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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 51 and 52

[Doc. No. AMS–SC–16–0106]

Fresh Fruits, Vegetables and Other Products Inspection, Certification and Standards and Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products; Removal of Power of Attorney and Other Administrative Changes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule modifies regulations and standards issued pursuant to the Agricultural Marketing Act of 1946 by removing references to power of attorney. Further, this rule modifies language to ensure consistency between the regulations and standards for fresh and processed fruits and vegetables. Power of Attorney is an outdated, cumbersome tool that increases the cost and record retention requirements for stakeholders when conducting business. We are making these changes to eliminate these requirements. This will allow us to provide services to our customers faster and without the financial and record retention burden. The functions of the Power of Attorney are currently done by a Supervisor or ''inspector in charge''.

DATES: Effective March 11, 2019.

FOR FURTHER INFORMATION CONTACT: Francisco Grazette, USDA, AMS, SCP, SCI Division, 1400 Independence Avenue SW, Room 1536, Stop 0247, Washington, DC 20250–0250; Telephone: (202) 720–5870; Fax: (202) 720–0393; Email: *francisco.grazette@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Section 203(c) (7 U.S.C. 1622(c)) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) (Act of 1946), as amended, directs and authorizes the Secretary of Agriculture to ''develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.'' Parts 51 and 52 of title 7 of the Code of Federal Regulations specify the inspection, certification, and standard requirements for fresh and processed fruit, vegetable, and specialty crops. This action removes the current language in §§ 51.19 and 52.18 referencing power of attorney. Further, language in § 51.19(a)(3) will be added to § 52.18 and language in part 52 referencing ''inspector in charge'' will be added to part 51 to make the sections consistent. Power of Attorney is an outdated, cumbersome tool that increases the cost and record retention requirements for stakeholders when conducting business. We are making these changes to eliminate these requirements. This will allow us to provide services to our customers faster and without the financial and record retention burden. The functions of the Power of Attorney are currently done by a Supervisor or ''inspector in charge''.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 13563, and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs''' (February 2, 2017).

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect and does not preempt any state or local law, regulation, or policy unless it presents an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Administrative Procedure Act and Regulatory Flexibility Act

This final rule revises agency rules of practice and procedure. Under the Administrative Procedure Act, prior notice and opportunity for comment are not required for the revision of agency rules of practice and procedure. 5 U.S.C. 553(b)(3)(A). Only substantive rules require publication 30 days prior to their effective date. 5 U.S.C. 553(d). Therefore, this final rule is effective upon publication in the **Federal Register**.

In addition, because prior notice and opportunity for comment are not required, this final rule is exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

E-Government Act

AMS is committed to complying with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

List of Subjects

7 CFR Part 51

Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirement, Vegetables.

7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, Vegetables.

For the reasons set forth in the preamble, 7 CFR parts 51 and 52 are amended as follows:

■ 1. The authority citation for parts 51 and 52 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

■ 2. In § 51.19:
■ a. Redesignate paragraphs (a) introductory text and (a)(1) through (4) as paragraphs (a)(1) introductory text and (a)(1)(i) through (iv), respectively;
■ b. Revise newly redesignated paragraph (a)(1)(ii);
■ c. Add the word ''or'' at the end of paragraph (a)(1)(iii); and
■ d. Designate the undesignated paragraph following newly redesignated paragraph (a)(1)(iv) as paragraph (a)(2) and revise newly designated paragraph (a)(2).

The revisions read as follows:

§ 51.19 Issuance of certificates.

(a)(1) * * *

(ii) An inspector designated by the Administrator as the ''inspector in charge,'' when the certificate represents composite inspection of several persons;

* * * * *

(2) *Provided,* That in all cases the inspection certificate shall be prepared in accordance with the official memoranda of the inspector or inspectors who performed the inspection.

* * * * *

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

■ 3. In § 52.18:
■ a. Redesignate paragraphs (a) introductory text and (a)(1) through (3) as paragraphs (a)(1) introductory text and (a)(1)(i) through (iii), respectively;
■ b. Revise newly redesignated paragraph (a)(1)(ii);
■ c. Designate the undesignated paragraph following newly redesignated paragraph (a)(1)(iii) as paragraph (a)(2) and revise newly designated paragraph (a)(2); and
■ d. Revise paragraph (b).

The revisions read as follows:

§ 52.18 Issuance of certificates.

(a)(1) * * *

(ii) Another employee of the Inspection Service who has been authorized by the Administrator to act in a supervisory capacity.

* * * * *

(2) In all cases the inspection certificate shall be prepared in accordance with the facts set forth in the official memoranda made by the inspector or inspectors in connection with the inspection. Whenever a certificate is signed by an inspector in charge, that title must appear in connection with the signature.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided,* That, another employee of the inspection service authorized by the Administrator to act in a supervisory capacity or designated as the ''inspector in charge,'' may sign such certificate of loading covering any processed product checkloaded by an inspector or licensed sampler and authorized by the Administrator to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

Dated: February 4, 2019.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2019–01546 Filed 3–8–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1000

[Docket no. AMS–DA–18–0096]

Federal Milk Marketing Orders—Amending the Class I Skim Milk Price Formula

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Class I skim milk price formula for milk pooled under Federal milk marketing orders (FMMO) as required by the Agriculture Improvement Act of 2018 (2018 Farm Bill). Under the amended price formula, the Class I skim milk price will be the simple average of the monthly advanced pricing factors for Class III and Class IV skim milk, plus $0.74 per cwt, plus the applicable adjusted Class I differential. Prior to this amendment, the Class I skim milk price was the higher of the two advanced pricing factors, plus the applicable adjusted Class I differential.

DATES: This rule becomes effective May 1, 2019.

FOR FURTHER INFORMATION CONTACT: Erin Taylor, Acting Director, Order Formulation and Enforcement Division, USDA/AMS/Dairy Program, STOP 0231, Room 2963, 1400 Independence Ave. SW, Washington, DC 20250–0231; telephone: (202) 720–7311; or email: *erin.taylor@usda.gov.*

SUPPLEMENTARY INFORMATION: On December 20, 2018, the Agriculture Improvement Act of 2018 (Pub. L. 115–334)(2018 Farm Bill) amended the Agricultural Marketing Agreement Act of 1937,[1] as amended (AMAA), by revising the provision related to determining the monthly Class I skim milk price for Class I milk regulated under each of the FMMO. Amendment to the AMAA requires conforming changes to the FMMO regulations that specify the Class I skim milk price formula. Previously, the regulations specified that the Class I skim milk price was the higher of the monthly advanced pricing factors for Class III and Class IV skim milk, plus the applicable adjusted Class I differential. This rule revises the regulations to specify that the Class I skim milk price will be the simple average of the two advanced pricing factors, plus $0.74, plus the applicable adjusted Class I differential. In accordance with the 2018 Farm Bill, the amendment is effective indefinitely, until further modified, and may not be modified earlier than two years after the effective date of this rule. The formula may be modified after the two-year period through the standard FMMO amendment process.

Final Action

In accordance with the 2018 Farm Bill, this final rule amends the Class I skim milk price formula for milk pooled under Federal milk marketing orders. Under the amended price formula, the Class I skim milk price will be the simple average of the monthly advanced pricing factors for Class III and Class IV skim milk, plus $0.74 per cwt, plus the applicable adjusted Class I differential.

Section 1403(b)(2)(B) of the 2018 Farm Bill provides that the implementation of the regulations to amend the Class I skim milk price formula shall not be subject to the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553), the notice and hearing requirements of section 8c(3) of the Agricultural Adjustment Act (7 U.S.C. 608c(3)), the order amendment requirements of section 8c(17) of that Act (7 U.S.C. 608c(17)), nor a referendum under section 8c(19) of the same Act (7 U.S.C. 608c(19)). Additionally, this final rule must become effective on May 1, 2019, as

[1] 7 U.S.C 601–674, 7253

required by section 1403(b)(1) of the 2018 Farm Bill. AMS, therefore, is issuing this final rule without prior notice or public comment.

Executive Orders 12866 and 13771

This rule has been determined to be not significant for purposes of Executive Order 12866, and therefore has not been reviewed by the Office of Management and Budget (OMB). In addition, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. *See* OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs''' (February 2, 2017).

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. The amendment does not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

Regulatory Flexibility Act and Paperwork Reduction Act

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) considered the economic impact of this action on small entities. Accordingly, AMS prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. Small dairy farm businesses have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those businesses having annual gross receipts of less than $750,000. The SBA's definition of small agricultural service firms, which includes handlers that are regulated under Federal milk marketing orders, varies depending on the product manufactured. Small fluid milk and ice cream manufacturers are defined as having 1,000 or fewer employees. Small butter and dry or condensed dairy product manufacturers are defined as having 750 or fewer employees. Small cheese manufacturers are defined as having 1,250 or fewer employees.

Based on AMS data, the milk of 33,481 U.S. dairy farmers was pooled on the FMMO system for the month of May 2017. Of that total, AMS estimates that 32,958 dairy farmers, or 98 percent, would be considered small businesses. During the same month, 301 handler plants were regulated by or reported their milk receipts to be pooled and priced under a FMMO. Of the total, AMS estimates approximately 163 handler plants, or 54 percent, would be considered small businesses. AMS does not expect the change in the Class I price formula to negatively impact small entities or impair their ability to compete in the marketplace.

The change in the Class I price formula applies uniformly to both large and small businesses. The dairy industry has calculated that applying the ''higher of'' provisions to skim milk prices has returned a price $0.74 per hundredweight above the average of the two factors since the pricing formulas were implemented in 2000. Thus, the inclusion of the $0.74 in the calculation should make the change roughly revenue neutral. At the same time, it is anticipated that using the average of the Class III and Class IV advanced pricing factors in the Class I skim milk price formula will allow handlers to better manage volatility in monthly Class I skim milk prices using Class III milk and Class IV milk futures and options. Until now, uncertainty about which Class price will end up being higher each month has made effective hedging difficult. Amending the Class I skim milk price provisions may help small businesses better utilize currently available risk management tools.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A review of reporting requirements was completed under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). This final rule will have no impact on reporting, recordkeeping, or compliance requirements under the FMMOs because there are no changes to the current requirements. No new forms are added, and no additional reporting requirements are necessary. This final rule does not require additional information collection beyond that currently approved by OMB for FMMOs (OMB Number 0581–0032—Report Forms Under the Federal Milk Marketing Order Program).

List of Subjects in 7 CFR Part 1000

Milk marketing orders.

For the reasons set forth in the preamble, 7 CFR part 1000 is amended as follows:

PART 1000—GENERAL PROVISIONS OF FEDERAL MILK MARKETING ORDERS

■ 1. The authority citation for 7 CFR part 1000 reads as follows:

Authority: 7 U.S.C. 601–674, and 7253

Subpart G—Class Prices

■ 2. Section 1000.50 is amended by revising paragraph (b) to read as follows:

§ 1000.50 Class prices, component prices, and advanced pricing factors.

* * * * *

(b) *Class I skim milk price.* The Class I skim milk price per hundredweight shall be the adjusted Class I differential specified in § 1000.52, plus the adjustment to Class I prices specified in §§ 1000.51(b), 1006.51(b) and 1007.51(b), plus the simple average of the advanced pricing factors computed in paragraph (q)(1) and (2) of this section, plus $0.74 per hundredweight.

* * * * *

Dated: March 6, 2019.

Bruce Summers,

Administrator.

[FR Doc. 2019–04347 Filed 3–8–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0710; Product Identifier 2018–NM–079–AD; Amendment 39–19574; AD 2019–03–22]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. This AD was prompted by in-service findings that a cotter pin at the main fitting joint of the nose landing gear (NLG) retraction actuator to the NLG strut showed evidence of shearing after an NLG retraction-extension cycling. This AD requires revision of the existing maintenance or inspection program, as applicable, a general visual inspection for damage of a certain cotter pin present on certain configurations of the NLG strut assembly and for the

modification number shown on the identification plate for the NLG strut, and modification of the NLG retraction actuator hardware on any damaged NLG strut assembly. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 15, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 15, 2019.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0710.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0710; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Darren Gassetto, Aerospace Engineer, Mechanical Systems and Admin Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. The NPRM published in the **Federal Register** on August 16, 2018 (83 FR 40703). The NPRM was prompted by in-service findings that a cotter pin at the main fitting joint of the NLG retraction actuator to the NLG strut showed evidence of shearing after an NLG retraction-extension cycling. The NPRM proposed to require revision of the existing maintenance or inspection program, as applicable, a general visual inspection for damage of a certain cotter pin present on certain configurations of the NLG strut assembly and for the modification number shown on the identification plate for the NLG strut, and modification of the NLG retraction actuator hardware on any damaged NLG strut assembly.

We are issuing this AD to address shearing of the cotter pin at the main fitting joint of the NLG retraction actuator to the NLG strut, which could lead to a loss of hardware and result in an actuator disconnect and the NLG failing to retract or extend, or in an undamped freefall, which could adversely affect the airplane's continued safe flight and landing.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2018–05, dated January 23, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. The MCAI states:

> There have been in-service findings whereby the cotter pin at the retraction actuator to nose landing gear (NLG) strut main fitting was observed to be damaged after a NLG retraction-extension cycling. This condition could lead to a loss of hardware and result in an actuator disconnect resulting in a failure to retract or extend, or in an undamped freefall of the NLG [which could adversely affect the airplane's continued safe flight and landing].
>
> This [Canadian] AD mandates a revision to the approved maintenance schedule. This [Canadian] AD also mandates a visual inspection of the cotter pin for certain configurations of NLG strut assembly, and if found damaged, the incorporation of a modification which introduces a new castellated nut, spacer, end plate and sleeve to the NLG retraction actuator to main fitting joint.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0710.

Comments

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

Request To Clarify Effectivity of Inspection and Modification Requirements

NetJets stated that they were not able to find paragraph 1.A, ''Effectivity,'' in the proposed AD, which was referenced in paragraph (h)(2) of the proposed AD.

We infer from the commenter's statement that they request the language in paragraph (h)(2) of the proposed AD be revised to clarify the reference to paragraph 1.A, ''Effectivity.'' We agree to clarify. Paragraph (h)(2) of the proposed AD directs operators to the applicable Bombardier service information specified in figure 2 to paragraph (h) of this AD. Each Bombardier service information referenced in figure 2 to paragraph (h) of this AD contains paragraph 1.A, ''Effectivity,'' which operators must use to determine the applicability of the actions required in paragraph (h)(1) to their specific airplane configuration. Paragraph 1.A, ''Effectivity,'' can be found in Paragraph 1, ''Planning Information,'' in the applicable Bombardier service information. We have not changed the AD in this regard.

Request To Refer to New Service Information

NetJets observed that the service information specified in figure 1 to paragraph (g) of the proposed AD is out of date and requested that we update those references to the latest revision. Netjets noted that at least one of the service bulletins has been revised since the NPRM was released.

We agree with the request to refer to the latest service information, which adds a note to clarify the level at which time tracking of non-serialized parts should be done, and increases the interval at which certain inspections must be conducted. We have determined that the revised actions have no effect on airplanes on which the earlier actions were completed. Each service bulletin in figure 1 to paragraph (g) of the AD has been revised since the NPRM was released, and we have revised the preamble and figure 1 to paragraph (g) of this AD accordingly. We have coordinated this with TCCA.

Because the revised service information does not include any additional actions, we have revised paragraph (j) of this AD to provide credit for specified actions performed before the effective date of this AD in accordance with Airworthiness Limitation (AWL) Task 32–33–01–111, ''Restoration of the Nose Landing Gear Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint,'' of Bombardier Global 5000 Time Limits/

Maintenance Checks, Publication No. BD–700 TLMC, Revision 19, dated November 13, 2017; Bombardier Global 5000 Featuring Global Vision Flight Deck—Time Limits/Maintenance Checks, Publication No. GL 5000 GVFD, Revision 9, dated November 13, 2017; Bombardier Global 6000 Time Limits/Maintenance Checks, Publication No. GL 6000 TLMC, Revision 9, dated November 13, 2017; Bombardier Global Express Time Limits/Maintenance Checks, Publication No. BD–700 TLMC, Revision 28, dated November 13, 2017; or Bombardier Global Express XRS Time Limits/Maintenance Checks, Publication No. BD–700 XRS TLMC, Revision 15, dated November 13, 2017; as applicable.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information, which describes procedures for a general visual inspection for damage of the cotter pin retaining the bolt that secures the main fitting joint of the NLG retraction actuator to the NLG strut and for the modification number shown on the identification plate for the NLG strut, and modification of the NLG retraction actuator hardware that secures the NLG retraction actuator to the NLG strut. These documents are distinct since they apply to different airplane models in different configurations.

- Bombardier Service Bulletin 700–1A11–32–022, Revision 2, dated November 6, 2017.
- Bombardier Service Bulletin 700–32–035, Revision 2, dated November 6, 2017.
- Bombardier Service Bulletin 700–32–5011, Revision 2, dated November 6, 2017.
- Bombardier Service Bulletin 700–32–6011, Revision 2, dated November 6, 2017.

Bombardier has issued AWL Task 32–33–01–111, ''Restoration of the Nose Landing Gear Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint,'' of the following service information, which identifies airworthiness limitation tasks for restoration of the main fitting joint of the NLG retraction actuator to the NLG strut. These documents are distinct since they apply to different airplane models in different configurations.

- Bombardier Global 5000 Time Limits/Maintenance Checks, Publication No. BD–700 TLMC, Revision 20, dated May 3, 2018, for Bombardier Model BD–700–1A11 airplanes.
- Bombardier Global 5000 Featuring Global Vision Flight Deck Time Limits/Maintenance Checks, Publication No. GL 5000 GVFD TLMC, Revision 10, dated May 3, 2018, for Bombardier Model BD–700–1A11 airplanes.
- Bombardier Global 6000 Time Limits/Maintenance Checks, Publication No. GL 6000 TLMC, Revision 10, dated May 3, 2018, for Bombardier Model BD–700–1A10 airplanes.
- Bombardier Global Express Time Limits/Maintenance Checks, Publication No. BD–700 TLMC, Revision 29, dated May 3, 2018, for Bombardier Model BD–700–1A10 airplanes.
- Bombardier Global Express XRS Time Limits/Maintenance Checks, Publication No. BD–700 XRS TLMC, Revision 16, dated May 3, 2018, for Bombardier Model BD–700–1A10 airplanes.

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

Costs of Compliance

We estimate that this AD affects 60 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$0	$340	$20,400

We have determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

We estimate the following costs to do the 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
1 work-hour × $85 per hour = $85	$10,847	$10,932

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all known costs in our cost estimate.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

(2) Is not a ''significant rule'' under 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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–03–22 Bombardier, Inc.: Amendment 39–19574; Docket No. FAA–2018–0710; Product Identifier 2018–NM–079–AD.

(a) Effective Date

This AD is effective April 15, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, serial numbers 9002 through 9638 inclusive and 9998.

(d) Subject

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

(e) Reason

This AD was prompted by in-service findings that a cotter pin at the main fitting joint of the nose landing gear (NLG) retraction actuator to the NLG strut showed evidence of shearing after an NLG retraction-extension cycling. We are issuing this AD to address this condition, which could lead to a loss of hardware and result in an actuator disconnect and the NLG failing to retract or extend, or in an undamped freefall, which could adversely affect the airplane's continued safe flight and landing.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD: Revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Airworthiness Limitation (AWL) Task 32–33–01–111, ''Restoration of the Nose Landing Gear Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint,'' as specified in the applicable time limits/maintenance checks (TLMC) manual identified in figure 1 to paragraph (g) of this AD, as applicable. The initial compliance time for doing the task is at the time specified in the applicable TLMC manual listed in figure 1 to paragraph (g) of this AD, or within 30 days after the effective date of this AD, whichever occurs later.

