on account

of the nonreceipt of United States Savings Bonds.

Current Actions: Extension of a previously approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 167.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 19, 2019.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2019–03137 Filed 2–22–19; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8611

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8611, Recapture of Low-Income Housing Credit.

DATES: Written comments should be received on or before April 26, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, (202) 317–6038, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Recapture of Low-Income Housing Credit.

OMB Number: 1545–1035.

Form Number: 8611.

Abstract: IRC section 42 permits owners of residential rental projects providing low-income housing to claim a credit against their income tax. If the property is disposed of or if it fails to meet certain requirements over a 15-year compliance period and a bond is not posted, the owner must recapture on Form 8611 part of the credits taken in prior years.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 7 hours, 50 minutes.

Estimated Total Annual Burden Hours: 7,842.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 20, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–03198 Filed 2–22–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity Under OMB Review: The Veteran Employment Through Technology Education Courses (VET TEC) Pilot Program

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 27, 2019.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–NEW'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, Enterprise Records Service (005R1B), Department of Veterans Affairs, 811 Vermont Avenue NW, Washington, DC 20420, (202) 421–

1354 or email *Danny.Green2@va.gov.* Please refer to ''OMB Control No. 2900–NEW'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: P.L. 115–48, section 116; 44 U.S.C. 3501–21.

Title: Veteran Employment Through Technology Education Courses (VET TEC) Online.

Application Form: (VA Form 22–0994).

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: VA Form 22–0994 allows Veterans to apply for the Veteran Employment Through Technology Education Courses (VET TEC) pilot program. The form will exist solely online and will be accessible via the *VA.gov* website.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at December 20, 2018, Volume 83 FR 65396, Number 2018–27503, pages 65396–65397.

Affected Public: Individuals or Households.

Estimated Annual Burden: 550.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 3,000.

By direction of the Secretary.

Danny S. Green,

Department Clearance Officer, Office of Quality Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2019–03160 Filed 2–22–19; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 84 Monday,
No. 37 February 25, 2019

Part II

The President

Space Policy Directive–4 of February 19, 2019—Establishment of the United States Space Force

Federal Register
Vol. 84, No. 37
Monday, February 25, 2019

Presidential Documents

Title 3—

The President

Space Policy Directive–4 of February 19, 2019

Establishment of the United States Space Force

Memorandum for the Vice President[,] the Secretary of State[,] the Secretary of Defense[,] the Secretary of Commerce[,] the Secretary of Labor[,] the Secretary of Transportation[,] the Secretary of Homeland Security[,] the Director of the Office of Management and Budget[,] the Director of National Intelligence[,] the Assistant to the President for National Security Affairs[,] the Director of the Office of Science and Technology Policy[,] the Chairman of the Joint Chiefs of Staff[,] the Administrator of the National Aeronautics and Space Administration[, and] the Deputy Assistant to the President for Homeland Security and Counterterrorism

Section 1. *Introduction.* Space is integral to our way of life, our national security, and modern warfare. Although United States space systems have historically maintained a technological advantage over those of our potential adversaries, those potential adversaries are now advancing their space capabilities and actively developing ways to deny our use of space in a crisis or conflict. It is imperative that the United States adapt its national security organizations, policies, doctrine, and capabilities to deter aggression and protect our interests. Toward that end, the Department of Defense shall take actions under existing authority to marshal its space resources to deter and counter threats in space, and to develop a legislative proposal to establish a United States Space Force as a sixth branch of the United States Armed Forces within the Department of the Air Force. This is an important step toward a future military department for space. Under this proposal, the United States Space Force would be authorized to organize, train, and equip military space forces of the United States to ensure unfettered access to, and freedom to operate in, space, and to provide vital capabilities to joint and coalition forces in peacetime and across the spectrum of conflict.

Sec. 2. *Definitions.* For the purposes of this memorandum and the legislative proposal directed by section 3 of this memorandum, the following definitions shall apply:

(a) The term ''United States Space Force'' refers to a new branch of the United States Armed Forces to be initially placed by statute within the Department of the Air Force.

(b) The term ''Department of the Space Force'' refers to a future military department within the Department of Defense that will be responsible for organizing, training, and equipping the United States Space Force.

(c) The term ''United States Space Command'' refers to a Unified Combatant Command to be established pursuant to the Presidential memorandum of December 18, 2018 (Establishment of United States Space Command as a Unified Combatant Command), that will be responsible for Joint Force space operations as will be assigned in the Unified Command Plan.

Sec. 3. *Legislative Proposal and Purpose.* The Secretary of Defense shall submit a legislative proposal to the President through the Office of Management and Budget that would establish the United States Space Force as a new armed service within the Department of the Air Force.

The legislative proposal would, if enacted, establish the United States Space Force to organize, train, and equip forces to provide for freedom of operation in, from, and to the space domain; to provide independent military options for national leadership; and to enhance the lethality and effectiveness of

the Joint Force. The United States Space Force should include both combat and combat support functions to enable prompt and sustained offensive and defensive space operations, and joint operations in all domains. The United States Space Force shall be organized, trained, and equipped to meet the following priorities:

(a) Protecting the Nation's interests in space and the peaceful use of space for all responsible actors, consistent with applicable law, including international law;

(b) Ensuring unfettered use of space for United States national security purposes, the United States economy, and United States persons, partners, and allies;

(c) Deterring aggression and defending the Nation, United States allies, and United States interests from hostile acts in and from space;

(d) Ensuring that needed space capabilities are integrated and available to all United States Combatant Commands;

(e) Projecting military power in, from, and to space in support of our Nation's interests; and

(f) Developing, maintaining, and improving a community of professionals focused on the national security demands of the space domain.

Sec. 4. *Scope.* (a) The legislative proposal required by section 3 of this memorandum shall, in addition to the provisions required under section 3 of this memorandum, include provisions that would, if enacted:

(i) consolidate existing forces and authorities for military space activities, as appropriate, in order to minimize duplication of effort and eliminate bureaucratic inefficiencies; and

(ii) not include the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Reconnaissance Office, or other non-military space organizations or missions of the United States Government.

(b) The proposed United States Space Force should:

(i) include, as determined by the Secretary of Defense in consultation with the Secretaries of the military departments, the uniformed and civilian personnel conducting and directly supporting space operations from all Department of Defense Armed Forces;

(ii) assume responsibilities for all major military space acquisition programs; and

(iii) create the appropriate career tracks for military and civilian space personnel across all relevant specialties, including operations, intelligence, engineering, science, acquisition, and cyber.

Sec. 5. *United States Space Force Budget.* In accordance with the Department of Defense budget process, the Secretary of Defense shall submit to the Director of the Office of Management and Budget a proposed budget for the United States Space Force to be included in the President's Fiscal Year 2020 Budget Request.

Sec. 6. *United States Space Force Organization and Leadership.* (a) The legislative proposal required by section 3 of this memorandum shall create a civilian Under Secretary of the Air Force for Space, to be known as the Under Secretary for Space, appointed by the President by and with the advice and consent of the Senate.

(b) The legislative proposal shall establish a Chief of Staff of the Space Force, who will be a senior military officer in the grade of General or Admiral, and who shall serve as a member of the Joint Chiefs of Staff.

Sec. 7. *Associated Elements.* (a) A Unified Combatant Command for space, to be known as the United States Space Command, will be established consistent with law, as directed on December 18, 2018. This command will have all of the responsibilities of a Unified Combatant Command in addition to the space-related responsibilities previously assigned to United

States Strategic Command. It will also have the responsibilities of the Joint Force provider and Joint Force training for space operations forces. Moving expeditiously toward a Unified Combatant Command reflects the importance of warfighting in space to the Joint Force. The commander of this command will lead space warfighting through global space operations that may occur in the space domain, the terrestrial domains, or through the electromagnetic spectrum.

(b) With forces provided by the United States Space Force and other United States Armed Forces, the United States Space Command shall ensure unfettered access to, and freedom to operate in, space and provide vital effects and capabilities to joint and coalition forces during peacetime and across the spectrum of conflict.

Sec. 8. *Relationship with National Intelligence.* The Secretary of Defense and the Director of National Intelligence shall create and enhance mechanisms for collaboration between the Department of Defense and the United States Intelligence Community in order to increase unity of effort and the effectiveness of space operations. The Secretary of Defense and the Director of National Intelligence shall provide a report to the President within 180 days of the date of this memorandum on steps they have taken and are planning to take toward these ends, including legislative proposals as necessary and appropriate.

Sec. 9. *Operational Authorities.* In order to ensure that the United States Space Force and United States Space Command have the necessary operational authorities, the National Space Council and the National Security Council shall coordinate an accelerated review of space operational authorities. Within 90 days of the date of this memorandum, the Secretary of Defense shall present to the National Space Council and the National Security Council proposed relevant authority changes for the President's approval. The National Space Council and the National Security Council shall then conduct an interagency review of the Secretary's proposal and make recommendations to the President on appropriate authorities, to be completed no later than 60 days from the date the Secretary of Defense presents his proposal to the councils.