Figure 1 to paragraph (g) of this AD – *Acceptable Time Limits/Maintenance Checks Manuals*

Airplane Models	Time Limits/Maintenance Checks (TLMC) Manual	Acceptable Revision Number	Date of Issue
BD-700-1A10	Bombardier Global Express TLMC, Publication No. BD-700 TLMC	Revision 29	May 3, 2018
	Bombardier Global Express XRS TLMC, Publication No. BD-700 XRS TLMC	Revision 16	May 3, 2018
	Bombardier Global 6000 TLMC, Publication No. GL 6000 TLMC	Revision 10	May 3, 2018
BD-700-1A11	Bombardier Global 5000 TLMC, Publication No. BD-700 TLMC	Revision 20	May 3, 2018
	Bombardier Global 5000 GL 5000 Featuring Global Vision Flight Deck, Publication No. GL 5000 GVFD TLMC	Revision 10	May 3, 2018

(h) Inspection and Modification

(1) Except for airplanes identified in paragraph (h)(2) of this AD: Within 6 months from the effective date of this AD, perform a general visual inspection for damage of the cotter pin retaining the bolt that secures the NLG retraction actuator to the NLG strut, and a general visual inspection of the modification number shown on the identification plate for the NLG strut, and, if applicable, mark the correct modification number on the identification plate of the NLG strut, in accordance with the applicable Bombardier service information as shown in figure 2 to paragraph (h) of this AD. If damage to the cotter pin is present: Before further flight, perform the modification of the NLG retraction actuator hardware in accordance with the Accomplishment Instructions of the applicable Bombardier service information as shown in figure 2 to paragraph (h) of this AD.

(2) The actions specified in paragraph (h)(1) of this AD are not required for airplanes that do not have the NLG configuration specified in Paragraph 1.A, ''Effectivity'' of the applicable Bombardier service information as shown in figure 2 to paragraph (h) of this AD.

Figure 2 to paragraph (h) of this AD – *Service Bulletins for Inspection and Modification*

Airplane Model	Bombardier Service Bulletin	Date
BD-700-1A10	700-32-035, Revision 2	November 6, 2017
	700-32-6011, Revision 2	November 6, 2017
BD-700-1A11	700-1A11-32-022, Revision 2	November 6, 2017
	700-32-5011, Revision 2	November 6, 2017

(i) No Alternative Actions or Intervals

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

(j) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using AWL Task 32–33–01–111, ''Restoration of the Nose Landing Gear Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint,'' of the applicable service information specified in figure 3 to paragraph (j)(1) of this AD.

Figure 3 to paragraph (j)(1) of this AD - *Acceptable Temporary Revisions (TR) by Airplane Model*

Airplane Models	TLMC Manual	Acceptable TR	Date of Issue
BD-700-1A10	Bombardier Global Express TLMC, Publication No. BD-700 TLMC	TR-5-2-46	May 19, 2015
	Bombardier Global Express XRS TLMC, Publication No. BD-700 XRS TLMC	TR-5-2-9	May 19, 2015
	Bombardier Global 6000 TLMC, Publication No. GL 6000 TLMC	TR-5-2-13 and TR-5-2-14	May 19, 2015
BD-700-1A11	Bombardier Global 5000 TLMC, Publication No. BD-700 TLMC	TR-5-2-15	May 19, 2015
	Bombardier Global 5000 Featuring Global Vision Flight Deck TLMC, Publication No. GL 5000 GVFD TLMC	TR-5-2-13 and TR-5-2-14	May 19, 2015

(2) This paragraph provides credit for actions required by paragraph (h)(1) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraphs (j)(2)(i) through (j)(2)(xiii) of this AD, provided that it can be confirmed that at least 25 NLG extension-retraction cycles had been completed on the NLG at the time of completion of the Instructions of the applicable service information specified in paragraphs (j)(2)(i) through (j)(2)(xiii) of this AD; and provided neither the NLG nor the NLG retraction actuator has been replaced or modified since the completion of the Instructions of the applicable service information specified in paragraphs (j)(2)(i) through (j)(2)(xiii) of this AD.

(i) Task 32–33–01–111of Bombardier Global 5000 Time Limits/Maintenance Checks, Revision 19, dated November 13, 2017.

(ii) Task 32–33–01–111of Bombardier Global 5000 Featuring Global Vision Flight Deck—Time Limits/Maintenance Checks, Publication No. GL 5000 GVFD TLMC, Revision 9, dated November 13, 2017.

(iii) Task 32–33–01–111of Bombardier Global 6000 Time Limits/Maintenance Checks, Publication No. GL 6000 TLMC, Revision 9, dated November 13, 2017.

(iv) Task 32–33–01–111of Bombardier Global Express Time Limits/Maintenance

Checks, Publication No. BD–700 TLMC, Revision 28, dated November 13, 2017.

(v) Task 32–33–01–111of Bombardier Global Express XRS Time Limits/ Maintenance Checks, Publication No. BD–XRS TLMC, Revision 15, dated November 13, 2017.

(vi) Bombardier Service Bulletin 700–1A11–32–022, dated May 13, 2015.

(vii) Bombardier Service Bulletin 700–1A11–32–022, Revision 1, dated August 26, 2015.

(viii) Bombardier Service Bulletin 700–32–035, dated May 13, 2015.

(ix) Bombardier Service Bulletin 700–32–035, Revision 1, dated August 26, 2015.

(x) Bombardier Service Bulletin 700–32–5011, dated May 13, 2015.

(xi) Bombardier Service Bulletin 700–32–5011, Revision 1, dated August 26, 2015.

(xii) Bombardier Service Bulletin 700–32–6011, dated May 13, 2015.

(xiii) Bombardier Service Bulletin 700–32–6011, Revision 1, dated August 26, 2015.

(k) Service Information Prohibition

As of the effective date of this AD, no person may incorporate Liebherr-Aerospace Service Bulletin 1285A–32–07 at any revision level on the NLG strut assemblies of any Bombardier, Inc., Model BD–700–1A10 or BD–700–1A11 airplane.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2018–05, dated January 23, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0710.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Admin Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(4) of this AD.

(n) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 700–1A11–32–022, Revision 2, dated November 6, 2017.

(ii) Bombardier Service Bulletin 700–32–035, Revision 2, dated November 6, 2017.

(iii) Bombardier Service Bulletin 700–32–5011, Revision 2, dated November 6, 2017.

(iv) Bombardier Service Bulletin 700–32–6011, Revision 2, dated November 6, 2017.

(v) Task 32–33–01–111, ''Restoration of the Nose Landing Gear Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint,'' of Bombardier Global 5000 Time Limits/ Maintenance Checks, Publication No. BD–700 TLMC, Revision 20, dated May 3, 2018.

(vi) Task 32–33–01–111, ''Restoration of the Nose Landing Gear Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint,'' of Bombardier Global 5000 Featuring Global Vision Flight Deck Time Limits/Maintenance Checks, Publication No. GL 5000 GVFD TLMC, Revision 10, dated May 3, 2018.

(vii) Task 32–33–01–111, ''Restoration of the Nose Landing Gear Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint,'' of Bombardier Global 6000 Time Limits/ Maintenance Checks, Publication No. GL 6000 TLMC, Revision 10, dated May 3, 2018.

(viii) Task 32–33–01–111, ''Restoration of the Nose Landing Gear Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint,'' of Bombardier Global Express Time Limits/ Maintenance Checks, Publication No. BD–700 TLMC, Revision 29, dated May 3, 2018.

(ix) Task 32–33–01–111, ''Restoration of the Nose Landing Gear Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint,'' of Bombardier Global Express XRS Time Limits/Maintenance Checks, Publication No. BD–700 XRS TLMC, Revision 16, dated May 3, 2018.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* internet *http://www.bombardier.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on February 14, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–03255 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0762; Product Identifier 2018–NM–033–AD; Amendment 39–19580; AD 2019–03–28]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2016–07–23, which applied to all Airbus SAS Model A318 and A319 series airplanes; Model A320–211, A320–212, A320–214, A320–216, A320–231, A320–232, and A320–233 airplanes; and Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231, and A321–232 airplanes. AD 2016–07–23 required, for certain airplanes, repetitive replacements of the fixed fairing upper and lower attachment studs of both the left-hand (LH) and right-hand (RH) main landing gear (MLG); and repetitive inspections for corrosion, wear, fatigue cracking, and loose studs of each forward stud assembly of the fixed fairing door upper and lower forward attachments of both the LH and RH MLG; and replacement if necessary. AD 2016–07–23 also provided an optional terminating modification for the repetitive replacements of the fixed fairing upper and lower attachment studs. This AD retains the requirements of AD 2016–07–23 and, for certain airplanes, requires re-identification of the LH and RH MLG fixed fairing assemblies' part numbers. This AD was prompted by a determination that for some airplane configurations, associated fixed fairing assembly part numbers susceptible to fatigue cracking were not listed in certain service information required by AD 2016–07–23. In addition, we have determined that additional work is necessary to re-identify the fixed fairing assembly part

number on certain airplanes. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 15, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 15, 2019.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of June 6, 2016 (81 FR 26115, May 2, 2016).

ADDRESSES: For service information identified in this final rule, 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. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0762.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0762; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2016–07–23, Amendment 39–18468 (81 FR 26115, May 2, 2016) (''AD 2016–07–23''). AD 2016–07–23 applied to all Airbus SAS Model A318 and A319 series airplanes; Model A320–211, A320–212, A320–214, A320–216, A320–231, A320–232, and A320–233 airplanes; and Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231, and A321–232 airplanes. The NPRM published in the **Federal Register** on August 31, 2018 (83 FR 44516). The NPRM was prompted by a determination that since we issued AD 2016–07–23, for some airplane configurations, associated fixed fairing assembly part numbers susceptible to fatigue cracking were not listed in certain service information required by AD 2016–07–23. In addition, we have determined that additional work is necessary to re-identify the fixed fairing assembly part number on certain airplanes. The NPRM proposed to retain the requirements of AD 2016–07–23 and, for certain airplanes, require re-identification of the LH and RH MLG fixed fairing assemblies' part numbers. The NPRM also proposed to provide an optional terminating modification for the repetitive replacements of the fixed fairing upper and lower attachment studs. We are issuing this AD to address in-flight detachment of an MLG fixed fairing and consequent damage to the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0023, dated January 26, 2018; corrected February 5, 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; all Airbus SAS Model A320–211, A320–212, A320–214, A320–216, A320–231, A320–232, and A320–233 airplanes; and all Airbus SAS Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231, and A321–232 airplanes. The MCAI states:

> Several occurrences were reported of in-flight loss of main landing gear (MLG) fixed and hinged fairings. The majority of reported events occurred following scheduled maintenance activities. One result of the investigation was that a discrepancy between the drawing and the maintenance manuals was discovered. The maintenance documents were corrected to prevent mis-rigging of the MLG fixed and hinged fairings, which could induce fatigue cracking.
>
> Prompted by these findings, Airbus issued Service Bulletin (SB) A320–52–1083, providing instructions for a one-time inspection of the MLG fixed fairing composite insert and the surrounding area, replacement of the adjustment studs at the lower forward position and adjustment to the new clearance tolerances. That SB was replaced by Airbus SB A320–52–1100 (modification (mod) 27716) introducing a re-designed location stud, rod end and location plate at the forward upper and lower leg fixed-fairing positions. Subsequently, reports were received of post-mod 27716/post-SB A320–52–1100 MLG fixed fairing assemblies with corrosion, which could also induce cracking.
>
> This condition, if not detected and corrected, could lead to further cases of in-flight detachment of a MLG fixed fairing, possibly resulting in injury to persons on the ground and/or damage to the aeroplane.
>
> To address this potential unsafe condition, EASA issued AD 2014–0096 to require repetitive detailed inspections (DET) of the MLG fixed fairings, and, depending on findings, accomplishment of applicable corrective actions. That [EASA] AD also prohibited installation of certain MLG fixed fairing rod end assemblies and studs as replacement parts on aeroplanes incorporating Airbus mod 27716 in production, or modified in accordance with Airbus SB A320–52–1100 (any revision) in service.
>
> Since EASA AD 2014–0096 was issued, Airbus developed an alternative inspection programme to meet the [EASA] AD requirements. In addition, a terminating action (mod 155648) was developed, which was made available for in-service aeroplanes through Airbus SB A320–52–1165.
>
> Consequently, EASA issued AD 2015–0001 (later revised), retaining the requirements of EASA AD 2014–0096, which was superseded, and adding an optional terminating action for the repetitive inspections. For post-mod aeroplanes, *i.e.* incorporating Airbus mod 155648 in production, or modified by Airbus SB A320–52–1165 in service, the only remaining requirement was to ensure that pre-mod components are no longer installed.
>
> Since EASA AD 2015–0001R1 [which corresponds to FAA AD 2016–07–23] was issued, Airbus revised SB A320–52–1165 to include additional work, to re-identify the fairing assembly part number (P/N). During the preparation of this additional work, it was noted that several configurations and associated P/N were not listed in the original SB, which may have an impact on aeroplanes on which SB A320–52–1165 original issue or Revision (rev.) 01 was already accomplished. It has also been noticed that the instructions for reidentification of two P/N were not correct in revision 02 of this SB.
>
> For the reasons described above, this [EASA] AD retains the requirement of EASA AD 2015–0001R1, which is superseded, but requires using the SB at rev. 03.
>
> This [EASA] AD also requires accomplishment of additional work [re-identification of the part number for the LH and RH MLG fixed fairing assemblies] for those aeroplanes on which parts were replaced in accordance with the instructions of Airbus SB A320–52–1165 at original issue, rev. 01 or rev. 02 and correct (re)identification as applicable.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0762.

Comments

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

Support for the NPRM

United Airlines stated that it agreed with the intent of the NPRM.

Request To Refer to Revised Service Information

United Airlines requested that paragraphs (i), (k), (l), (m) and (q) of the proposed AD be revised to refer to Airbus Service Bulletin A320–52–1163, Revision 02, dated May 11, 2018, rather than Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015. The commenter noted that Airbus made a number of updates and clarifications in Airbus Service Bulletin A320–52–1163, Revision 02, dated May 11, 2018, and that EASA AD 2018–0023 allows for use of later approved revisions of Airbus Service Bulletin A320–52–1163, Revision 01, dated June 22, 2015. In addition, the commenter pointed out that the FAA issued alternative method of compliance (AMOC) letter AIR–676–18–331, dated August 14, 2018, which permits all operators with airplanes affected by AD 2016–07–23 to use Airbus Service Bulletin A320–52–1163, Revision 02, dated May 11, 2018, instead of Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015.

We disagree with the commenter's request to change the final rule to refer to Airbus Service Bulletin A320–52–1163, Revision 02, dated May 11, 2018. Airbus Service Bulletin A320–52–1163, Revision 02, dated May 11, 2018, would expand the requirements of the proposed AD because it modifies the work steps for the removal of cover plates. To change the requirements of the proposed AD would necessitate (under the provisions of the Administrative Procedure Act) reissuing the notice, reopening the period for public comment, considering additional comments subsequently received, and eventually issuing a final rule. That procedure could add unwarranted time to the rulemaking process.

However, we note that paragraph (v)(1)(ii) of this AD states that AMOCs approved previously for AD 2016–07–23 are approved as AMOCs for the corresponding provisions of this AD. This provision allows operators to utilize the AMOC included in letter AIR–676–18–331, dated August 14, 2018, for completing the applicable actions required by this AD; that AMOC identifies new revisions of the applicable service information as an appropriate source of service information.

Regarding the use of ''or later approved'' revisions of service information, we may not refer to any document that does not yet exist. In general terms, we are required by Office of the Federal Register (OFR) regulations for approval of materials incorporated by reference, as specified in 1 CFR 51.1(f), to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as referenced material, in which case we may only refer to such material in the text of an AD. The AD may refer to the service document only if the OFR approved it for incorporation by reference. See 1 CFR part 51. To allow operators to use later revisions of the referenced document (issued after publication of the AD), either we must revise the AD to reference specific later revisions, or operators must request approval to use later revisions as an AMOC with this AD under the provisions of paragraph (v)(1) of this AD. We have not revised this AD in regard to this issue.

Request To Remove Redundant Paragraphs

Delta Air Lines recommended that paragraphs (s) and (t) of the proposed AD be deleted. The commenter stated that paragraph (s) of the proposed AD appears to be redundant to paragraph (n) of the proposed AD, with the exception that it does not include references to paragraphs (h) and (j) of the proposed AD. The commenter requested clarification as to why paragraph (s) of the proposed AD is needed in addition to paragraph (n) of the proposed AD, and why paragraphs (h) and (j) of the proposed AD were not included in paragraph (s) of the proposed AD but were included in paragraph (n) of the proposed AD. Furthermore, the commenter observed that paragraph (t) of the proposed AD appears to be redundant to paragraph (p) of the proposed AD and requested why both paragraphs are needed since they appear to require the same action.

We disagree with the commenter's request to delete paragraphs (s) and (t) of this AD; however, we do agree to provide clarification. The seemingly redundant paragraphs are a result of our method for superseding an AD. To ensure the continuity of the required actions between the existing AD (the AD being superseded, in this case AD 2016–07–23) and the effective date of the new AD, we restate the pertinent requirements of the existing AD and identify the new requirements of this AD. In this AD paragraphs (g) through (q) are the restated requirements of AD 2016–07–23, and the new requirements are paragraphs (r) through (t) of this AD.

Paragraph (s) of this AD is new information regarding terminating action and is applicable starting on the effective date of this AD. Paragraphs (n)(1), (n)(2), and (n)(3) of this AD include restated requirements from AD 2016–07–23 and became effective on June 6, 2016, the effective date of AD 2016–07–23. However, in addition to the restated requirements, paragraph (n)(3) of this AD was updated to refer to the latest revision of the service information: Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017.

Paragraph (s) of this AD also refers to Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, which was issued after the publication of AD 2016–07–23. Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, includes, for some airplane configurations, associated fixed fairing assembly part numbers susceptible to fatigue cracking that were not listed in the retained service information referred to in paragraph (n)(3) of AD 2016–07–23. We acknowledge paragraph (n)(3) of this AD does include redundant information since it refers to Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, in addition to the retained service information.

The reason paragraphs (h) and (j) of this AD were not referenced in paragraph (s) of this AD is because it is only necessary to identify the required actions terminated by paragraph (s) of this AD. Paragraphs (h) and (j) of this AD include the compliance times only. Once the corresponding requirements are terminated, the compliance times in paragraphs (h) and (j) of this AD are no longer relevant. However, for clarity and consistency with references in paragraph (n)(3) of this AD, we have revised paragraph (s) of this AD to refer to paragraphs (g) through (m) of this AD.

In regard to the apparent redundancy between paragraphs (p) and (t) of this AD, we agree clarification is needed. Paragraph (t) of this AD includes new information regarding the parts installation prohibition and is applicable starting on the effective date of this AD. The compliance time for the

parts installation prohibition specified in paragraph (t)(2) of this AD depends on whether an airplane is in a pre- or post-Airbus Modification 155648 or pre- or post-Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, configuration.

Paragraph (p) of this AD is the restated parts installation prohibition from AD 2016–07–23, which became effective on June 6, 2016, the effective date of AD 2016–07–23. In the restatement in paragraphs (p)(2) and (p)(4) of the proposed AD, we inadvertently did not include the effective date of June 6, 2016. We have revised paragraphs (p)(2) and (p)(4) of this AD to include the effective date of AD 2016–07–23. In addition, we have revised paragraph (p) of this AD to clarify that the prohibition specified in paragraph (p) of this AD is applicable only until the effective date of this AD and that on the effective date of this AD, the prohibition specified in paragraph (t) of this AD must be complied with.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

- Airbus Service Bulletin A320–52–1100, Revision 01, dated March 12, 1999, which the Director of the Federal Register approved for incorporation by reference as of June 6, 2016 (81 FR 26115, May 2, 2016).
- Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015, which the Director of the Federal Register approved for incorporation by reference as of June 6, 2016 (81 FR 26115, May 2, 2016).
- Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017. The service information describes procedures for replacing the fixed fairing attachment stud assemblies of the MLG door assembly with new assemblies, and re-identifying the part number of the LH and RH MLG fixed fairing assemblies. The actions in this service information are an optional terminating modification.

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

Costs of Compliance

We estimate that this AD affects 901 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
18 work-hours × $85 per hour = $1,530	$4,110	$5,640	$5,081,640.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
Up to 18 work-hours × $85 per hour = $1,530	Up to $4,110	Up to $5,640.

We estimate the following costs to do any necessary replacements or re-identifications that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need these replacements or re-identifications:

ON-CONDITION COSTS

Labor cost	Parts cost	Cost per product
Up to 20 work-hours × $85 per hour = $1,700	Up to $4,110	Up to $5,810.

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

products identified in this rulemaking action.

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

Regulatory Findings

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

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

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

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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–07–23, Amendment 39–18468 (81 FR 26115, May 2, 2016), and adding the following new AD:

2019–03–28 Airbus SAS: Amendment 39–19580; Docket No. FAA–2018–0762; Product Identifier 2018–NM–033–AD.

(a) Effective Date

This AD is effective April 15, 2019.

(b) Affected ADs

This AD replaces AD 2016–07–23, Amendment 39–18468 (81 FR 26115, May 2, 2016) (''AD 2016–07–23'').

(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, A318–112, A318–121, and A318–122 airplanes.

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by reports of in-flight loss of fixed and hinged main landing gear (MLG) fairings, and reports of post-modification MLG fixed fairing assemblies that have wear and corrosion. This AD was also prompted by a determination that for some airplane configurations, associated fixed fairing assembly part numbers susceptible to fatigue cracking were not listed in certain service information required by AD 2016–07–23. In addition, we have determined that additional work is necessary to re-identify the fixed fairing assembly part number on certain airplanes. We are issuing this AD to prevent in-flight detachment of an MLG fixed fairing and consequent damage to the airplane.

(f) Compliance

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

(g) Retained Repetitive Replacements, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2016–07–23, with no changes. For airplanes in pre-Airbus Modification 27716 and pre-Airbus Service Bulletin A320–52–1100 configuration, with any of the components installed that are identified in paragraphs (g)(1) through (g)(5) of this AD: At the applicable compliance time specified in paragraph (h) of this AD, replace fixed fairing upper and lower attachment studs of both left-hand (LH) and right-hand (RH) MLG, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015. Repeat the replacements thereafter at intervals not to exceed 6,500 flight cycles.

(1) Plate—support having part number (P/N) D5284024820000.

(2) Plate—support having P/N D5284024820200.

(3) Stud—adjustment having P/N D5284024420000.

(4) Rod end assembly (lower) having P/N D5284000500000.

(5) Rod end assembly (upper) having P/N D5284000600000.

(h) Retained Compliance Times for the Requirements of Paragraph (g) of This AD, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2016–07–23, with no changes. For airplanes identified in paragraph (g) of this AD, except as provided by paragraph (o) of this AD: Do the initial replacement required by paragraph (g) of this AD at the latest of the times specified in paragraphs (h)(1) through (h)(4) of this AD.

(1) Before the accumulation of 6,500 total flight cycles since the airplane's first flight.

(2) Within 6,500 flight cycles since the last installation of a pre-Airbus Modification 27716 stud on the airplane.

(3) Within 1,500 flight cycles after June 6, 2016 (the effective date of AD 2016–07–23).

(4) Within 8 months after June 6, 2016 (the effective date of AD 2016–07–23).

(i) Retained Repetitive Inspections, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2016–07–23, with no changes. For airplanes in post-Airbus Modification 27716 or post-Airbus Service Bulletin A320–52–1100 configuration, with any of the components installed that are identified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD: At the applicable compliance time specified in paragraph (j) of this AD, do a detailed inspection of the LH and RH MLG forward stud assemblies of the fixed fairing door upper and lower forward attachments of both LH and RH MLG for indications of corrosion, wear, fatigue cracking, and loose studs, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015. Repeat the detailed inspection thereafter at intervals not to exceed 12 months. Replacement of both LH and RH MLG forward stud assemblies on an airplane, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015, extends the interval for the next detailed inspection to 72 months; and the inspection must be repeated thereafter at intervals not to exceed 12 months.

(1) Stud—adjustment having P/N D5285600720000.

(2) Rod end assembly (lower) having P/N D5285600400000.

(3) Rod end assembly (upper) having P/N D5285600500000.

(j) Retained Compliance Times for the Requirements of Paragraph (i) of This AD, With No Changes

This paragraph restates the requirements of paragraph (j) of AD 2016–07–23, with no changes. For airplanes identified in paragraph (i) of this AD, except as provided by paragraph (o) of this AD: Do the initial inspection required by paragraph (i) of this

AD at the latest of the times specified in paragraphs (j)(1) through (j)(4) of this AD.

(1) Before the accumulation of 72 months since the airplane's first flight.

(2) Within 72 months since the last installation of a post-Airbus Modification 27716 assembly or since accomplishment of the actions specified in Airbus Service Bulletin A320–52–1100.

(3) Within 1,500 flight cycles after June 6, 2016 (the effective date of AD 2016–07–23).

(4) Within 8 months after June 6, 2016 (the effective date of AD 2016–07–23).

(k) Retained Corrective Action, With Revised Service Information

This paragraph restates the requirements of paragraph (k) of AD 2016–07–23, with revised service information. If any discrepancy (including any indication of corrosion, wear, fatigue cracking, or loose studs) of any MLG forward stud assembly is found during any inspection required by paragraph (i) of this AD, except as specified in paragraph (l) of this AD: Before further flight, replace the discrepant upper and lower fixed fairing forward stud assemblies of the LH and RH MLG, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015; or Airbus Service Bulletin A320–52–1165, Revision 01, dated October 23, 2015, excluding Appendix 01, dated November 3, 2014, and including Appendix 02, dated October 23, 2015; or Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017. As of the effective date of this AD only Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015; or Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, may be used.

(l) Retained Corrective Action or Repetitive Inspections for Certain Corrosion Findings, With Revised Service Information

This paragraph restates the requirements of paragraph (l) of AD 2016–07–23, with revised service information. If any corrosion is found during any inspection required by paragraph (i) of this AD on any MLG fixed fairing forward stud assembly (upper, lower, LH or RH), but the corroded stud is not loose: Do the action specified in paragraph (l)(1) or (l)(2) of this AD.

(1) Before further flight, replace the affected assembly, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015; or Airbus Service Bulletin A320–52–1165, Revision 01, dated October 23, 2015, excluding Appendix 01, dated November 3, 2014, and including Appendix 02, dated October 23, 2015; or Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017. As of the effective date of this AD only Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015; or Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, may be used.

(2) Within 4 months after finding corrosion, and thereafter at intervals not to exceed 4 months, do a detailed inspection for indications of corrosion, wear, fatigue cracking, and loose studs of the forward stud assembly of the affected (LH or RH) MLG, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015.

(m) Retained Corrective Action for Inspections Specified in Paragraph (l)(2) of This AD, With Revised Service Information

This paragraph restates the requirements of paragraph (m) of AD 2016–07–23, with revised service information. If any indication of wear, fatigue cracking, or loose studs of any forward stud assembly is found during any inspection required by paragraph (l)(2) of this AD: Before further flight, replace the affected (LH or RH) MLG fixed fairing forward stud assembly, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015; or Airbus Service Bulletin A320–52–1165, Revision 01, dated October 23, 2015, excluding Appendix 01, dated November 3, 2014, and including Appendix 02, dated October 23, 2015; or Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017. As of the effective date of this AD only Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015; or Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, may be used.

(n) Retained Terminating Action, With Revised Service Information

This paragraph restates the requirements of paragraph (n) of AD 2016–07–23, with revised service information.

(1) Replacement of parts on an airplane, as required by paragraph (g), (k), (l)(1), or (m) of this AD, does not constitute terminating action for the repetitive inspections required by paragraph (i) of this AD, except as specified in paragraph (n)(3) of this AD.

(2) The repetitive replacements required by paragraph (g) of this AD may be terminated by modification of the airplane to post-Airbus Modification 27716 configuration, including a resonance frequency inspection for debonding of the composite insert and delamination of the honeycomb area around the insert, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1100, Revision 01, dated March 12, 1999, provided all applicable corrective actions are done before further flight. Thereafter, refer to paragraph (i) of this AD to determine the compliance time for the next detailed inspection required by this AD.

(3) Modification of an airplane, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1165, Revision 01, dated October 23, 2015, excluding Appendix 01, dated November 3, 2014, and including Appendix 02, dated October 23, 2015; or Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, constitutes terminating action for actions required by paragraphs (g) through (m) of this AD for the airplane on which the modification is done. As of the effective date of this AD only Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, may be used.

(o) Retained Exceptions to Certain AD Actions, With No Changes

This paragraph restates the requirements of paragraph (o) of AD 2016–07–23, with no changes. An airplane on which Airbus Modification 155648 has been embodied in production is not affected by the requirements of paragraphs (g) and (i) of this AD, provided that no affected component, identified by part number as specified in paragraphs (g)(1) through (g)(5) and (i)(1) through (i)(3) of this AD, has been installed on that airplane since first flight of the airplane.

(p) Retained Parts Installation Prohibition, With a Change to Compliance Requirements

This paragraph restates the requirements of paragraph (p) of AD 2016–07–23, with a change to compliance requirements. Comply with this parts installation prohibition paragraph until the effective date of this AD. As of the effective date of this AD, comply with paragraph (t) of this AD.

(1) For airplanes in pre-Airbus Modification 27716 or pre-Airbus Service Bulletin A320–52–1100 configuration: No person may install a component identified in paragraphs (g)(1) through (g)(5) of this AD on any airplane after doing the actions provided in paragraph (n)(2) of this AD.

(2) For airplanes in post-Airbus Modification 27716 or post Airbus Service Bulletin A320–52–1100 configuration: As of June 6, 2016 (the effective date of AD 2016–07–23), no person may install a component identified in paragraphs (g)(1) through (g)(5) of this AD on any airplane.

(3) For airplanes in pre-Airbus Modification 155648 or pre-Airbus Service Bulletin A320–52–1165 configuration: No person may install a component identified in paragraphs (g)(1) through (g)(5) and (i)(1) through (i)(3) of this AD on any airplane after doing the actions provided in paragraph (n)(3) of this AD.

(4) For airplanes in post-Airbus Modification 155648 or post-Airbus Service Bulletin A320–52–1165 configuration: As of June 6, 2016 (the effective date of AD 2016–07–23), no person may install a component identified in (g)(1) through (g)(5) and (i)(1) through (i)(3) of this AD on any airplane.

(q) Retained No Reporting Requirement, With No Changes

This paragraph restates the requirements of paragraph (q) of AD 2016–07–23, with no changes. Although Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015, specifies

to submit certain information to the manufacturer, and specifies that action as ''RC'' (Required for Compliance), this AD does not include that requirement.

(r) New Requirement of This AD: Additional Work

For any airplane on which, before the effective date of this AD, any part was installed or replaced, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1165, dated November 3, 2014; Revision 01, dated October 13, 2015; or Revision 02, dated February 12, 2016: Within 12 months after the effective date of this AD, accomplish the instructions identified as ''additional work'' in the Accomplishment Instructions of Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, as applicable to the airplane configuration.

(s) New Terminating Action

Modification of an airplane in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, or as specified in paragraph (r) of this AD constitutes terminating action for the requirements of paragraphs (g) through (m) of this AD for that airplane.

(t) New Parts Installation Prohibition

(1) Do not install on any airplane a component specified in paragraphs (g)(1) through (g)(5) of this AD, as required by paragraph (t)(1)(i) or (t)(1)(ii) of this AD, as applicable.

(i) For airplanes in pre-Airbus Modification 27716 or pre-Airbus Service Bulletin A320–52–1100 configuration: After completing the optional modification specified in paragraph (n)(2) of this AD.

(ii) For airplanes in post-Airbus Modification 27716 or post Airbus Service Bulletin A320–52–1100 configuration: As of the effective date of this AD.

(2) Do not install on any airplane a component specified in paragraphs (g)(1) through (g)(5) of this AD or paragraphs (i)(1) through (i)(3) of this AD, as required by paragraph (t)(2)(i) or (t)(2)(ii) of this AD, as applicable.

(i) For airplanes in pre-Airbus Modification 155648 or pre-Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, configuration: After completion of the additional work required by paragraph (r) of this AD.

(ii) For airplanes in post-Airbus Modification 155648 or post-Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017, configuration: As of the effective date of this AD.

(u) Credit for Previous Actions

(1) This paragraph provides credit for optional actions provided by paragraph (n)(2) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–52–1100, dated December 7, 1998, which was not previously incorporated by reference.

(2) This paragraph provides credit for the actions required by paragraphs (g), (i), (k), (l), and (m) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–52–1163, dated February 4, 2014, which was not previously incorporated by reference.

(3) This paragraph provides credit for the actions required by paragraphs (k), (l)(1), (m), and (n)(3) of this AD if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–52–1165, Revision 01, dated October 23, 2015, excluding Appendix 01, dated November 3, 2014, and including Appendix 02, dated October 23, 2015, which was previously incorporated by reference in AD 2016–07–23.

(v) 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 (w)(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 2016–07–23 are approved as AMOCs for the corresponding provisions of this AD.

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

(3) *Required for Compliance (RC):* Except as specified by paragraph (q) 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.

(w) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0023, dated January 26, 2018; corrected February 5, 2018; for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0762.

(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) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (x)(5) and (x)(6) of this AD.

(x) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on April 15, 2019.

(i) Airbus Service Bulletin A320–52–1165, Revision 03, excluding Appendix 01 and including Appendix 02, dated November 9, 2017.

(ii) [Reserved]

(4) The following service information was approved for IBR on June 6, 2016 (81 FR 26115, May 2, 2016).

(i) Airbus Service Bulletin A320–52–1100, Revision 01, dated March 12, 1999.

(ii) Airbus Service Bulletin A320–52–1163, Revision 01, including Appendix 01, dated June 22, 2015.

(5) 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.*

(6) 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.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on February 22, 2019.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–03786 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0118; Product Identifier 2018–NM–143–AD; Amendment 39–19582; AD 2019–03–30]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (Embraer) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135ER, –135KE, –135KL, and –135LR airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes. This AD was prompted by reports of internal corrosion of the stow/transit switches installed in the engine thrust reversers. This AD requires installation of new stow/transit switches. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective March 26, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 26, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of August 3, 2004 (69 FR 38819, June 29, 2004).

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

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

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

For service information identified in this final rule, contact Empresa Brasileira de Aeronautica S.A. (Embraer), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* internet *http://www.flyembraer.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. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0118.

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–2019–0118; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

SUPPLEMENTARY INFORMATION:

Discussion

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian AD 2001–05–03R3, dated April 22, 2003 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135 airplanes and Model EMB–145, 145ER, –145MR, –145LR, –145XR, –145MP, and 145EP airplanes. The MCAI states:

> There have been found cases of internal corrosion of the stow/transit switches installed in the engine thrust reversers of EMB–145 ( ) aircraft models. One case of severely contaminated transit switch resulted in uncommanded engine rollback to idle in flight. Spurious messages ''ENG ( ) REV DISAGREE'' have also been displayed in the [Engine Indicating and Crew Alerting System] EICAS, due to the above internal corrosion, which have induced aborted takeoffs.
>
> Since this condition may occur in other airplanes of the same type and affects flight safety, a corrective action [installation of stow/transit switches] is required. Thus, sufficient reason exists to request compliance with this [Brazilian] AD in the indicated time limit.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0118.

Relationship Between This AD and AD 2004–13–16, Amendment 39–13698 (69 FR 38819, June 29, 2004) (''AD 2004–13–16'')

We issued AD 2004–13–16 to correspond to the MCAI. However, AD 2004–13–16 referenced Embraer Service Bulletin 145–78–0035, Revision 02, dated January 31, 2003, which has been revised to include additional airplanes. We have determined that not all affected airplanes were listed in Embraer Service Bulletin 145–78–0035, Revision 02, dated January 31, 2003.

This final rule does not supersede AD 2004–13–16. Rather, we have determined that a stand-alone AD is more appropriate to address the airplanes that were not identified in the applicability of AD 2004–13–16.

Related Service Information Under 1 CFR Part 51

Embraer issued Service Bulletin 145–78–0035, Revision 03, dated November 26, 2004. This service information describes procedures for installing new stow/transit switches having part number 83–990–168 on both engines. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Embraer also issued Service Bulletin 145–78–0035, Revision 02, dated January 31, 2003, which the Director of the Federal Register approved for incorporation by reference as of August 3, 2004 (69 FR 38819, June 29, 2004).

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

Requirements of This AD

This AD requires accomplishing the actions specified in the service information described previously.

FAA's Justification and Determination of the Effective Date

Since there are currently no domestic operators of this product, notice and opportunity for public comment before issuing this AD are unnecessary. In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0118; Product Identifier 2018–NM–143–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, we provide the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product
8 work-hours × $85 per hour = $680	$194	$874

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–03–30 Empresa Brasileira de Aeronautica S.A. (Embraer): Amendment 39–19582; Docket No. FAA–2019–0118; Product Identifier 2018–NM–143–AD.

(a) Effective Date

This AD becomes effective March 26, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135ER, –135KE, –135KL, and –135LR airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes identified in Embraer Service Bulletin 145–78–0035, Revision 03, dated November 26, 2004; certificated in any category; except airplanes identified in Embraer Service Bulletin 145–78–0035, Revision 02, dated January 31, 2003.

(d) Subject

Air Transport Association (ATA) of America Code 78, Engine Exhaust.

(e) Reason

This AD was prompted by reports of internal corrosion of the stow/transit switches installed in the engine thrust reversers. We are issuing this AD to address corrosion of the stow/transit switches, which could result in uncommanded loss of engine power in-flight or erroneous signals in the Engine Indicating and Crew Alerting System (EICAS), which could induce aborted takeoffs.

(f) Compliance

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

(g) Installation of Stow/Transit Switches

Before the accumulation of 2,000 total flight hours, or within 400 flight hours after the effective date of this AD, whichever occurs later, install new stow/transit switches having part number (P/N) 83–990–168, on the #1 and #2 engine thrust reversers, in accordance with the Accomplishment Instructions of Embraer Service Bulletin 145–78–0035, Revision 03, dated November 26, 2004.

(h) Parts Installation Limitation

As of the effective date of this AD, no person may install, on any airplane, a stow/transit switch having P/N 83–990–137 or P/N 83–990–152.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the applicable document specified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD.

(1) Embraer Service Bulletin 145–78–0035, dated October 4, 2002. This document is not incorporated by reference in this AD.

(2) Embraer Service Bulletin 145–78–0035, Revision 01, dated December 11, 2002. This document is not incorporated by reference in this AD.

(3) Embraer Service Bulletin 145–78–0035, Revision 02, dated January 31, 2003. This document is incorporated by reference in AD 2004–13–16, Amendment 39–13698 (69 FR 38819, June 29, 2004).

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the Agência Nacional de Aviação Civil (ANAC); or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian AD 2001–05–03R3, dated April 22, 2003, 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–2019–0118.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(5) and (l)(6) of this AD.

(l) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on April 15, 2019.

(i) Embraer Service Bulletin 145–78–0035, Revision 03, dated November 26, 2004.

(ii) [Reserved]

(4) The following service information was approved for IBR on August 3, 2004 (69 FR 38819, June 29, 2004).

(i) Embraer Service Bulletin 145–78–0035, Revision 02, dated January 31, 2003. Pages 1 and 2 of this document are identified as Revision 02, dated January 31, 2003; pages 3 through 13 are identified as the original version, dated October 4, 2002.

(ii) [Reserved]

(5) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (Embraer), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br*; internet *http://www.flyembraer.com*.

(6) 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.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Des Moines, Washington, on February 28, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–04312 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2019–0059]

RIN 1625–AA08

Special Local Regulation; Gulfport Grand Prix, Boca Ciego Bay, Gulfport, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation on the waters of the Boca Ciego Bay in the vicinity of Gulfport, Florida, during the Gulfport Grand Prix High Speed Boat Race. Approximately 75 boats, 14–30 feet in length, traveling at speeds in excess of 120 miles per hour are expected to participate. Additionally, it is anticipated that 100 spectator vessels will be present along the race course. The special local regulation is necessary to protect the safety of race participants, participant vessels, spectators, and the general public on navigable waters of the Gulf of Mexico during the event. The special local regulation will establish the following regulated areas: A race area where all non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port St. Petersburg (COTP) or a designated representative; and a buffer zone where designated representatives may control vessel traffic as deemed necessary by the COTP St. Petersburg or a designated representative based upon prevailing weather conditions.

DATES: This rule is effective daily from 8 a.m. until 5 p.m. on March 29, 2019 through March 31, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2019–0059 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket

Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Marine Science Technician First Class Michael D. Shackleford, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email *Michael.D.Shackleford@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is establishing this special local regulation without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because it is impracticable. Insufficient time remains to publish an NPRM and to receive public comments, as the event will occur before the rulemaking process would be completed. Because of the potential safety hazards associated with the race, the regulation is necessary to provide for the safety of the race participants, spectators, and vessels transiting the event area. Additionally, the Coast Guard is currently drafting a NPRM covering this annual recurring event; however, the NPRM will not be finalized before the start date of the event. For those reasons, it would be impracticable to publish an NRPM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the reasons discussed above, the Coast Guard finds that good cause exists.

III. Legal Authority and Need for Rule

The legal basis for this rule is the Coast Guard's authority to establish special local regulations in 33 U.S.C. 1233. The purpose of the rule is to provide for the safety of event participants, spectators, and the general public on the navigable waters of the Gulf of Mexico during the Gulfport Grand Prix High Speed Boat Race event.