Sec. 10. *Periodic Review.* As the United States Space Force matures, and as national security requires, it will become necessary to create a separate military department, to be known as the Department of the Space Force. This department will take over some or all responsibilities for the United States Space Force from the Department of the Air Force. The Secretary of Defense will conduct periodic reviews to determine when to recommend that the President seek legislation to establish such a department.

Sec. 11. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

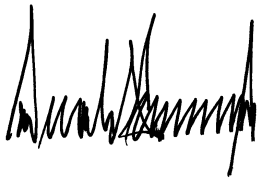
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and United States national and homeland security requirements, and subject to the availability of appropriations.

(c) This memorandum 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.

(d) The Secretary of Defense is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, February 19, 2019

[FR Doc. 2019–03345
Filed 2–22–19; 11:15 am]
Billing code 5001–06–P

Reader Aids

Federal Register

Vol. 84, No. 37

Monday, February 25, 2019

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, FEBRUARY

959–1342	1
1343–1598	4
1599–2042	5
2043–2426	6
2427–2704	7
2705–3094	8
3095–3284	11
3285–3668	12
3669–3966	13
3967–4306	14
4307–4676	15
4677–4948	19
4949–5334	20
5335–5582	21
5583–5950	22
5951–6052	25

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

9840	2043
9841	2045
9842 (See Proc. 9822)	3665
9843	3965
9844	4949

Executive Orders:

13788 (Amended by 13858)	2039
13858	2039
13859	3967

Administrative Orders

Memorandums:

Memorandum of December 21, 2018	3957
Memorandum of December 21, 2018	3959
Memorandum of January 8, 2019	3961
Memorandum of January 15, 2019	3963
Space Policy Directive–4 of February 19, 2019	6049

5 CFR

894	1599
1201	5583
1655	1600

Proposed Rules:

532	3729

7 CFR

51	959
273	4677
300	2427
301	2427
318	2427
319	2427
330	2427
340	2427
355	2427
905	2047
932	4307
953	4681
989	2049
1206	5335
1208	4951
1212	1343
1774	3669

Proposed Rules:

54	1641
205	4377
273	980
278	4739
279	4739
985	4381
1206	5379
1209	3114

9 CFR

310	2430

10 CFR

2	2433
9	3095
13	2433
72	4309, 4683, 4684
430	2436, 5346
903	5347

Proposed Rules:

34	3116
36	3116
39	3116
50	2069
52	2069
100	2069
430	3120, 3910
431	1652, 3910

11 CFR

Proposed Rules:

100	2070
110	3344
112	2071

12 CFR

1	4222
3	4222
5	4222
22	4953
23	4222
24	4222
32	4222
46	4222
172	4953
208	4222, 4953
211	4222, 4309
215	4222
217	4222
223	4222
225	4222
238	4309
252	4222
263	2051
303	2705
324	4222
325	4222
327	1346, 4222
337	1346
339	4953
347	4222
348	2705
390	4222
614	4953
622	1354
652	2706
700	1601
701	1601
702	1601
703	1601

704.....1601
705.....1601
708a.....1601
708b.....1601
709.....1601
710.....1601
715.....1601
717.....1601
723.....1601
725.....1601
741.....1601
745.....1601
746.....1601
747.....1601, 2052
748.....1601
749.....1601
750.....1601
760.....1601, 4953
790.....1601
791.....1601
792.....1601
930.....5308
932.....5308
1026.....1356
1277.....5308
1411.....2437
1610.....4975

Proposed Rules:

1.....3062
3.....3062
5.....3062
6.....3062
23.....3062
24.....3062
32.....3062
34.....3062
44.....2778
46.....3345
160.....3062
192.....3062
206.....3062
208.....3062
211.....3062
215.....3062
217.....3062
223.....3062
225.....3062
238.....3062, 4002, 5014
248.....2778
251.....3062
252.....4002, 5014
303.....3062
324.....3062
327.....5380
337.....2366, 3062
347.....3062
351.....2778
362.....3062
365.....1653, 3062
390.....1653, 3062
614.....5389
715.....5957
1041.....4252, 4298