IV. Discussion of the Rule

This rule establishes a special local regulation that will encompass certain waters of the Boca Ciega Bay in the vicinity of Gulfport, Florida. The special local regulation will be enforced daily from 8 a.m. to 5 p.m. on March 29, 2019 through March 31, 2019. The special local regulation will establish two regulated areas: (1) A race area where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area without obtaining permission from the COTP St. Petersburg or a designated representative; and (2) a buffer zone where vessel traffic may be controlled as determined by the COTP St. Petersburg or a designated representative based upon prevailing weather conditions.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port (COTP) St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the COTP St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP St. Petersburg or a designated representative. The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, or by on-scene designated representatives.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on: (1) The special local regulation will be enforced for only nine hours on three days; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the regulated area without authorization from the COTP St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the regulated area or anchor in the spectator area, during the enforcement period if authorized by the COTP St. Petersburg or a designated representative; and (4) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Local Notice to Mariners and/or Broadcast Notice to Mariners.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of federal employees who enforce, or otherwise determine compliance with, Federal regulations to

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation issued in conjunction with a regatta or marine parade enforced for nine hours daily over a period of three days that will prohibit non-participant persons and vessels from entering, transiting through, remaining within, or anchoring in the regulated area. This rule is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 33 CFR 1.05–1.

■ 2. Add § 100.T07–0059 to read as follows:

§ 100.T07–0059 Special Local Regulation; Gulfport Grand Prix, Boca de Ciego; Gulfport, FL.

(a) *Location.* The following regulated areas are established as a special local regulation. All coordinates are North American Datum 1983.

(1) *Race area.* All waters of Boca de Ciego contained within the following points: 27°44′10″ N, 082°42′29″ W, thence to position 27°44′07″ N, 082°42′40″ W, thence to position 27°44′06″ N, 082°42′40″ W, thence to position 27°44′04″ N, 082°42′29″ W, thence to position 27°44′07″ N, 082°42′19″ W, thence to position 27°44′08″ N, 082°42′19″ W, thence back to the original position, 27°44′10″ N, 082°42′29″ W.

(2) *Buffer zone.* All waters of Boca de Ciego encompassed within the following points: 27°44′10″ N, 082°42′47″ W, thence to position 27°44′01″ N, 082°42′44″ W, thence to position 27°44′01″ N, 082°42′14″ W, thence to position 27°44′15″ N, 082°42′14″ W.

(b) *Definition.* The term ''designated representative″ means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations.* (1) All non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the race area unless an authorized by the Captain of the Port (COTP) St. Petersburg or a designated representative.

(2) Vessel traffic within the buffer zone may be controlled by the COTP St. Petersburg or a designated representative as deemed necessary by the COTP St. Petersburg or a designated representative based upon prevailing weather conditions.

(3) Persons and vessels desiring to enter, transit through, anchor in, or remain within the race area contact the COTP St. Petersburg by telephone at (727) 824–7506 or via VHF–FM radio Channel 16 to request authorization.

(4) If authorization to enter, transit through, anchor in, or remain within the race area is granted, all persons and vessels receiving such authorization shall comply with the instructions of the COTP or a designated representative.

(5) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, or by on-scene designated representatives.

(d) *Enforcement period.* This rule will be enforced daily from 8 a.m. until 5 p.m. on March 29, 2019 through March 31, 2019.

Dated: March 4, 2019.

H.L. Najarian,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2019–04332 Filed 3–8–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2007–1092; FRL–9990–43-Region 5]

Air Plan Approval; Michigan; Michigan Minor New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the rescission of Michigan rule 221 from the Michigan state implementation plan (SIP). Rule 221 exempted sources that had significant net emission increases of sulfur dioxide, particulate matter, and carbon monoxide from offset requirements. Michigan rescinded this rule effective November 14, 1990.

DATES: This final rule is effective on April 10, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2007–1092. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Constantine Blathras, Environmental Engineer, at (312) 886–0671 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Constantine Blathras, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0671, *Blathras.constantine@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. Background

Section 110(a)(2)(C) of the Clean Air Act requires that the SIP include a program to provide for the ''regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved.'' This includes a program for permitting construction and modification of both major and minor sources that the State deems necessary to protect air quality. The State of Michigan's minor source permit to install rules are contained in Part 2 (Air Use Approval) of the Michigan Administrative Code. Changes to the Part 2 rules were submitted on November 12, 1993; May 16, 1996; April 3, 1998; September 2, 2003; March 24, 2009; and February 28, 2017. EPA approved changes to the Part 2 rules most recently in a final approval dated August 31, 2018 (83 FR 44485).

Rule 336.1221 (Construction of sources of particulate matter, sulfur dioxide, or carbon monoxide in or near nonattainment areas; conditions for approval).

EPA published a proposed disapproval of the 1993, 1996, and 1996 submittals on November 9, 1999 (64 FR 61046), but never published a final disapproval. As part of that proposed disapproval, EPA conducted an evaluation of the State submittal and found that as one of the items, the State failed to rescind Michigan rule 336.1221. In that action, EPA stated, ''Michigan rule 336.1221 impermissibly exempts sources that have significant net emissions increases of sulfur dioxide, particulate matter, and carbon monoxide from offset requirements. Michigan Department of Environmental Quality rescinded Michigan rule 336.1221 effective November 14, 1990. However, the State never submitted the rule to EPA for rescission. Because Michigan did not submit the rescission to the USEPA for removal of the rule from the SIP, the Michigan NSR rules are not approvable at this time.''

On September 24, 2003, the State of Michigan submitted a SIP revision to EPA requesting full approval of Michigan's Clean Air Act New Source Review SIP. As part of that submittal requesting revisions to Parts 1 (General Provisions) and 2, Michigan specifically requested to rescind rule 336.1221. As part of its technical support document, Michigan stated that rule 336.1221 was rescinded from the State rules in 1990, and requests that EPA remove it from the SIP.

At the time of the 1999 proposed disapproval, the Part 2 rules also included the state's major nonattainment PTI permitting program. The major nonattainment provisions have been removed from Part 2, and are now covered by the Part 19 (New Source Review for Major Sources Impacting Nonattainment Areas) rules. The Part 19 rules were fully approved by EPA into the Michigan SIP on December 16, 2013, (78 FR 76064). The Federal nonattainment air quality permitting regulations are found in 40 CFR 51.165(a) and (b). The Federal rules found at 40 CFR 51.165(a) and (b) specify the elements necessary for approval of a State permit program for preconstruction review for nonattainment purposes under Part D of the Clean Air Act. A major source or major modification that would be located in an area designated as nonattainment and subject to the nonattainment area permitting rules must meet stringent conditions designed to ensure that the new source's emissions will be controlled to the greatest degree possible; that more than equivalent offsetting emission reductions will be obtained from existing sources; and that there will be progress toward achieving the National Ambient Air Quality Standards. EPA has found that the rules as submitted by Michigan for inclusion into its SIP are at least as stringent as the Federal rules. By rescinding rule 221 from the Michigan SIP, the Michigan SIP is meeting the Federal statutory requirements for an approvable Part 2 and Part 19 air permitting program.

On December 13, 2018 (83 FR 64055), EPA published a **Federal Register** action proposing approval of the rescission of rule 221 from the Michigan SIP. EPA received no comments during the public comment period which ended on January 14, 2019.

II. What action is EPA taking?

EPA is approving the rescission of Michigan rule 336.1221 from the Michigan SIP.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 10, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Particulate matter, Sulfur oxides.

Dated: February 25, 2019.

Cheryl L Newton,

Acting Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

§ 52.1170 [Amended]

■ 2. In § 52.1170, the table in paragraph (c) is amended by removing the entry for ''R 336.1221'' under ''Part 2. Air Use Approval''.

[FR Doc. 2019–04162 Filed 3–8–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0465; FRL–9983–79]

S-Metolachlor; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of S-metolachlor in or on multiple commodities which are identified and discussed later in this document. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 11, 2019. Objections and requests for hearings must be received on or before May 10, 2019, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0465, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather

provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0465 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 10, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0465, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of January 26, 2018 (83 FR 3658) (FRL–9971–46), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7E8587) by IR–4, IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the herbicide S-metolachlor including its metabolites and degradates in or on the raw agricultural commodities stevia, dried leaves at 15.0 parts per million (ppm); vegetable, leaves of root and tuber, group 2, except sugar beet at 2.0 ppm; Swiss chard at 0.10 ppm; vegetable, *Brassica,* head and stem, group 5–16 at 0.60 ppm; *Brassica,* leafy greens, subgroup 4–16B, except Chinese broccoli at 1.8 ppm; stalk and stem vegetable subgroup 22A, except celtuce, Florence fennel, and kohlrabi at 0.10 ppm; leaf petiole vegetable subgroup 22B at 0.10 ppm; cottonseed subgroup 20C at 0.10 ppm; celtuce at 0.10 ppm; Florence fennel at 0.10 ppm; kohlrabi at 0.60 ppm, and Chinese broccoli at 0.60 ppm. In addition, the petition requested to amend 40 CFR 180.368 by removing the tolerances for S-metolachlor in or on asparagus at 0.10 ppm; beet, garden, leaves at 1.8 ppm; turnip, greens at 1.8 ppm; *Brassica,* head and stem, subgroup 5A at 0.60 ppm; *Brassica,* leafy greens, subgroup 5B at 1.8 ppm; cotton, undelinted seed at 0.10 ppm; and leaf petioles, subgroup 4B at 0.10 ppm. That document referenced a summary of the petition prepared by Syngenta Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has modified the levels at which tolerances are being established as well as some of the commodity definitions. The reason for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .''

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Since the last time S-metolachlor was reviewed, the toxicology database was re-evaluated to incorporate new toxicity data and to update endpoints selected for points of departure to be consistent with current Agency policies and practices. An inhalation toxicity study for metolachlor was received and incorporated into the risk assessment and consequently, the 10x database uncertainty factor from previous assessments was removed for the inhalation scenarios since this is no longer a data gap. Also, new endpoints were selected and updated dietary and occupational/residential exposure

assessments were completed based on the updated toxicological endpoints and reflect recent updates to EPA's standard operating procedures (SOPs) and policies.

The existing toxicological database is primarily comprised of studies conducted with metolachlor. The toxicology database for S-metolachlor consists of bridging data. Bridging studies indicate that the metolachlor toxicology database can be used to assess toxicity for S-metolachlor, and *vice versa.* In subchronic (metolachlor and S-metolachlor) and chronic (metolachlor) toxicity studies in dogs and rats decreased body weight was the most commonly observed effects. Chronic exposure to metolachlor in rats also resulted in increased liver weight and microscopic liver lesions (foci of cellular alteration) in both sexes. No systemic toxicity was observed in rabbits when metolachlor was administered dermally. There was no evidence of systemic toxicity at the limit dose in a 28-day inhalation study in rats with metolachlor, although portal of entry effects occurred in the nasal cavity at lower doses. These effects included hyperplasia of the squamous epithelium and subacute inflammation and mucous cell hyperplasia. There is no evidence of immunotoxicity in the submitted mouse immunotoxicity study.

Prenatal developmental studies in the rat and rabbit with both metolachlor and S-metolachlor revealed no evidence of a qualitative or quantitative susceptibility in fetal animals. A 2-generation reproduction study with metolachlor in rats showed evidence of quantitative susceptibility. Decreased pup body weight in the F1 and F2 litters was seen in the absence of maternal toxicity. There are no acute or subchronic neurotoxicity studies available for S-metolachlor or metolachlor. In the developmental rat study, clinical signs of neurotoxicity were observed in pregnant dams but only at the limit dose of 1,000 mg/kg/day. There was no other evidence of clinical signs of neurotoxicity in adult animals in the database. There are no residual uncertainties with regard to pre- and/or postnatal toxicity.

Metolachlor has been evaluated for carcinogenic effects in the mouse and the rat. Although treatment with metolachlor did not result in an increase in treatment-related tumors in male rats or in male or female mice, metolachlor caused an increase in liver tumors in female rats. There was no evidence of mutagenic or cytogenetic effects *in vivo* or *in vitro.* Based on the information available in 1994, metolachlor was classified as a Group C possible human carcinogen, in accordance with the 1986 Guidelines for Carcinogen Risk Assessment. Based on that classification and consistent with the data available at that time, EPA determined that a non-linear approach (*i.e.,* reference dose (RfD)) would be protective for all chronic toxicity, including carcinogenicity, that could result from exposure to metolachlor.

In 2017, EPA re-assessed the cancer classification for metolachlor in order to take into account additional mechanistic studies on S-metolachlor that were submitted to assess a human relevance framework analysis for a mitogenic mode of action (MOA) for liver tumors in female rats. Based on comparable effects of S-metolachlor and metolachlor shown in several associative events supporting the mode of action hypothesis, the Agency concluded that the *in vitro* and *in vivo* data reasonably explains the tumorigenic effects of metolachlor and adequately demonstrates dose and temporal concordance to support key events for the MOA leading to liver tumors in female rats. Specifically, the Agency found that the development of liver tumors in rats orally administered metolachlor is initiated by activation of constitutive androstane receptor (CAR) in liver hepatocytes followed by altered gene expression, transient increased cell proliferation, increased hepatocellular foci, and hepatocyte toxicity (increased liver weight and liver hypertrophy). Consequently, in accordance with the EPA's Final Guidelines for Carcinogen Risk Assessment (March 2005), EPA has reclassified metolachlor/S-metolachlor as ''Not Likely to be Carcinogenic to Humans'' at doses that do not induce cellular proliferation in the liver. This classification was based on convincing evidence of a CAR-mediated mitogenic MOA for liver tumors in female rats. Because the current chronic RfD is protective for any proliferative responses in the liver and the other key events in the MOA for the formation of liver tumors, a non-linear approach (*i.e.,* RfD) adequately accounts for all the chronic toxicity, including carcinogenicity, that could result from exposure to metolachlor/S-metolachlor.

Specific information on the studies received and the nature of the adverse effects caused by S-metolachlor as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''S-metolachlor: Human Health Risk Assessment for (1) Establishment of Tolerances for New Uses on Chicory, Stevia and Swiss Chard; (2) Tolerance Translations from Table Beet Tops, Turnip Greens, and Radish Tops to Crop Group 2 (Leaves of Root and Tuber Vegetables), except Sugar Beets; (3) Tolerance Conversions (i) from Crop Subgroup 4B to Crop Subgroup 22B (Leaf Petiole Vegetable), (ii) from Crop Subgroup 5A to Crop Group 5–16 (*Brassica,* Head and Stem Vegetable) and (iii) from Crop Subgroup 5B to Crop Subgroup 4–16B (*Brassica* Leafy Greens); and (4) Tolerance Expansions of Representative Commodities to (i) Cottonseed Subgroup 20C, and (ii) Stalk and Stem Vegetable Subgroup 22A, except Kohlrabi'' on pages 54–64 in docket ID number EPA–HQ–OPP–2017–0465.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for S-metolachlor used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR S-METOLACHLOR FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations) ..	An acute dietary assessment for all populations is not required. The adverse effects resulting from a single dose in the developmental rat study with metolachlor occurred at the limit dose of 1,000 mg/kg/day, which is a dose that is not relevant for risk assessment. In addition, an endpoint was not selected for Females 13–49 years old since no developmental effects attributable to a single exposure were identified in the metolachlor/S-metolachlor database.		
Chronic dietary (All populations)	NOAEL = 26 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.26 mg/kg/day cPAD = 0.26 mg/kg/day	2-generation reproduction study in rats (Metolachlor). LOAEL = 86 mg/kg/day based on decreased pup body weight in F1 and F2 litters.
Incidental oral short-term (1 to 30 days).	NOAEL = 26 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	2-generation reproduction study in rats (Metolachlor). LOAEL = 86 mg/kg/day based on decreased pup body weight in F1 and F2 litters.
Dermal short- and intermediate-term (1–6 months) *(Children only)*.	NOAEL = 26 mg/kg/day Dermal absorption factor (DAF) = 58% UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	2-generation reproduction study in rats (Metolachlor). LOAEL = 86 mg/kg/day based on decreased pup body weight in F1 and F2 litters.
Cancer (Oral, dermal, inhalation).	Classification: Metolachlor/S-metolachlor has been classified as ''Not Likely to be Carcinogenic to Humans'' at doses that do not induce cellular proliferation in the liver, with risk quantitated using a non-linear (RfD) approach.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_{DB} = to account for the absence of data or other data deficiency. UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to S-metolachlor, EPA considered exposure under the petitioned-for tolerances as well as all existing S-metolachlor tolerances in 40 CFR 180.368. EPA assessed dietary exposures from S-metolachlor in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for S-metolachlor; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used 2003–2008 food consumption data from the United States Department of Agriculture's (USDA) National Health and Nutrition Examination Survey/What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance-level residues and 100 percent crop treated (PCT).

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to S-metolachlor. Therefore, a separate quantitative cancer exposure assessment is unnecessary since the chronic dietary risk estimate will be protective of potential cancer risk.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue or PCT information in the dietary assessment for S-metolachlor. Tolerance-level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for S-metolachlor in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of S-metolachlor. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

The Agency assessed parent metolachlor, and the metabolites CGA–51202 (metolachlor-OA), CGA–40172, and CGA–50720 together in the drinking water assessment using a total toxic residues (TTR) approach where half-lives were recalculated to collectively account for the parent and the combined residues of concern.

Based on the Surface Water Concentration Calculator (SWCC), the Pesticide Root Zone Model Ground Water (PRZM GW), and the Screening Concentration in Ground Water (SCI–GROW), the estimated drinking water concentrations (EDWCs) of S-metolachlor and its metabolites for chronic exposures are estimated to be 43.70 ppb for surface water and 978 ppb in ground water.

Modeled estimates of drinking water concentrations were directly entered

into the dietary exposure model. For the chronic dietary risk assessment, the water concentration of value 978 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

S-metolachlor is currently registered for the following uses that could result in residential exposures: On commercial (sod farm) and residential warm-season turf grasses and other non-crop land including golf courses, sports fields, and ornamental gardens. EPA assessed residential exposure using the following assumptions: For residential handlers, in previous human health risk assessments for S-metolachlor, inhalation exposure and risk to residential handlers was assessed and resulted in no risks of concern. Based on current Agency policy, the Agency no longer considers these products to be intended for homeowner use due to label requirements for specific clothing and personal protective equipment; therefore, a quantitative residential handler assessment was not conducted.

There is the potential for post-application exposure for individuals exposed as a result of being in an environment that has been previously treated with S-metolachlor. The population groups at risk are youth 11 to <16 years old, children 6 to <11 years old, and children 1 to <2 years old. The worst-case scenarios used in the aggregate risk assessment are as follows:

- For youth 11 to <16 years old, the scenario used is dermal exposures from post-application exposure to treated turf during golfing activities.
- For children 6 to <11 years old, the scenario used is dermal exposures from post-application contact with treated gardens.
- For children 1 to <2 years old, the scenario used is hand-to-mouth exposures from post-application exposure to treated turf.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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

EPA has not found S-metolachlor to share a common mechanism of toxicity with any other substances, and S-metolachlor does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that S-metolachlor does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* Acceptable developmental toxicity studies in the rat and rabbit with both metolachlor and S-metolachlor and an acceptable reproduction study in the rat with metolachlor are available with clearly defined LOAELs and NOAELs. No developmental toxicity was seen in rats or rabbits with either compound. In the metolachlor and S-metolachlor rat prenatal developmental toxicity studies there were no developmental effects seen up to the limit dose. In the rat developmental toxicity study with metolachlor, death and clinical signs (clonic and/or tonic convulsions, excessive salivation, urine-stained abdominal fur) were observed at the limit dose in maternal animals in the absence of developmental toxicity. In the S-metolachlor rabbit developmental toxicity study, clinical signs of toxicity (little/none/soft stool) were observed in maternal animals in the absence of developmental effects. In the two-generation reproduction study in rats conducted with metolachlor, there was quantitative evidence of susceptibility. Decreased pup body weight in F1 and F2 litters was seen in the absence of maternal toxicity. The 2-generation reproduction study was used for endpoint selection, therefore, the PODs selected are protective of the effects seen at this dose.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

i. The toxicity database for S-metolachlor is complete.

ii. There is no indication that S-metolachlor is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that S-metolachlor results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies. In the 2-generation reproduction study in rats conducted with metolachlor, there was quantitative evidence of susceptibility, however, the 2-generation reproduction study was used for endpoint selection, therefore, the PODs selected are protective of the effects seen at this dose.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to S-metolachlor in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by S-metolachlor.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute

exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, S-metolachlor is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure analysis, EPA has concluded that the risk estimates for chronic exposure to S-metolachlor from food and water are not of concern (<100% of cPAD) with a risk estimate at 22% of the cPAD for all infants less than 1 year old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of S-metolachlor is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

S-metolachlor is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to S-metolachlor.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 1,246 for youths 11 to less than 16 years old, 106 for children 6 to less than 11 years old, and 207 for children 1 to less than 2 years old, the population groups of concern. Because EPA's level of concern for S-metolachlor is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

An intermediate-term adverse effect was identified; however, S-metolachlor is not registered for any use patterns that would result in intermediate-term residential exposure.

5. *Aggregate cancer risk for U.S. population.* As discussed in Unit III.A, the chronic dietary risk assessment is protective of any potential cancer effects. Based on the results of that assessment, EPA concludes that S-metolachlor is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to S-metolachlor residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate methodology is available for enforcing the established and recommended tolerances. PAM Vol. II, Pesticide Regulation Section 180.368, lists a gas chromatography with nitrogen-phosphorus detector (GC/NPD) method (Method I) for determining residues in/on plant commodities and a gas chromatography with mass selective detector (GC/MSD) method (Method II) for determining residues in livestock commodities. These methods determine residues of metolachlor and its metabolites as either CGA–37913 or CGA–49751 following acid hydrolysis (LOQs of 0.03 ppm and 0.05 ppm, respectively).

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established any MRLs for either S-metolachlor or metolachlor.

C. Response to Comments

Four comments were submitted to the docket for this action. One dealt with ''logging workers in the National Forest'', the second with critical habitat restrictions, the third with wind powered facilities threatening populations of bats, and the fourth with adverse economic impacts of regulations. All submitted comments are unrelated to S-metolachlor in particular, or pesticides in general, and are not relevant to this action.

D. Revisions to Petitioned-For Tolerances

The submitted Swiss chard field trial data support a tolerance of 0.15 ppm instead of the proposed tolerance of 0.10 ppm. The reason for the difference is that EPA used the combined level of quantitation (LOQ) of CGA–37913 and CGA–49751 expressed in parent equivalents, 0.131 ppm, which becomes 0.15 ppm in Organization for Economic Cooperation and Development (OECD) rounding class representing the tolerance value for Swiss chard. The petitioner, instead, used the combined LOQ of 0.10 ppm for the input dataset of the OECD tolerance calculation procedure.

Chinese broccoli was a member of subgroup 5A with a tolerance of 0.60 ppm, which falls within the established tolerance for subgroup 4–16B at 1.8 ppm. An individual tolerance for Chinese broccoli is not needed.

Celtuce and Florence fennel, originally in crop subgroup 4B, have the same tolerance as subgroup 22A, 0.10 ppm. Following crop group conversion/revision the tolerances for celtuce and Florence fennel are now covered by the subgroup 22A.

EPA also modified several commodity definitions to be consistent with Agency nomenclature.

V. Conclusion

Therefore, tolerances are established for residues of S-metolachlor in or on *Brassica,* leafy greens, subgroup 4–16B at 1.8 ppm; Cottonseed subgroup 20C at 0.10 ppm; Kohlrabi at 0.60; Leaf petiole vegetable subgroup 22B at 0.10 ppm; Stalk and stem vegetable subgroup 22A, except kohlrabi at 0.10 ppm; Stevia, dried leaves at 15 ppm; Swiss chard at 0.15 ppm; Vegetable, *Brassica,* head and stem, group 5–16 at 0.60 ppm; and Vegetable, leaves of root and tuber, group 2, except sugar beet at 2.0 ppm.

Additionally, due to the establishment of the aforementioned commodities, the following tolerances are removed as unnecessary: Asparagus; Beet, garden, leaves; *Brassica,* head and stem, subgroup 5A; *Brassica,* leafy greens, subgroup 5B; Cotton, undelinted seed; Leaf petioles, subgroup 4B; and Turnip greens.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory

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

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: February 26, 2019.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.368(a)(2):
■ a. Remove the entries for ''Asparagus''; ''Beet, garden, leaves''; ''Brassica, head and stem, subgroup 5A''; and ''Brassica, leafy greens, subgroup 5B'' from the table.
■ b. Add alphabetically the entry for ''*Brassica,* leafy greens, subgroup 4–16B'' to the table.
■ c. Remove the entry for ''Cotton, undelinted seed'' from the table.
■ d. Add alphabetically the entries for ''Cottonseed subgroup 20C'' and ''Kohlrabi'' to the table.
■ e. Remove the entry for ''Leaf petioles, subgroup 4B'' from the table.
■ f. Add alphabetically the entries for ''Leaf petiole vegetable subgroup 22B''; ''Stalk and stem vegetable subgroup 22A, except kohlrabi''; ''Stevia, dried leaves''; and ''Swiss chard'' to the table.
■ g. Remove the entry for ''Turnip greens'' from the table.
■ h. Add alphabetically the entries for ''Vegetable, *Brassica,* head and stem, group 5–16'' and ''Vegetable, leaves of root and tuber, group 2, except sugar beet'' to the table.

The additions read as follows:

§ 180.368 Metolachlor; tolerances for residues.

(a) * * *

(2) * * *

Commodity	Parts per million
* * * * *	
Brassica, leafy greens, subgroup 4–16B	1.8
* * * * *	
Cottonseed subgroup 20C	0.10
* * * * *	
Kohlrabi	0.60
Leaf petiole vegetable subgroup 22B	0.10
* * * * *	
Stalk and stem vegetable subgroup 22A, except kohlrabi	0.10
Stevia, dried leaves	15
* * * * *	
Swiss chard	0.15
* * * * *	
Vegetable, *Brassica,* head and stem, group 5–16	0.60
* * * * *	
Vegetable, leaves of root and tuber, group 2, except sugar beet	2.0
* * * * *	

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[FR Doc. 2019–04251 Filed 3–8–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 19–40; FCC 19–13]

Closure of FCC Lockbox 979094 Used To File Fees for Complaint Proceedings Handled by the Enforcement Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) adopts an Order that closes Lockbox 979094 and modifies the relevant rule provisions of filing and making fee payments in lieu of closing the lockbox.

DATES: Effective April 10, 2019.

FOR FURTHER INFORMATION CONTACT: Warren Firschein, Office of Managing Director at (202) 418–2653 or Roland Helvajian, Office of Managing Director at (202) 418–0444.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, FCC 19–13, MD Docket No. 19–49, adopted on February 20, 2019 and released on February 25, 2019. The full text of this document is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW, Washington, DC 20554, or by downloading the text from the Commission's website at *https://www.fcc.gov/document/closure-enforcement-bureau-lockbox-979094.*

I. Administrative Matters

A. Final Regulatory Flexibility Analysis

1. Section 603 of the Regulatory Flexibility Act, as amended, requires a regulatory flexibility analysis in notice and comment rulemaking proceedings. See 5 U.S.C. 603(a). As we are adopting these rules without notice and comment, no regulatory flexibility analysis is required.

B. Final Paperwork Reduction Act of 1995 Analysis

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

C. Congressional Review Act

3. The Commission will not send a copy of the Order pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of agency organization, procedure, or practice that do not ''substantially affect the rights or obligations of non-agency parties. See 5 U.S.C. 804(3)(C).

II. Introduction

4. In the Order, we reduce expenditures by the Commission and modernize procedures by amending § 1.1106 of our rules, 47 CFR 1.1106, which sets forth the application fee for certain complaints delegated to the FCC's Enforcement Bureau (EB) and currently handled by its Market Disputes Resolution Division. The rule amendment reflects the closure of the mailing drop box (P.O. Box) [1] used for such manual payment of filing fees for two types of EB complaints, section 208 formal complaints and section 224 pole attachment complaints. We discontinue the option of manual fee payments and instead require the use of an electronic payment for each complaint type. Consistent with this change, we also make conforming revisions to § 1.734 of the Commission's rules to account for the electronic fee payment requirements of formal complaint proceedings, as described more fully below.

5. Section 1.1106 of the Commission's rules, 47 CFR 1.1106, provides a schedule of application fees for complaint proceedings handled by the EB. The rule had also directed filers that do not utilize the Commission's on-line filing and fee payment systems to send manual payments to P.O. Box 979094 at U.S. Bank in St. Louis, Missouri. In recent years, there have been a decreasing number of lockbox filers, and it now is rare that the Commission receives a lockbox payment.

6. The Commission has begun to reduce its reliance on P.O. Boxes for the collection of fees, instead encouraging the use of electronic payment systems for all application and regulatory fees and closing certain lockboxes. We find that electronic payment of fees for complaints processed by EB will reduce the agency's expenditures (including eliminating the annual fee for the bank's services) and the cost of manually processing each transaction, with little or no inconvenience to the Commission's regulatees, applicants, and the public.

7. As part of this effort, we are now closing P.O. Box 979094 and modifying the relevant rule provisions that require payment of fees via the closed P.O. Box. Our action here to close this lockbox and require electronic payments for any EB-related complaints has implications for existing Commission regulations other than section 1.1106. Thus, we also revise § 1.734 of the Commission's rules to account for the electronic fee payment requirements adopted in this Order. We note that in 2014, the Commission adopted rules requiring that, with the exception of confidential material, complaints should be submitted electronically via the agency's Electronic Comment Filing System (ECFS) after filers have paid the appropriate fee, and therefore this change does not impact the filing of the complaints themselves. The rule changes are contained in the Appendix of the Order. We make these changes without notice and comment because they are rules of agency organization, procedure, or practice exempt from the general notice-and-comment requirements of the Administrative Procedure Act, *see* 5 U.S.C. 553(b)(A).

8. *Implementation.* As a temporary transition measure, for 90 days after publication of this document in the **Federal Register**, U.S. Bank will continue to process payments to P.O. Box 979094. After that date, payments for any EB-related complaint proceeding must be made in accordance with the procedures set forth on the Commission's website, *https://www.fcc.gov/licensing-databases/fees* (Enforcement Bureau Fee Filing Guide). For now, such payments will be made through the Fee Filer Online System (Fee Filer), accessible at *https://www.fcc.gov/licensing-databases/fees/fee-filer.* As we assess and implement U.S. Treasury initiatives toward an all-electronic payment system, we may transition to other secure payment systems with appropriate public notice and guidance.

III. Ordering Clauses

9. Accordingly, *it is ordered,* that pursuant to sections 4(i), 4(j), 158, 208, and 224 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 158, 208, and 224, the Order is hereby *adopted* and the rules set forth in the Appendix of the Order are hereby *amended* effective April 10, 2019.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Communications common carriers.

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison Officer.

Final Rules

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

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 227, 303(r), 309, 1403, 1404, 1451, and 1452.

■ 2. Amend § 1.734 by revising paragraph (b) to read as follows:

§ 1.734 Fee remittance; electronic filing; copies; service; separate filings against multiple defendants.

* * * * *

[1] A P.O. Box used for the collection of fees is referred to as a ''lockbox'' in our rules and other Commission documents. The FCC collects application processing fees using a series of P.O. Boxes located at U.S. Bank in St. Louis, Missouri. *See* 47 CFR 1.1101–1.1109 (setting forth the fee schedule for each type of application remittable to the Commission along with the correct lockbox).

(b) The complainant shall remit separately the correct fee electronically, in accordance with part 1, subpart G (see § 1.1106 of this chapter) and shall file an original copy of the complaint using the Commission's Electronic Comment Filing System. If a complaint is addressed against multiple defendants, the complainant shall pay a separate fee for each additional defendant.

* * * * *

■ 3. Revise § 1.1106 to read as follows:

§ 1.1106 Schedule of charges for applications for enforcement services.

Remit payment for these services electronically using the Commission's electronic payment system in accordance with the procedures set forth on the Commission's website, *www.fcc.gov/licensing-databases/fees*.

[FR Doc. 2019–04257 Filed 3–8–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90; FCC 19–8]

Connect America Fund

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) takes a small but important step towards closing the digital divide and making broadband available for all Americans, by phasing down legacy support for voice services to make greater funding available for voice and broadband services. Specifically, the Commission adopts a transition framework to phase down Connect America Fund (CAF) Phase I frozen support in areas where support is now awarded pursuant to the CAF Phase II auction.

DATES: Effective April 10, 2019, except for the addition of § 54.313(m), which contains information collection requirements that have not been approved by OMB. The FCC will publish a document in the **Federal Register** announcing the effective date of the § 54.313 amendment awaiting OMB approval.

FOR FURTHER INFORMATION CONTACT: Alexander Minard, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in WC Docket No. 10–90; FCC 19–8, adopted on February 14, 2019 and released on February 15, 2019. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW, Washington, DC 20554 or at the following internet address: *https://docs.fcc.gov/public/attachments/FCC-19-8A1.pdf*.

I. Introduction

1. In this Report and Order, the Commission takes a small but important step towards closing the digital divide and making broadband available for all Americans, by phasing down legacy support for voice services to make greater funding available for voice and broadband services. Specifically, the Commission adopts a transition framework to phase down Connect America Fund (CAF) Phase I frozen support in areas where support is now awarded pursuant to the CAF Phase II auction. Winning bidders were awarded $1.488 billion in support over 10 years to deploy broadband in 45 states to 713,176 locations. Approximately 73% of the locations available in the CAF Phase II auction were covered by winning bids, significantly narrowing the areas where price cap carriers will maintain voice-only obligations under the legacy regime. The transition plan the Commission adopts in this document provides certainty and stability in those areas by establishing a reasonable support glide path as the Commission transitions from one support mechanism to another.

II. Discussion

2. As the Commission has noted, ''the CAF is not created on a blank slate, but rather against the backdrop of a decades-old regulatory system.'' Thus, a smooth transition must account for the several support mechanisms currently in effect as well as the auction outcomes in different areas. To comprehensively resolve these phase-down issues prior to authorizing CAF Phase II auction support, the Commission addresses the transition of both price cap carriers' and competitive eligible telecommunications carriers (ETCs) offering service to fixed locations (fixed competitive ETCs') legacy support together.

3. Pursuant to the *April 2014 Connect America Further Notice,* 79 FR 39196, July 9, 2014, the Commission adopts a methodology for disaggregating support by employing the Connect America Cost Model (CAM) to account for the relative costs of providing service among areas in states where price cap carriers declined model-based CAF Phase II support. These price cap carriers currently receive an amount of frozen support for each carrier's designated service area within a particular state. Within that state, the Commission uses the CAM to allocate a portion of each carrier's existing frozen support to each auction-eligible census block based on the relative costs of providing service across all auction-eligible census blocks within the same state. Consistent with the cap for reserve prices exceeding the extremely high-cost threshold in the CAF Phase II auction, the Commission limits the allocated monthly support for any census block to $146.10 per location.

4. The Commission concludes that the interim methodology it adopts is a reasonable approach for allocating support among a price cap carrier's census blocks because it targets support based on the relative costs of providing service based on the CAM. Phase I frozen support was based largely on inherently inefficient legacy support mechanisms that did not reflect the costs of serving high-cost and extremely high-cost areas; the Commission's interim methodology now ties disaggregated support amounts to the costs of serving each affected census block for the transitional period. The Commission also concludes that the methodology it adopts is preferable to the proposal in the *April 2014 Connect America Further Notice* because it better calibrates the available support with the cost to serve the defined areas. The Commission's 2014 proposal would have distributed the legacy support that carriers received in each state based on the average cost to serve *all* high-cost and extremely high-cost areas in that state. As a result, it would have allocated the same amount of support regardless of the relative mix of high-cost and extremely high-cost areas that carriers are required to serve after the auction until a replacement ETC is in place.

5. The Commission adopts the schedule in the following for the transition of price cap carriers' and fixed competitive ETCs' legacy support. This transition schedule will fund new service obligations undertaken by Phase II auction winners, protect customers of current support recipients from a potential loss of service, and minimize the disruption to recipients of frozen legacy support from a loss of funding. It balances the need for responsible stewardship of finite universal service funds against the need to distribute funding for voice and broadband services consistent with the results of the Commission's CAF Phase II auction

while providing a reasonable termination of legacy support for voice services. The schedule the Commission adopts maintains the Commission's prior decision that a price cap carrier declining model-based Phase II support will continue to receive support in an amount equal to its Phase I frozen support amount only until the winner of any competitive bidding process receives support under Phase II. Accordingly, in the Commission's implementation of Phase II auction support, the Commission now establishes a path toward eliminating legacy support, except to maintain service on an interim basis in auction-eligible, high-cost areas where there was no winning bidder in the CAF Phase II auction, pending further Commission action.

6. For auction-eligible census blocks where price cap carriers receive CAF Phase I frozen support, starting the first day of the month following the authorization of Phase II auction support in a price cap carrier's designated service area within a state, the price cap carrier's legacy support will be (1) converted to Phase II support (for a winning price cap carrier bidder); (2) maintained for an interim period (for the price cap carrier in areas without a winning bidder); or (3) eliminated (for price cap carriers in areas won by another carrier).

7. Although the CAF Phase II auction saw significant interest, some eligible areas did not receive a qualifying winning bid. By including these areas in the auction, the Commission has already determined that these areas require continued high-cost support. Thus, in those auction-eligible areas where there was no winning bidder in the Phase II auction, the price cap carrier will continue to receive disaggregated legacy support until further Commission action. That is, interim support will be determined for each census block consistent with the legacy support disaggregation methodology the Commission adopts. Maintaining such support is necessary on an interim basis to preserve service to consumers in these areas, pending further Commission action. At the same time, using the Commission's disaggregation methodology will ensure interim support is distributed more efficiently.

8. For areas where the winning bidder is the price cap carrier receiving legacy support, Phase II support will commence on the first day of the month after the support is authorized by the Wireline Competition Bureau in that area. To ensure a smooth transition to Phase II support, a winning bidder will receive support payments at the current, disaggregated legacy support level until that time. Continuing disaggregated legacy support until Phase II support has been authorized for each census block will minimize disruptions and ensure continuity of services for consumers. And, as with areas without any winning bidder, using disaggregated legacy support amounts until Phase II support is authorized will better target legacy support during the interim period than the inherently inefficient legacy support mechanisms used on which Phase I frozen support are based.

9. In areas won at auction by a carrier other than the price cap carrier, beginning on the first day of the month immediately following authorization to receive Phase II support, the winning bidder ETC will begin receiving support and bear an obligation to serve those areas. Accordingly, the price cap carrier will not receive legacy support for those census blocks beginning on the first day of the month after Phase II support is authorized for those census blocks. At that point, continued legacy support would become duplicative.

10. *Auction-Ineligible Blocks.* In all census blocks determined to be ineligible for the CAF Phase II auction, price cap carriers that declined statewide model-based support will no longer receive legacy support starting the first day of the month following the first authorization of any Phase II auction support nationwide. By excluding certain areas from the auction, the Commission has already determined not to offer ongoing high-cost support for those areas. Thus, this approach implements the Commission's earlier decision not to distribute Phase I frozen support after Phase II auction support has begun.

11. Fixed competitive ETCs' legacy support will be subject to a two-year phase down, beginning on the first day of the month immediately following the first authorization of any Phase II auction support. Fixed competitive ETCs will receive phase-down support equal to two-thirds of their total legacy support for the first 12 months. For the following 12 months, fixed competitive ETCs will receive one-third of their total legacy support. All legacy support will end thereafter.

12. Unlike the phase down for price cap carriers' legacy support in auction-eligible areas, the timing of the phase down for fixed competitive ETCs' legacy support will not differ by census block. For fixed competitive ETCs, the Commission concludes that a straightforward phase-down of support is more appropriate; fixed competitive ETCs receive a comparatively small amount of legacy support, and few expressed interest in continuing to provide service by participating in the CAF Phase II auction. The two-year phase-down schedule resumes the phase-down schedule adopted in the *USF/ICC Transformation Order,* 76 FR 73830, November 29, 2011, for competitive ETCs. The two-year phase-down schedule thus eliminates support that is no longer necessary while providing an appropriate adjustment period for affected carriers.