14 CFR

39.....2437, 2707, 2709, 2713, 2715, 3285, 3288, 3290, 3297, 4310, 4313, 4315, 4318, 4320, 4685, 4686, 4692, 4694, 4987, 5350, 5584, 5587, 5589, 5592, 5595
48.....3669
71.....961, 2718, 3095, 3097, 3098, 3101, 3673, 3674, 3676, 3677, 3679, 4991, 4993, 5352, 5951
73.....3299
95.....963
97.....2441, 2443, 2719, 2720, 3973, 3975, 3977, 3978, 4994, 4996

Proposed Rules:

13.....3614
21.....5605
39.....2465, 2467, 2791, 2793, 2796, 3131, 4012, 4387, 5609, 5611, 5614, 5617, 5620, 5960
71.....3349, 3730, 5014, 5016, 5017, 5019, 5392, 5622
107.....3732, 3856

15 CFR

6.....2445
902.....2725
950.....3101

16 CFR

1.....3980

Proposed Rules:

Ch. II.....3134

17 CFR

143.....3103
200.....5202
201.....4906
229.....2402
240.....2402, 4906
242.....5202

Proposed Rules:

Ch. I.....3350
9.....3350
36.....3350
37.....3350
38.....3350
39.....3350
43.....3350
75.....2778
230.....5393
232.....5393
239.....5393
240.....4614, 5393
255.....2778
270.....1286, 5393
274.....1286, 5393

18 CFR

11.....1359
250.....966
385.....966, 3982

Proposed Rules:

7.....2469
35.....993
141.....1412, 5968
385.....1412, 5968

20 CFR

30.....3026
404.....4323
408.....4323
416.....4323

Proposed Rules:

404.....1006
416.....1006

21 CFR

216.....4696
872.....4998
1308.....2448

Proposed Rules:

50.....5968
312.....5968
812.....5968
1305.....5395

22 CFR

Proposed Rules:

171.....1419
203.....3351

23 CFR

1270.....2731
1275.....2731

Proposed Rules:

658.....2071

25 CFR

Proposed Rules:

30.....3135

26 CFR

1.....1838, 2952

Proposed Rules:

1.....1014, 3015
54.....5969

27 CFR

Proposed Rules:

9.....3353

29 CFR

30.....3301
4022.....3983

Proposed Rules:

1404.....1420
1601.....5624
1626.....5624
2590.....5969
4001.....2075
4204.....2075
4206.....2075
4207.....2075
4211.....2075
4219.....2075
1614.....4015

31 CFR

27.....3105

32 CFR

75.....3681
100.....968
101.....968
162.....4710
199.....4326
279.....969
807.....5353
809a.....2734
813.....5353
884.....5354

33 CFR

100.....3301
117.....1401, 2735
165.....969, 2736, 4333, 5354

Proposed Rules:

100.....4390
154.....2799
155.....2800
165.....2479
328.....2483, 4154
334.....3739

34 CFR

36.....971
668.....971

Proposed Rules:

106.....4018

37 CFR

201.....3693
202.....3693, 3698
203.....3699
385.....1918

Proposed Rules:

2.....4393
11.....4393
201.....1661

38 CFR

3.....2449, 4336
8.....2449, 4336
14.....2449, 4336
19.....2449, 4336
20.....2449, 4336
21.....2449, 4336
38.....5952
39.....5952

Proposed Rules:

4.....1678, 3354
17.....5629
38.....2093
39.....2093

39 CFR

20.....3107
3035.....974

Proposed Rules

3020.....1420

40 CFR

19.....2056, 5955
52.....976, 1610, 1615, 2060, 2063, 2449, 2738, 3302, 3305, 3701, 3703, 3705, 3708, 3711, 3986, 3991, 4338, 5000, 5004, 5598, 5601
60.....3108, 3985, 3986
61.....3108
62.....3712
63.....2742, 3108, 3308
70.....1615, 3108
80.....2453
122.....3324
124.....3324
125.....3324
180.....2456, 4340, 4345
261.....5816
262.....5816
264.....5816
265.....5816
266.....5816
268.....5816
270.....5816
271.....5603
273.....5816

Proposed Rules:

Ch. I.....3396
49.....1690
52.....1015, 1016, 1021, 1025, 1037, 1690, 2109, 2801, 3354, 3358, 3369, 3373, 3376, 3381, 3384, 3387, 3389, 3740, 3742, 3744, 4019, 4021, 4025, 4403, 4407, 4411, 4422, 4426, 5020, 5032
60.....2484, 2485
62.....1039
63.....1570, 2670
70.....5032

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List February 20, 2019

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.