13. In sum, Tables 1 and 2 in the following illustrate the transition schedule the Commission adopts.

TABLE 1—TRANSITION OF PRICE CAP CARRIERS' LEGACY SUPPORT

Before the first day of the month following authorization of any Phase II support nationwide	Transition schedule
Price cap carrier receives legacy support in an eligible census block won by that carrier in the Phase II auction.	Beginning the first day of the month following authorization of Phase II support in an auction-eligible census block, legacy support is converted to Phase II support.
Price cap carrier receives legacy support in an eligible census block with no winning bidder in the Phase II auction.	Legacy support is maintained until further Commission action.
Price cap carrier receives legacy support in a census block won by another carrier in the Phase II auction.	Beginning the first day of the month following authorization of Phase II support in an auction-eligible census block, legacy support is eliminated.
Price cap carrier receives legacy support in an auction-ineligible census block.	Beginning the first day of the month following authorization of any Phase II support nationwide, legacy support is eliminated.

TABLE 2—TRANSITION OF FIXED COMPETITIVE ETCS' LEGACY SUPPORT

Before the first day of the month following the first authorization of any Phase II support nationwide	Beginning the first day of the month following the first authorization of any Phase II support nationwide	Beginning 12 months after the first day of the month following the first authorization of any Phase II support nationwide	Beginning 24 months after the first day of the month following the first authorization of any Phase II support nationwide
Fixed competitive ETC receives legacy support.	Legacy support is reduced to two-thirds of support.	Legacy support is reduced to one-third of support.	Legacy support is eliminated.

14. In establishing this schedule, the Commission declines to adopt, within the context of the high-cost universal service program, a different definition of ''unsubsidized competitor,'' *i.e.,* by including areas with mobile or non-terrestrial voice service. The existence of other voice service options within a particular census block does not guarantee that consumers there will continue to have access to voice service in the absence of an ETC being required to serve those consumers. The Commission therefore remains unpersuaded that it needs not continue providing support to ETCs simply based on the fact that there are multiple non-ETCs serving that census block.

15. The Commission also declines to adopt USTelecom's most recent proposal to (1) distribute $105 million in ''new voice support'' across all high-cost and extremely high-cost census blocks for which, after the CAF Phase II auction, price cap carriers will continue to have an ETC obligation to provide voice service; (2) distribute an additional $35 million in transitional support to carriers receiving less ''new voice support'' in a state than the carrier's ''residual frozen support'' amount for that state; and (3) phase down the additional transitional support over a two-year period. The Commission finds this proposal inconsistent with the overarching objective of transitioning away from the current Phase I frozen support funding mechanism. Instead, USTelecom seeks to expand the areas for which price cap carriers receive support—through a new funding mechanism, ''new voice support''—to include areas where they do not currently receive legacy support. The Commission declines to do so. Through the interim framework the Commission adopts, it establishes a reasonable process for transitioning Phase I frozen support and fixed competitive ETCs' legacy support after the authorization of Phase II auction support. Price cap carriers currently receive Phase I frozen support for use within particular service areas, and the Commission now allocates that support across the census blocks for which the support is provided, *i.e.,* within the same service areas, to be phased down, converted, or maintained.

16. Even if the Commission were to adopt a transition mechanism more like USTelecom's proposal, modified to only include areas for which carriers receive legacy support, the proposed annual budget of $105 million for ''new voice support'' and first-year budget of $35 million in additional transitional support would far exceed a reasonable amount of legacy support for carriers to continue serving only those areas not won at auction. USTelecom explains that $105 million ''equals the $95 million of frozen support currently distributed to price cap carriers and $10 million of additional support to account for ACS's participation in the program.'' Under USTelecom's proposal, as with the transition mechanism the Commission adopts, carriers would not receive legacy support in either areas ineligible for the auction or areas won at auction. But USTelecom's proposal would require distributing a fixed amount of $105 million—more than the total frozen support price cap carriers currently receive—across the remaining areas and up to $35 million in additional support for some of those same areas. In contrast, the Commission's method efficiently targets support by using the CAM to allocate the support a price cap carrier currently receives to serve its entire service area according to the relative costs of serving each census block and then removing only the support associated with census blocks for which the price cap no longer has a federal high-cost voice obligation. The approach the Commission adopts today therefore more rationally ties the current legacy support a price cap carrier receives in a designated service area within a state to the phase-down support it will continue to receive until further Commission action. The Commission does not believe increasing support to maintain existing voice service in these areas—even on an interim basis—is a good use of the Commission's limited funds.

17. The Commission recognizes, nonetheless, that drawing on the results of legacy support mechanisms may produce results undesirable to certain carriers. Under those legacy mechanisms, some price cap carriers did not receive legacy support in certain states containing high-cost and extremely high-cost areas. The Commission has likewise explained that the identical support rule for competitive ETCs ''fail[ed] to efficiently target support where it is needed.'' Accordingly, the Commission emphasizes that the phase-down support maintained under its transition mechanism is not intended to provide a long-term solution. Instead, until the Commission is able to implement a new program, it maintains a targeted portion of carriers' existing legacy support to preserve affordable consumer access to telecommunications in high-cost areas. In adopting this interim framework, the Commission thus balances its statutory duties to ensure affordable access to quality services, promote in ''rural, insular, and high cost areas . . . access to telecommunications and information services . . . that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas,'' and establish ''specific, predictable and sufficient . . . mechanisms to preserve and advance universal service.''

18. The Commission also provides price cap carriers and fixed competitive ETCs the option to decline phase-down support on a state-by-state basis. It is possible that, despite their mandatory voice obligations, some carriers may conclude that they do not wish to continue receiving legacy support in every state. The Commission therefore directs the Wireline Competition Bureau to calculate and publish, for each price cap carrier's designated service area within each affected state, the amount of support available in every census block after the authorization of Phase II auction support within the same service area. Within 30 days after the release of public notice of such support amounts, price cap carriers and fixed competitive ETCs electing not to receive phase-down support in any states must provide notice of such election in the manner specified by the Wireline Competition Bureau.

19. Regardless of the carrier's election, however, the federal ETC high-cost obligation to provide voice service is mandatory and independent of whether a carrier accepts phase-down support. To the extent a price cap carrier or fixed competitive ETC no longer wishes to maintain its ETC designation in the relevant areas, it may petition the relevant state to relinquish its ETC designation for those areas where another ETC is providing service, and it may choose to go through the section 214 discontinuance process. For those price cap carriers and fixed competitive ETCs that receive phase-down support, the Commission will require that they certify annually that they have and will use the support they continue to receive in the relevant high-cost and extremely high-cost areas to provide voice telephony service throughout the relevant census blocks at rates that are reasonably comparable to comparable offerings in urban areas.

20. To the extent that any carrier believes it needs additional support to provide voice service at reasonably comparable rates throughout the remaining census blocks within its service area, it may request a waiver pursuant to Section 1.3 of the Commission's rules. In evaluating requests for a waiver, the Commission will consider any relevant facts presented by the carrier that demonstrate it is necessary and in the public interest for the price cap carrier to receive that additional funding to maintain reasonably priced voice service. Examples of such facts would include not only all revenues derived from network facilities that are supported by universal service but also revenues derived from unregulated and unsupported services. The Commission does not, however, expect to grant these requests routinely, and caution petitioners that it generally intends to subject such requests to a rigorous, thorough and searching review comparable to a total company earnings review.

III. Procedural Matters

A. Paperwork Reduction Analysis

21. The Report and Order adopted herein contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), it previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. In this present document, the Commission has assessed the effects of the new and modified rules that might impose information collection burdens on small business concerns, and find that they either will not have a significant economic impact on a substantial number of small entities or will have a minimal economic impact on a substantial number of small entities.

B. Congressional Review Act

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

23. As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, an Initial Regulatory Flexibility Analysis (IRFAs) was incorporated in the *Further Notice of Proposed Rulemaking* adopted in April 2014 (*April 2014 Connect America Further Notice*). The Commission sought written public comment on the proposals in *April 2014 Connect America Further Notice,* including comment on the IRFA. The Commission did not receive any relevant comments in response to this IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

24. The Report and Order addresses outstanding issues regarding the transition of legacy universal service support—*i.e.,* price cap carriers' Connect America Fund (CAF) Phase I frozen support and the frozen identical support of competitive eligible telecommunications carriers (ETCs) offering service to fixed locations (fixed competitive ETCs)—after the authorization of support pursuant to the CAF Phase II auction. The transition plan provides certainty and stability in areas covered by winning bids in the CAF Phase II auction by establishing a reasonable support glide path as the Commission transitions from one support mechanism to another.

25. Specifically, in the Report and Order, the Commission adopts a methodology to disaggregate price cap carriers' existing CAF Phase I frozen support among areas based on the relative costs of serving different census blocks, and the Commission adopts a schedule for transitioning this legacy support upon the authorization of CAF Phase II auction support. The Commission also adopts a schedule for transitioning fixed competitive ETCs' legacy support over a two-year period. The Commission provides an option for price cap carriers and fixed competitive ETCs to decline phase-down support on a state-by-state basis, and the Commission adopts a modified annual certification requirement for carriers that elect phase-down support.

26. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

27. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9 percent of all businesses in the United States which translates to 28.8 million businesses.

28. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of Aug 2016, there were approximately 356,494 small organizations based on registration and tax data filed by nonprofits with the Internal Revenue Service (IRS).

29. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2012 Census of

Governments indicates that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number there were 37,132 General purpose governments (county, municipal and town or township) with populations of less than 50,000 and 12,184 Special purpose governments (independent school districts and special districts) with populations of less than 50,000. The 2012 U.S. Census Bureau data for most types of governments in the local government category shows that the majority of these governments have populations of less than 50,000. Based on this data the Commission estimates that at least 49,316 local government jurisdictions fall in the category of ''small governmental jurisdictions.''

30. In the Report and Order, the Commission requires that price cap carriers and fixed competitive ETCs that receive phase-down support certify annually that they have and will use the support they continue to receive in the relevant high-cost and extremely high-cost areas to provide voice telephony service throughout the relevant census blocks at rates that are reasonably comparable to comparable offerings in urban areas. Price cap carriers and fixed competitive ETCs may elect, however, not to receive phase-down support.

31. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include (among others) the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. The Commission has considered all these factors subsequent to receiving substantive comments from the public and potentially affected entities. The Commission has also considered the economic impact on small entities, as identified in comments filed in response to the *April 2014 Connect America Further Notice* and IRFA, in reaching its final conclusions and taking action in this proceeding.

32. In the Report and Order, the Commission adopts a transition schedule providing a gradual two-year phase-down for fixed competitive ETCs' legacy support. Among those carriers, of which many are small entities, few expressed interest in continuing to provide service in areas where they receive legacy support by participating in the CAF Phase II auction. The two-year phase-down schedule resumes the schedule adopted in the *USF/ICC Transformation Order* for competitive ETCs, and thus eliminates support that is no longer necessary while providing an appropriate adjustment period for affected carriers.

33. As an alternative to this straightforward transition schedule, the Commission has considered implementing a schedule more similar to price cap carriers' transition—*i.e.,* fixed competitive ETCs could continue receiving legacy support in certain auction-eligible areas and quickly stop receiving legacy support associated with auction-ineligible areas. However, this would add complexity to the process with no benefit to fixed competitive ETCs.

34. The Commission also provides an option for price cap carriers and fixed competitive ETCs to elect not to receive phase-down support and be subject to the associated obligations. In doing so, the Commission minimizes any impact economic impact to small entities and other carriers. Carriers opting to continue receiving legacy support subject to the phase-down schedule must continue to file a modified annual certification regarding their use of support, but those carriers are not subject to any additional requirements.

IV. Ordering Clauses

35. Accordingly, *it is ordered,* pursuant to the authority contained in sections 4(i), 214, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 214, and 254, that this Report and Order is *adopted,* effective thirty (30) days after publication of the text or summary thereof in the **Federal Register**, except that modifications to Paperwork Reduction Act burdens shall become effective immediately upon announcement in the **Federal Register** of OMB approval.

36. *It is further ordered* that Part 54 of the Commission's rules, 47 CFR part 54 *is amended* as set forth in the following, and such rule amendments *shall be effective* thirty (30) days after publication of the rules amendments in the **Federal Register**, except to the extent they contain information collections subject to PRA review. The rules that contain information collections subject to PRA review *shall become effective* immediately upon announcement in the **Federal Register** of OMB approval.

List of Subjects in 47 CFR Part 54

Communications common carriers, Health facilities, Infants and children, internet, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison Officer.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

■ 2. Section 54.307 is amended by adding paragraph (e)(8) to read as follows:

§ 54.307 Support to a competitive eligible telecommunications carrier.

* * * * *

(e) * * *

(8) *Eligibility for support after Connect America Phase II auction.* Starting the first day of the month following the first authorization of Connect America Phase II auction support nationwide, fixed competitive eligible telecommunications carriers shall have the option of receiving support pursuant to paragraph (e)(2)(iii) of this section as described in the following paragraphs (e)(8)(i) through (iv):

(i) For 12 months following the first authorization of Connect America Phase II auction support nationwide, each fixed competitive eligible telecommunications carrier shall receive two-thirds (⅔) of the carrier's total support pursuant to paragraph (e)(2)(iii) of this section.

(ii) For 12 months starting the month following the period described in paragraph (e)(8)(i) of this section, each fixed competitive eligible telecommunications carrier shall receive one-third (⅓) of the carrier's total support pursuant to paragraph (e)(2)(iii) of this section.

(iii) Following the period described in paragraph (e)(8)(ii) of this section, no fixed competitive eligible telecommunications carrier shall receive any support pursuant to paragraph (e)(2)(iii) of this section.

(iv) Notwithstanding the foregoing schedule, the phase-down of support below the level described in paragraph

(e)(2)(iii) of this section shall be subject to the restrictions in Consolidated Appropriations Act, 2016, Public Law 114–113, Div. E, Title VI, section 631, 129 Stat. 2242, 2470 (2015), unless and until such restrictions are no longer in effect.

■ 3. Section 54.312 is amended by adding paragraph (d) to read as follows:

§ 54.312 Connect America Fund for Price Cap Territories—Phase I.

* * * * *

(d) *Eligibility for support after Connect America Phase II auction.* (1) A price cap carrier that receives monthly baseline support pursuant to this section and is a winning bidder in the Connect America Phase II auction shall receive support at the same level as described in paragraph (a) of this section for such area until the Wireline Competition Bureau determines whether to authorize the carrier to receive Connect America Phase II auction support for the same area. Upon the Wireline Competition Bureau's release of a public notice approving a price cap carrier's application submitted pursuant to § 54.315(b) and authorizing the carrier to receive Connect America Fund Phase II auction support, the carrier shall no longer receive support at the level of monthly baseline support pursuant to this section for such area. Thereafter, the carrier shall receive monthly support in the amount of its Connect America Phase II winning bid.

(2) Starting the first day of the month following the first authorization of Connect America Phase II auction support nationwide, no price cap carrier that receives monthly baseline support pursuant to this section shall receive such monthly baseline support for areas that are ineligible for Connect America Phase II auction support.

(3) To the extent Connect America Phase II auction support is not awarded at auction for an eligible area, as determined by the Wireline Competition Bureau, the price cap carrier shall have the option of continuing to receive support at the level described in paragraph (a) of this section until further Commission action.

(4) Starting the first day of the month following the authorization of Connect America Phase II auction support to a winning bidder other than the price cap carrier that receives monthly baseline support pursuant to this section for such area, the price cap carrier shall no longer receive monthly baseline support pursuant to this section.

(5) Notwithstanding the foregoing schedule, the phase-down of support below the level described in paragraph (a) of this section shall be subject to the restrictions in Consolidated Appropriations Act, 2016, Public Law 114–113, Div. E, Title VI, section 631, 129 Stat. 2242, 2470 (2015), unless and until such restrictions are no longer in effect.

■ 4. Section 54.313 is amended by adding paragraph (m) to read as follows:

§ 54.313 Annual reporting requirements for high-cost recipients.

* * * * *

(m) Any price cap carrier or fixed competitive eligible telecommunications carrier that elects to continue receiving support pursuant to § 54.312(d) or § 54.307(e)(2)(iii) shall provide certifications, starting July 1, 2020 and for each subsequent year they receive such support, that all such support the company received in the previous year was used to provide voice service throughout the high-cost and extremely high-cost census blocks where they continue to have the federal high-cost eligible telecommunications carrier obligation to provide voice service pursuant to § 54.201(d) at rates that are reasonably comparable to comparable offerings in urban areas. Any price cap carrier or fixed competitive eligible telecommunications carrier that solely receives support pursuant to § 54.312(d) or § 54.307(e)(2)(iii) in its designated service area shall not be subject to reporting requirements in any other paragraphs in this section for such support.

[FR Doc. 2019–04261 Filed 3–6–19; 4:15 pm]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 180809745–8745–01]

RIN 0648–BI40

International Affairs; Antarctic Marine Living Resources Convention Act; Correction

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS is hereby making a technical amendment to our regulations without altering the substance of the regulations. This change will correct a paragraph mis-numbering.

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

FOR FURTHER INFORMATION CONTACT: Mi Ae Kim, Office of International Affairs and Seafood Inspection, NMFS (phone 301–427–8365, or email *mi.ae.kim@noaa.gov*).

SUPPLEMENTARY INFORMATION:

Background

NMFS previously published a final rule to implement revisions and updates to NMFS' Antarctic Marine Living Resources Convention Act (AMRLCA) regulations under 50 CFR part 300, subpart G, to streamline the regulations, reflect current measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR or Commission), and make other adjustments. The final rule published in the **Federal Register** on January 19, 2017 (82 FR 6221). NMFS has identified that 50 CFR 300.105(h) includes two paragraphs numbered as (h)(3). This rule solely corrects that mis-numbering by numbering the second paragraph as (h)(4) and does not make any substantive changes to the regulations.

Classification

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

The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this regulatory correction constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B) of the Administrative Procedure Act (APA), because prior notice and opportunity for public comment on this final rule is unnecessary and contrary to the public interest. Such procedures are unnecessary and contrary to the public interest, because the rules implementing revisions and updates to NMFS' Antarctic Marine Living Resources Convention Act (AMRLCA) regulations have already been subject to notice and comment and not correcting the regulatory text would result in confusion and uncertainty for the affected entities.

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

These measures are thus exempt from the procedures of the Regulatory Flexibility Act because prior notice and comment are not required under the APA.

List of Subjects in 50 CFR Part 300

Antarctica, Antarctic marine living resources, Catch documentation scheme, Fisheries, Fishing, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 5, 2019.

Samuel D. Rauch III,

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

Accordingly, 50 CFR part 300 is corrected by making the following correcting amendments:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart G—Antarctic Marine Living Resources

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

Authority: 16 U.S.C. 2431 *et seq.,* 31 U.S.C. 9701 *et seq.*

■ 2. Amend § 300.105 by revising paragraph (h) to read as follows:

§ 300.105 Preapproval for importation of frozen *Dissostichus* species.

* * * * *

(h) NMFS will not issue a preapproval certificate for any shipment of *Dissostichus* species:

(1) Identified as originating from a high seas area designated by the Food and Agriculture Organization of the United Nations as Statistical Area 51 or Statistical Area 57 in the eastern and western Indian Ocean outside and north of the Convention Area;

(2) Determined to have been harvested or transshipped in contravention of any CCAMLR Conservation Measure in force at the time of harvest or transshipment;

(3) Determined to have been harvested or transshipped by a vessel identified by CCAMLR as having engaged in illegal, unreported and unregulated (IUU) fishing; or

(4) Accompanied by inaccurate, incomplete, invalid, or improperly validated CDS documentation or by a SVDCD.

[FR Doc. 2019–04358 Filed 3–8–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No: 181031994–9022–02]

RIN 0648–XG872

Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2019 Management Area 2 Sub-Annual Catch Limit Harvested

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

ACTION: Temporary rule; closure.

SUMMARY: Effective on March 9, 2019, NMFS is closing the directed fishery for Herring Management Area 2, based on a projection that a threshold catch amount for that management area has been reached. Beginning March 9, 2019, through December 31, 2019, no person may, or attempt to fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of Atlantic herring per trip or calendar day in or from Management Area 2 from a vessel issued and holding a valid herring permit. For the duration of this action, federally permitted dealers may not possess or receive, or attempt to possess or receive, more than 2,000 lb (907.2 kg) of herring from Management Area 2 per trip or calendar day from vessels issued and holding a valid herring permit. This action is necessary to comply with the regulations implementing the Atlantic herring Fishery Management Plan and is intended to prevent overharvest of herring in Management Area 2.

DATES: Effective 00:01 hr local time, March 9, 2019, through 24:00 local time, December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Daniel Luers, Fishery Management Specialist, (978) 282–8457.

SUPPLEMENTARY INFORMATION: The Regional Administrator of NMFS for the Greater Atlantic Region monitors the herring fishery catch in each of the management areas based on vessel and dealer reports, state data, and other available information. The regulations at 50 CFR 648.201 require that when the Regional Administrator projects that herring catch will reach 92 percent of the sub-ACL allocated in Management Area 2 designated in the Atlantic Herring Fishery Management Plan (FMP), through notification in the **Federal Register**, NMFS must prohibit for the remainder of the fishing year, vessels from fishing for, possessing, transferring, receiving, landing, or selling, or attempting to fish for, possess, transfer, receive, land or sell, more than 2,000 lb (907.2 kg) of herring per trip or calendar day in or from the specified management area from a vessel issued and holding a valid herring permit.

The Regional Administrator has projected, based on vessel and dealer reports, state data, and other available information, that the herring fleet will have caught 92 percent of the herring sub-ACL allocated to Management Area 2 by March 9, 2019. Therefore, effective 00:01 hr local time, March 9, 2019, no person may, or attempt to, fish for, possess, transfer, receive, land, or sell more than 2,000 lb (907.2 kg) of herring per trip or calendar day, in or from Management Area 2, through December 31, 2019, from a vessel issued or holding a valid herring permit. Vessels that have entered port before 00:01 hr local time, March 9, 2019, may land and sell more than 2,000 lb (907.2 kg) of herring from Area 2 from that trip. A vessel may transit through Area 2 with more than 2,000 lb (907.2 kg) of herring on board, provided all herring was caught outside of Area 2 and all fishing gear is stowed and not available for immediate use as defined by § 648.2.

Effective 00:01 hr local time, March 9, 2019, through 24:00 hr local time, December 31, 2019, federally permitted dealers may not purchase, possess, receive, sell, barter, trade or transfer, or attempt to purchase, possess, receive, sell, barter, trade or transfer more than 2,000 lb (907.2 kg) of herring per trip or calendar day from Management Area 2 from a vessel issued and holding a valid herring permit, unless it is from a trip landed by a vessel that entered port before 00:01 hr local time, March 9, 2019.

Classification

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

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. Further, in accordance with 5 U.S.C § 553(d)(3), NMFS also finds good cause to waive the 30-day delayed effectiveness. NMFS is required by Federal regulation to put in place a 2,000-lb (907.2-kg) herring trip limit for Management Area 2 through December 31, 2019. The 2019 herring fishing year opened on January 1, 2019. Data indicating the herring fleet will have landed at least 92 percent of the 2019 sub-ACL allocated to Management Area

2 have only recently become available. Once available data supports projecting that 92 percent of the sub-ACL will be caught, regulations at § 648.201(a) require NMFS to close the directed fishery and impose a trip and calendar day limit to ensure that herring vessels do not exceed the 2019 sub-ACL allocated to Management Area 2. High-volume catch and landings in this fishery increase total catch relative to the sub-ACL quickly, especially in this fishing year where annual catch limits are unusually low. If implementation of this closure is delayed to solicit prior public comment, the sub-ACL for Management Area 2 for this fishing year will likely be exceeded, thereby undermining the conservation objectives of the FMP. If sub-ACLs are exceeded, the excess must also be deducted from a future sub-ACL and would reduce future fishing opportunities. In addition, the public had prior notice and full opportunity to comment on this process when these provisions were put in place. The public expects these actions to occur in a timely way consistent with the fishery management plan's objectives.

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

Dated: March 6, 2019.

Karen H. Abrams,

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

[FR Doc. 2019–04352 Filed 3–6–19; 5:00 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170816769–8162–02]

RIN 0648–XG730

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

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

ACTION: Temporary rule; closure.

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

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 6, 2019, through 1200 hrs, A.l.t., March 10, 2019.

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

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

The A season allowance of the 2019 total allowable catch (TAC) of pollock in Statistical Area 610 of the GOA is 848 metric tons (mt) as established by the final 2018 and 2019 harvest specifications for groundfish in the GOA (83 FR 8768, March 1, 2018) and inseason adjustment (84 FR 33, January 4, 2019).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2019 TAC of pollock in Statistical Area 610 of the GOA is necessary to account for the incidental catch in other anticipated fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt and is setting aside the remaining 848 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the GOA.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in Statistical Area 610 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 5, 2019.

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

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

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

Dated: March 6, 2019.

Karen H. Abrams,

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

[FR Doc. 2019–04313 Filed 3–6–19; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 47
Monday, March 11, 2019

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1214

[Document No. AMS–SC–18–0104]

Christmas Tree Promotion Research, and Information Order; Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notification of referendum.

SUMMARY: This document directs that a referendum be conducted among eligible producers and importers of Christmas trees to determine whether they favor continuance of the Agricultural Marketing Service's (AMS) regulations regarding a national Christmas tree research and promotion program.

DATES: The referendum will be conducted by mail ballot from April 22 through May 17, 2019. The U.S. Department of Agriculture (Department) will provide the option for ballots to be returned electronically. Further details will be provided in the ballot instructions. Mail ballots must be postmarked by May 17, 2019. Ballots returned via express mail or electronic mail must show proof of delivery by no later than 11:59 p.m. Eastern Time (ET) on May 17, 2019 to be counted.

ADDRESSES: Copies of the Christmas tree program may be obtained from: Referendum Agent, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244, telephone: (202) 720–9915; facsimile: (202) 205–2800; or contact Patricia Petrella at (202) 720–9915 or via electronic mail: *Patricia.Petrella@ams.usda.gov*.

FOR FURTHER INFORMATION CONTACT: Patricia Petrella, Deputy Director, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–9915, facsimile: (202) 205–2800; or electronic mail: *Patricia.Petrella@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425) (1996 Act), it is hereby directed that a referendum be conducted to ascertain whether continuance of the Christmas Tree Promotion, Research, and Information Order (7 CFR part 1214) (Order) is favored by eligible domestic producers and importers of Christmas trees. The Order is authorized under the 1996 Act.

The representative period for establishing voter eligibility for the referendum shall be the period from September 1, 2018 through March 15, 2019. Persons who domestically produced or imported more than 500 trees during the representative period and were subject to assessments during that period are eligible to vote. Persons who received an exemption from assessments pursuant to § 1214.53 for the entire representative period are ineligible to vote. The referendum will be conducted by mail and email ballot from April 22 through May 17, 2019. The Department will provide the option for ballots to be returned electronically. Further details will be provided in the ballot instructions.

Section 518 of the 1996 Act (7 U.S.C. 7417) authorizes required referenda. Under § 1214.81(a) of the Order, the Department must conduct a referendum not later than three years after assessments first begin under the order to determine whether persons subject to assessment favor continuance of the program. The Board conducted this required referendum in May 2018, passing by a narrow margin. In addition, the Order allows for a referendum to be conducted at any time as determined by the Secretary (7 CFR 1214.81(b)(5)). As such, due to the close results of the 2018 referendum, the Department is announcing the conduct of this referendum. The Department will continue the program if it is favored by a majority of producers and importers of Christmas trees voting in the referendum.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the referendum ballot has been approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0093. It has been estimated that approximately 1,200 entities would be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot.

Patricia Petrella, Deputy Director, and Heather M. Pichelman, Director, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244, are designated as the referendum agents to conduct this referendum. The referendum procedures at 7 CFR 1214.100 through 1214.108, which were issued pursuant to the 1996 Act, shall be used to conduct the referendum.

The referendum agent will distribute the ballots to be cast in the referendum and voting instructions by U.S. mail, FedEx, or through electronic mail to all known, eligible domestic producers and importers prior to the first day of the voting period. Persons who domestically produced or imported 500 or more Christmas trees during the representative period, and were subject to assessment during that period, are eligible to vote. Persons who received an exemption from assessments pursuant to § 1214.53 during the entire representative period are ineligible to vote. Any eligible producer or importer who does not receive a ballot should contact the referendum agent as soon as possible. Ballots delivered to the Department via regular U.S. mail must be postmarked by May 17, 2019. Ballots delivered to the Department via express mail or electronic mail must show proof of delivery by no later than 11:59 p.m. Eastern Time (ET) on May 17, 2019.

List of Subjects in 7 CFR Part 1214

Administrative practice and procedure, Advertising, Consumer information, Christmas trees, Marketing agreements, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

Dated: March 6, 2019.

Erin Morris,

Associate Administrator.

[FR Doc. 2019–04344 Filed 3–8–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1216

[Document Number AMS–SC–18–0103]

Peanut Promotion, Research and Information Order; Continuance Referendum

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Notification of referendum.

SUMMARY: This document directs that a referendum be conducted among eligible producers of peanuts to determine whether they favor continuance of the Agricultural Marketing Service (AMS) regulations regarding a national peanut research and promotion program.

DATES: The referendum will be conducted from April 15 through May 3, 2019. The U.S. Department of Agriculture (Department) will provide the option for electronic balloting. Further details will be provided in the ballot instructions. Mail ballots must be postmarked by May 3, 2019. Ballots returned via express mail or electronic means must show proof of delivery by no later than 11:59 p.m. Eastern Time (ET) on May 3, 2019.

ADDRESSES: Copies of the Peanut Promotion, Research and Information Order (Order) may be obtained from: Referendum Agent, Promotion and Economics Division (PED), Specialty Crops Program (SCP), AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244; telephone: (202) 720–9915; facsimile: (202) 205–2800.

FOR FURTHER INFORMATION CONTACT: Jeanette Palmer, Marketing Specialist, PED, SCP, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244; telephone: (202) 720–9915; facsimile: (202) 205–2800; or electronic mail: *Jeanette.Palmer@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research and Information Act of 1996 (7 U.S.C. 7411–7425) (Act), it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order (7 CFR part 1216) is favored by producers of peanuts covered under the program. The Order is authorized under the Act.

The representative period for establishing voter eligibility for the referendum shall be the period from June 1, 2017 through May 31, 2018. Persons who produced peanuts and were subject to assessments during the representative period are eligible to vote. The referendum shall be conducted by regular U.S. mail or by electronic means from April 15 through May 3, 2019. The Department will provide the option for electronic balloting. Further details will be provided in the ballot instructions.

Section 518 of the 1996 Act (7 U.S.C. 7417) authorizes continuance referenda. Under section 1216.82 of the Order, the Department must conduct a referendum every five years or when 10 percent or more of the eligible peanut producers petition the Secretary of Agriculture to hold a referendum to determine if persons subject to assessment favor continuance of the Order. The Department would continue the Order if continuance is approved by a simple majority of the producers voting in the referendum.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the referendum ballot has been approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0093. It has been estimated that there are approximately 7,000 producers who will be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot.

Jeanette Palmer and Heather Pichelman, PED, SCP, AMS, USDA, Stop 0244, Room 1406–S, 1400 Independence Avenue SW, Washington, DC 20250–0244, are designated as the referendum agents to conduct this referendum. The referendum procedures 7 CFR 1216.100 through 1216.107, which were issued pursuant to the Act, shall be used to conduct the referendum.

The referendum agents will distribute the ballots to be cast in the referendum and voting instructions by U.S. mail or through electronic means to all known producers prior to the first day of the voting period. Persons who produced peanuts and were subject to assessments during the representative period are eligible to vote. Any eligible producer who does not receive a ballot should contact a referendum agent as soon as possible. Ballots delivered to the Department via regular U.S. mail must be postmarked by May 3, 2019. Ballots delivered to the Department via express mail or electronic means must show proof of delivery by no later than 11:59 p.m. Eastern Time (ET) on May 3, 2019.

List of Subjects in 7 CFR Part 1216

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Peanut promotion, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 7411–7425 and 7 U.S.C. 7401.

Dated: March 5, 2019.

Erin Morris,

Associate Administrator.

[FR Doc. 2019–04277 Filed 3–8–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 930

[Docket No. 180215185–8185–01]

RIN 0648–BH78

Procedural Changes to the Coastal Zone Management Act Federal Consistency Process

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is issuing this advance notice of proposed rulemaking (ANPR) to seek the public and regulated community's input on what changes could be made to NOAA's Coastal Zone Management Act (CZMA) federal consistency regulations to make the federal consistency process more efficient across all stages of OCS oil and gas projects from leasing to development, as well as renewable energy projects. NOAA is also seeking comments on whether NOAA could process appeals in less time and increase the predictability in the outcome of an appeal. NOAA further invites comment on the potential costs that could be incurred by *small entities* during CZMA consistency appeals if NOAA revises the federal consistency regulations to provide greater efficiency and predictability as discussed in this Notice.

DATES: Comments on this ANPR must be received by April 25, 2019.

ADDRESSES: You may submit comments on this advance notice of proposed rulemaking (ANPR), identified by NOAA–NOS–2018–0107 by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal *www.regulations.gov*. To submit

comments via the e-Rulemaking Portal, first click the ''Submit a Comment'' icon, then enter NOAA–NOS–2018–0107 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the ''Submit a comment'' icon on the right of that line.

• *Mail:* Submit written comments to Mr. Kerry Kehoe, Federal Consistency Specialist, Office for Coastal Management, NOAA, 1305 East-West Highway, 10th Floor, N/OCM6, Silver Spring, MD 20910. Attention: CZMA Federal Consistency ANPR Comments.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NOAA. 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 *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NOAA will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Mr. David Kaiser, Senior Policy Analyst, Office for Coastal Management, NOAA, at 603–862–2719, david.kaiser@noaa.gov, or Mr. Kerry Kehoe, Federal Consistency Specialist, Office for Coastal Management, NOAA, at 240–533–0782, *kerry.kehoe@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Unless otherwise specified, the term ''NOAA'' refers to the Office for Coastal Management, within NOAA's National Ocean Service. The Office for Coastal Management formed in 2014 through the merger of the former Office of Ocean and Coastal Resource Management and the Coastal Services Center. Unless otherwise specified, the term ''Secretary'' refers to the Secretary of Commerce.

The Coastal Zone Management Act. The CZMA (16 U.S.C. 1451–1466) was enacted on October 27, 1972, to encourage coastal states, Great Lake states, and United States territories and commonwealths (collectively referred to as ''coastal states'' or ''states'') to be proactive in managing the uses and resources of the coastal zone for their benefit and the benefit of the Nation. The CZMA recognizes a national interest in the uses and resources of the coastal zone and in the importance of balancing the competing uses of coastal resources. *See* 16 U.S.C. 1451. The CZMA established the National Coastal Zone Management Program, a voluntary program for states. If a state decides to participate in the program, it must develop and implement a comprehensive management program pursuant to federal requirements. *See* CZMA § 306(d) (16 U.S.C. 1455(d)); 15 CFR part 923. Of the thirty-five coastal states that are eligible to participate in the National Coastal Zone Management Program, thirty-four have federally-approved management programs. Alaska is currently not participating in the program.

Federal Consistency. The CZMA federal consistency provision is an important component of the National Coastal Zone Management Program and is a key incentive for states to join the Program. *See* CZMA § 307 (16 U.S.C. 1456) and NOAA's regulations at 15 CFR part 930. Federal consistency is the CZMA provision that federal actions (inside or outside a state's coastal zone) that have reasonably foreseeable effects on any land or water use or natural resource of the affected state's coastal zone must be consistent with the enforceable policies of the affected state's federally approved CZMA program. *See* CZMA § 307 (16 U.S.C. 1456) and 15 CFR part 930. *See* NOAA's federal consistency website for additional information, *https://www.coast.noaa.gov/czm/consistency/* (last visited February 6, 2019).

The CZMA and NOAA's implementing regulations describe four types of federal actions for CZMA federal consistency purposes.

1. Federal agency activities and development projects (CZMA § 307(c)(1), (2); 15 CFR part 930, subpart C).

2. Federal license or permit activities (non-federal applicants) (CZMA § 307(c)(3)(A); 15 CFR part 930, subpart D).

3. Outer Continental Shelf exploration, development and production plans (similar to the procedures in subpart D) (CZMA § 307(c)(3)(B); 15 CFR part 930, subpart E).

4. Federal financial assistance to state or local agencies (CZMA § 307(d); 15 CFR part 930, subpart F).

It is important to understand that the applicable subparts of NOAA's federal consistency regulations for these four categories of federal actions (subparts C, D, E, and F) differ with regard to: Terminology; who decides whether there are coastal effects; procedural timeframes and information requirements; standards of consistency (*i.e.,* ''fully consistent'' versus ''consistent to the maximum extent practicable''); state objection requirements; and the consequences of state objections. Below is a table summarizing some of the key differences between subpart C (federal agency activities), subpart D (federal license or permit activities) and subpart E (OCS plans). Subparts D and E are similar in requirements. Note that subpart F is not discussed in detail in this ANPR as it has limited, or no, connection to renewable energy or OCS oil and gas projects.

	Activities by a Federal Agency (*e.g.,* OCS Oil and Gas Lease Sales) (Subpart C)	Non-Federal Applicants for Federal Licenses or Permits (Subpart D) and OCS Plans (Subpart E)
Who decides whether there are coastal effects?	Federal agency decides whether there are coastal effects	State, with NOAA approval, decides whether there are coastal effects through ''listing'' and ''unlisted'' requirements for activities requiring federal authorization.
Who submits consistency determination or certification?	Federal agency submits consistency determination (CD) if coastal effects.	Applicant submits consistency certification (CC).

	Activities by a Federal Agency (*e.g.,* OCS Oil and Gas Lease Sales) (Subpart C)	Non-Federal Applicants for Federal Licenses or Permits (Subpart D) and OCS Plans (Subpart E)
When is consistency determination or certification submitted?	Submitted at least 90 days before final action	Submitted with or after license or permit application to federal agency.
When does state review start?	Review starts when CD received (if complete)	Review starts when CC and ''necessary data and information'' received.
How long is the state review process?	State has 60 (plus 15) days to review. State and federal agency can agree to a shorter or longer review period.	State has 6 months to review (with 3-month status notice). State and applicant can agree to ''stay'' the 6-month review period for a specified time, after which the remainder of the 6-month review period applies.
What is the applicable federal consistency standard?	Activity must be ''consistent to the maximum extent practicable'' (i.e., fully consistent unless federal law prohibits full consistency) as determined by the federal agency.	Activity must be fully consistent as determined by the state.
What is the impact of the state's response?	If state concurs or concurrence is presumed, federal agency may proceed. If state objects, federal agency can proceed over objection if consistent to the maximum extent practicable.	If state concurs or concurrence is presumed, federal agency may authorize the activity. If state objects, federal agency may not authorize the activity, unless Secretary of Commerce overrides state objection on appeal by the applicant.
Are there administrative or judicial processes available if a state objects?	There is no appeal to the Secretary of Commerce for federal agency activities. A state can challenge a federal agency's decision to proceed over state objection in federal court and/or a state or federal agency can seek non-binding mediation through the Secretary of Commerce or NOAA. If state litigates federal agency decision to proceed and federal agency loses in federal court, the President may exempt the activity from CZMA compliance if it is in the paramount interest of the United States.	Applicant may appeal state objection to the Secretary of Commerce (delegated to NOAA) who can override or sustain the state objection. An applicant must file an appeal within 30 days of receipt of a state objection. Under CZMA statutory requirements and NOAA's regulations, NOAA will issue a Secretarial CZMA appeal decision within 265–325 days from the filing of an appeal. The applicant or state can challenge the Secretary's decision in federal court.

Federal Consistency Standards. In accordance with the CZMA and NOAA's regulations at 15 CFR part 930, federal license or permit activities (subpart D), and OCS exploration plans, and development and production plans (subpart E) must be fully consistent with the enforceable policies of a state's federally approved CZMA program. If the affected state objects to the proposed activity after concluding it is not fully consistent with the state's enforceable policies, the federal agency may not authorize the activity unless the Secretary of Commerce overrides the state's objection on appeal by the applicant. 16 U.S.C. 1456(c)(3).

For federal agency activities and development projects (subpart C), the ''consistent to the maximum extent practicable'' standard applies. When such activities are subject to federal consistency review, they shall be carried out in a manner that is consistent to the maximum extent practicable with the enforceable policies of a state's federally approved CZMA program. 16 U.S.C. 1456(c)(1)(A). NOAA defines ''consistent to the maximum extent practicable'' at 15 CFR 930.32, which requires that federal agencies be ''fully consistent'' ''unless full consistency is prohibited by existing law applicable to the Federal agency.'' This determination is made by the federal agency. In its 2000 and 2006 final rules, NOAA clarified how the ''consistent to the maximum extent practicable'' standard applies. The 2000 rule, in response to requests by Federal agencies, explained that Federal agencies can proceed over a state's objection, due to an unforeseen circumstance or emergency, or when a Federal agency asserts, based on its own administrative decision record, it is fully consistent even if the state disagrees, or the requirements of other federal law prevent full consistency. *See* 65 FR 77123, 77133–34 and 77142–43 (Dec. 8, 2000), and 71 FR 787, 802 (comments 5 and 6) and 809 (comment 35) (Jan. 5, 2006). These two **Federal Register** documents are on NOAA's website at: *https://www.coast.noaa.gov/czm/consistency/media/frfinal.pdf* and *https://www.coast.noaa.gov/czm/consistency/media/finalrulefedregjan05_06.pdf* (both last visited February 6, 2019).

Federal Consistency and the Outer Continental Shelf Lands Act (OCSLA). The CZMA is intertwined with the OCSLA's oil and gas leasing and development program. The CZMA and its implementing regulations specifically describe how the CZMA federal consistency provisions apply to OCS oil and gas leasing, exploration, and development. The OCSLA and its implementing regulations prohibit the Secretary of the Interior from permitting any activity provided in either an Exploration Plan, a Development and Production Plan, or a Development Operations and Coordination Document, unless the coastal state concurs or is conclusively presumed to concur with the CZMA consistency certification accompanying the plan. If the coastal state objects to the CZMA consistency certification, the Secretary of the Interior may still permit such activity if, on appeal by the applicant, the Secretary of Commerce finds that such activity is consistent with the objectives of the CZMA or is otherwise necessary in the interest of national security. *See* 16 U.S.C. 1456(c)(3)(B)(iii); s*ee also* 43 U.S.C. 1340(c)(2), 1351(d) and (h). (A Development Operations and Coordination Document is the equivalent of a Development and Production Plan in the Western Gulf of Mexico.) The OCSLA expressly references the relevant sections of the CZMA.

Below is a brief description of how the CZMA applies to the four primary stages of OCS oil and gas activity. The four primary OCS oil and gas stages and the applicable subpart of NOAA's regulations are: (1) National OCS Oil

and Gas Leasing Program (no CZMA review); (2) OCS Oil and Gas Lease Sale (subpart C); (3) Exploration Plan (subpart E); and (4) Development and Production Plan or Development Operations and Coordination Document (subpart E). Below is also a description of the various ways in which geological and geophysical seismic surveys may be subject to state CZMA review.

National OCS Oil and Gas Leasing Program (National OCS Program). CZMA federal consistency does not apply to the National OCS Program. The Bureau of Ocean Energy Management (BOEM), with NOAA's concurrence, determined that the National OCS Program is not a ''proposal for action'' under NOAA's CZMA regulations as a lease sale may not happen and any future coastal effects are too speculative at the National OCS Program stage. *See* 71 FR 787, 792 (Jan. 5, 2006), *https://www.coast.noaa.gov/czm/consistency/media/finalrulefedregjan05_06.pdf* (last visited February 6, 2019).

OCS Oil and Gas Lease Sale (16 U.S.C. 1456(c)(1); 15 CFR part 930, subpart C). An OCS oil and gas lease sale is a federal agency activity under CZMA § 307(c)(1) and subpart C of NOAA's regulations. If BOEM holds a lease sale, BOEM determines which states are affected and provides those states with a consistency determination for review and concurrence, objection, or presumed concurrence if there is no response within the regulatory timeframe. If a state objects to BOEM's consistency determination, BOEM can still proceed with the lease sale if BOEM determines it is ''consistent to the maximum extent practicable'' with the state's coastal management program. Because OCS oil and gas lease sales are subject to subpart C of the federal consistency regulations, there is no right of appeal to the Secretary of Commerce if a state objects to BOEM's consistency determination. Rather, BOEM may decide to proceed over the state's objection and hold a lease sale under the consistent to the maximum extent practicable standard if BOEM determines the lease sale: (1) Is fully consistent with the enforceable policies of the state's management program; or (2) BOEM is legally prohibited from being fully consistent. 15 CFR 930.43(d).

Once a lease sale is granted it gives the lessee the authority to conduct on-lease ancillary activities, such as geological and geophysical (G&G) seismic surveys on the lease blocks acquired. BOEM requires the submittal of an Exploration Plan for certain on-lease ancillary activities. These on-lease activities are considered as part of a state's CZMA review during the lease sale or later during review of an Exploration Plan. A BOEM permit may be required for certain off-lease G&G surveys under 30 CFR part 551. An off-lease G&G survey is a survey that is not part of a lease sale or Exploration Plan. In these instances, states would not have the ability to review G&G surveys in a lease sale or Exploration Plan. However, as discussed further below, states may have the ability to review off-lease G&G survey activities as a federal license or permit activity in accordance with NOAA's regulations at 15 CFR part 930, subpart D.

Exploration Plan (16 U.S.C. 1456(c)(3)(B); 15 CFR part 930, subpart E). If an OCS oil and gas lessee decides to commence exploration on a lease, the lessee is required to propose an Exploration Plan to BOEM. Depending on the location of the proposed Exploration Plan, CZMA § 307(c)(3)(B) requires that the lessee/applicant submit a consistency certification to the affected state(s), through BOEM. If a state objects to a consistency certification for an Exploration Plan, BOEM cannot authorize exploration activities unless the applicant appeals the state objection to the Secretary of Commerce pursuant to 15 CFR part 930, subpart H and the Secretary overrides the state's CZMA objection. Alternatively, the state, applicant, and BOEM could reach an agreement such that the state would remove its objection, allowing BOEM to authorize exploration activities. This agreement could occur before or during an appeal.

Development and Production Plan or Development Operations and Coordination Document (16 U.S.C. 1456(c)(3)(B); 15 CFR part 930, subpart E, and 30 CFR part 550, subpart B). If a lessee completes its exploration activities and decides to extract oil and gas for production, it must provide BOEM with a Development and Production Plan or a Development Operations and Coordination Document (for the Western Gulf of Mexico). CZMA § 307(c)(3)(B) requires that the lessee/applicant submit a consistency certification to the affected state(s), through BOEM, for the Development and Production Plan or Development Operations and Coordination Document, just as it does for the Exploration Plan. Depending on the location of the development, one or more states will receive a consistency certification from the applicant, through BOEM. If a state objects to a consistency certification for a Development and Production Plan or Development Operations and Coordination Document, BOEM cannot authorize development and production unless the applicant appeals the state objection to the Secretary of Commerce pursuant to 15 CFR part 930, subpart H and the Secretary overrides the state's CZMA objection. Alternatively, the state, applicant, and BOEM could reach an agreement such that the state would remove its objection, allowing BOEM to authorize exploration activities. This agreement could occur before or during an appeal.

Geological and Geophysical Permits for Off-lease Activities (16 U.S.C. 1456(c)(3)(A); 15 CFR part 930, subpart D and 30 CFR part 551). Off-lease G&G surveys, as well as those conducted on lands under lease to a third party, require a permit from BOEM under 30 CFR part 551. Off-lease G&G surveys are surveys that are not authorized by BOEM, or reviewed by states for federal consistency, as part of a lease sale or Exploration Plan. These G&G permit applications may be subject to the CZMA federal consistency process as a federal license or permit activity pursuant to NOAA's regulations at 15 CFR part 930, subpart D. A consistency certification is required for these off-lease G&G permits if the state has, pursuant to 15 CFR 930.53, (1) listed the G&G permits in the state's NOAA-approved federal consistency list, and (2) included a geographic location description in its coastal management program. If not, then a state would need to request NOAA approval to review off-lease G&G permit applications on a case-by-case basis as an unlisted activity under 15 CFR 930.54. If a state objects to a consistency certification for a G&G permit under 30 CFR part 551, BOEM cannot authorize the activity unless the applicant appeals the state objection to the Secretary of Commerce pursuant to 15 CFR part 930, subpart H and the Secretary overrides the state's CZMA objection. Alternatively, the state, applicant, and BOEM could reach an agreement such that the state would remove its objection, allowing BOEM to authorize exploration activities. This agreement could occur before or during an appeal.

Federal Consistency Appeal Process. The CZMA appeal process is available to non-federal applicants for federal license and permit activities (subpart D), OCS Exploration, Development and Production Plans (subpart E), and federal financial assistance (subpart F). The appeal process takes 265 to 325 days to complete. Congress added this timeframe to the CZMA in the Energy Policy Act of 2005, Pub. L. 109–58, and NOAA added the timeframe to NOAA's regulations at 15 CFR part 930, subpart H in NOAA's 2006 rulemaking, 71 FR 75864. Historically, state objections to Exploration Plans or Development and

Production Plans do not happen very often. As noted in NOAA's 2006 final rule:

> Since 1978, [BOEM] has approved over 10,600 [Exploration Plans] and over 6,000 [Development and Production Plans]. States have concurred with nearly all of these plans. In the 30-year history of the CZMA, there have been only 18 instances where the offshore oil and gas industry appealed a State's federal consistency objection to the Secretary of Commerce. The Secretary issued a decision in 14 of those cases. The Secretary did not issue a decision for the other 4 OCS appeals because the appeals were withdrawn due to settlement negotiations between the State and applicant or a settlement agreement between the Federal Government and the oil companies involved in the projects. Of the 14 decisions (1 [Development and Production Plan] and 13 [Exploration Plans]), there were 7 decisions to override the State's objection and 7 decisions not to override the State.

71 FR 787, 791 (Jan 5, 2006). These numbers are still valid. The most recent Secretarial appeal of an OCS oil and gas plan was in 1999. *See* NOAA's CZMA appeal spreadsheet for more information on CZMA appeals at *https://www.coast.noaa.gov/czm/consistency/media/appealslist.pdf* (last visited February 6, 2019).

NOAA's 2006 Final Rule. NOAA revised its CZMA federal consistency regulations in 2006 to address concerns raised by the energy industry, particularly regarding OCS oil and gas, in response to the 2001 Vice President's Energy Policy Report, and the Energy Policy Act of 2005. The 2006 revision was finalized after close coordination with the Department of the Interior, the Department of Energy, and with substantial input by the energy industry and the coastal states. *See* NOAA's final rule published in the **Federal Register**, 71 FR 787 (Jan. 5, 2006), *https://www.coast.noaa.gov/czm/consistency/media/finalrulefedregjan05_06.pdf* (last visited February 6, 2019). NOAA's 2006 final rule removed uncertainties in various time frames in the regulations, provided an expedited and date-certain period for processing CZMA consistency appeals, and provided industry with greater transparency and predictability in the CZMA process. The CZMA Secretarial appeals process deadlines were mandated by amendments to the CZMA by the Energy Policy Act of 2005, amending 16 U.S.C. 1465 (appeals to the Secretary) and adding section 1466 (appeals relating to offshore mineral development). At that time, NOAA evaluated the rulemaking in the context of what changes could be made without statutory amendments.

II. Action Requested From the Public

In accordance with Executive Order 13795, this Advance Notice of Proposed Rulemaking seeks the public and regulated community's input on what changes could be made to NOAA's CZMA federal consistency regulations at 15 CFR part 930 to make the consistency process more efficient across all stages of OCS oil and gas projects from leasing to development or renewable energy projects. Any input should be consistent with statutory provisions regarding the CZMA review of OCS oil and gas lease sales, Exploration Plans, Development and Production Plans, Development Operations and Coordination Documents, G&G permits, and appeals to the Secretary of Commerce. NOAA recommends that anyone providing input review NOAA's 2006 final rule discussed above. NOAA notes that addressing these questions could result in a proposed rule that includes numerous regulatory modifications that could also apply to other types of federal actions and not just renewable or non-renewable energy projects.

NOAA is interested in the public and regulated community responses to the following statements.

1. What changes could be made to NOAA's federal consistency regulations at 15 CFR part 930 that could streamline federal consistency reviews and provide industry with greater predictability when making large investments in offshore renewable and non-renewable energy development?

2. NOAA is seeking comments on whether and how NOAA could achieve greater efficiency to process an appeal in less time and increase predictability in the outcome of an appeal—while continuing to meet the requirements and purposes of the CZMA—by limiting the Secretary of Commerce's review of an appeal of a state's objection to an OCS oil and gas Development and Production Plan or Development Operations and Coordination Document, to information that the Secretary of Commerce had not previously considered in an appeal of an OCS oil and gas Exploration Plan for the same lease block.

In addition, NOAA requests any comment on the types of new information that may be produced at different stages of OCS oil and gas projects to provide an indication of what information may be relevant to subsequent appeals. For example, a state may object under the CZMA to an OCS oil and gas Exploration Plan and the applicant may then appeal the objection to the Secretary of Commerce and the Secretary could override the state's objection. The applicant could then complete its exploration activities and then submit to BOEM a Development and Production Plan or Development Operations and Coordination Document and the state could again issue a CZMA objection. In this scenario, there may be a substantial amount of technical, environmental, safety, national interest, and alternative analysis information and review by BOEM, other federal agencies, the states, NOAA and Commerce for the Exploration Plan and for an appeal of a state CZMA objection to an Exploration Plan. This information may be similar or the same as that developed for an appeal of a state CZMA objection to the later Development and Production Plan or Development Operations and Coordination Document for the same lease block. Therefore, NOAA is seeking comment on whether, in such a situation, it is efficient and effective to use the Secretary's override of the Exploration Plan as a precedent and limit the Secretary's review of an appeal of a state's objection to an OCS oil and gas Development and Production Plan or Development Operations and Coordination Document to information and issues not previously considered by the Secretary when deciding an appeal regarding the OCS Exploration Plan.

3. When an applicant seeks Secretarial review of a state CZMA federal consistency objection, the CZMA requires the Secretary to collect appeal fees from the applicant. 16 U.S.C. 1456(i). The fees include an ''application fee of not less than $200 for minor appeals and not less than $500 for major appeals, unless the Secretary, upon consideration of an applicant's request for a fee waiver, determines that the applicant is unable to pay the fee.'' 16 U.S.C. 1456(i)(1). Under NOAA's regulations, an appeal involving a project valued in excess of $1 million is considered major. 15 CFR 930.125(c).

In addition to the application fee, the Secretary is also directed to collect such other fees as are necessary to recover the full costs of administering and processing appeals of a state CZMA federal consistency objection. 16 U.S.C. 1456(i)(2)(A) and 15 CFR 930.126. However, if the Secretary waives the application fee for an applicant, the Secretary shall waive all other fees for the applicant. 16 U.S.C. 1456(i)(2)(B).

Under the Regulatory Flexibility Act (RFA), at a proposed rule stage NOAA must determine whether the rule, if adopted, would have a significant economic impact on a substantial number of small entities. The term ''small entity'' includes small businesses, small organizations, and

small governmental jurisdictions. State and federal agencies and private landowners are not small entities under the RFA.

NOAA has stated for past CZMA federal consistency rulemakings that the federal consistency process and appeals to the Secretary do not have a significant impact on small entities and anticipates the same finding would be reached for a proposed rule based upon this document. *See e.g.,* 65 FR 20270, 20280–81 (Apr. 14, 2000). However, NOAA invites comment on the potential costs that could be incurred by *small entities* during CZMA consistency appeals if NOAA revises the federal consistency regulations to provide greater efficiency and predictability as discussed in this document.

Comments submitted to NOAA will help us determine whether to propose changes to the CZMA federal consistency regulations. Any proposed changes to the federal consistency regulations would be published in the **Federal Register** as a proposed rule following compliance with the Administrative Procedures Act (5 U.S.C. 553) and other relevant statutes and executive orders.

This regulatory action is significant for purposes of Executive Order 12866.

Dated: March 1, 2019.

Paul M. Scholz,

Chief Financial Officer/Chief Administrative Officer, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2019–04199 Filed 3–8–19; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, and 1926

[Docket No. OSHA–2018–0008]

RIN 1218–AC99

Powered Industrial Trucks; Request for information

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

ACTION: Request for Information (RFI).

SUMMARY: OSHA requests information and comment on issues related to requirements in the standards on powered industrial trucks for general, maritime, and construction industries. OSHA is seeking information regarding the types, age, and usage of powered industrial trucks, maintenance and retrofitting of powered industrial trucks, how to regulate older powered industrial trucks, the types of accidents and injuries associated with operation of powered industrial trucks, the costs and benefits of retrofitting powered industrial trucks with safety features, and the costs and benefits of all other components of a safety program, as well as various other issues. OSHA is also interested in understanding whether the differences between the standards for maritime, construction, and general industry are appropriate and effective for each specific industrial sector. OSHA will use the information received in response to this RFI to determine what action, if any, it may take to reduce regulatory burdens while maintaining worker safety.

DATES: Submit comments and additional material on or before June 10, 2019. All submissions must bear a postmark or provide other evidence of the submission date.

ADDRESSES: Submit comments and additional materials, identified by Docket No. OSHA–2018–0008, by any of the following methods:

Electronically: Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

Facsimile: OSHA allows facsimile transmission of comments and additional material that are 10 pages or fewer in length (including attachments). Send these documents to the OSHA Docket Office at (202) 693–1648. OSHA does not require hard copies of these documents. Instead of transmitting facsimile copies of attachments that supplement these documents (for example, studies, journal articles), commenters must submit these attachments to the OSHA Docket Office, Room N–3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. These attachments must identify clearly the commenter's name, the date of submission, the title of this RFI (Powered Industrial Trucks), and docket no. OSHA–2018–0008 so that the Docket Office can attach them to the appropriate document.

Regular mail, express mail, hand delivery, or messenger (courier) service: Submit comments and any additional material (for example, studies, journal articles) to the OSHA Docket Office, Docket No. OSHA–2018–0008 or RIN (1218–AC99), Room N–3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–2350. (OSHA's TTY number is (877) 889–5627.) Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, and messenger service. The hours of operation for the OSHA Docket Office are 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency's name, the title of this RFI (Powered Industrial Trucks), and the docket no. OSHA–2018–0008. OSHA will place comments and other material, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting statements they do not want made available to the public and submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Docket: To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. The *http://www.regulations.gov* index lists all documents in the docket. However, some information (*e.g.,* copyrighted material) is not available publicly to read or download through the website. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Frank Meilinger, Director, OSHA Office of Communications; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov*.

General and technical information: Lisa Long, Director, Office of Engineering Safety, OSHA Directorate of Standards and Guidance; telephone: (202) 693–2222; fax: (202) 693–1663; email: *long.lisa@dol.gov*.

SUPPLEMENTARY INFORMATION:

Copies of this **Federal Register** *notice:* Electronic copies are available at *http://www.regulations.gov.* This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at *http://www.osha.gov*.

References and Exhibits: Documents referenced by OSHA in this RFI, other than OSHA standards and **Federal Register** notices, are in Docket No. OSHA–2018–0008 (powered industrial trucks; request for information). The docket is available at *http://www.regulations.gov,* the Federal

eRulemaking Portal. For additional information on submitting items to, or accessing items in, the docket, please refer to the **ADDRESSES** section of this RFI. While most exhibits are available at *http://www.regulations.gov,* some information (*e.g.,* copyrighted material) is not available to download from that web page. However, all materials in the docket are available for inspection at the OSHA Docket Office.

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I. Background

A. Introduction

OSHA is considering whether or not to initiate rulemaking to revise the powered industrial trucks standards for general, maritime, and construction industries (29 CFR 1910.178, 1915.120, 1917.43, 1918.65, and 1926.602(c), (d)). These regulations, promulgated in 1971 and updated in 1998, are intended to protect operators of these trucks and their coworkers. In this RFI, OSHA is seeking public comments that will inform OSHA on potential updates to the powered industrial trucks standards. The term ''powered industrial truck'' includes what are commonly termed forklifts, but the term also includes all fork trucks, tractors, platform lift trucks, motorized hand trucks, and other specialized industrial trucks powered by an electric motor or an internal combustion engine. The aim of this RFI is to seek public comment on what aspects of the powered industrial trucks standards are effective as well as those that may be outdated, inefficient, unnecessary, or overly burdensome, and how those provisions might be repealed, replaced, or modified while maintaining or improving worker safety.

OSHA's powered industrial trucks standards contain requirements for machine design and construction, locations of use, maintenance, training, and operations, among other requirements. OSHA initially adopted the powered industrial trucks standard (29 CFR 1910.178) on May 29, 1971 (36 FR 10613), pursuant to section 6(a) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 655),[1] based on the 1969 editions of the American National Standards Institute's (ANSI) Safety Standard for Powered Industrial Trucks, B56.1, and the National Fire Protection Association's (NFPA) standard for Type Designation, Areas of Use, Maintenance and Operation of Powered Industrial Trucks, NFPA 505. Since the promulgation of OSHA's powered industrial trucks standard in 1971, these national consensus standards have been updated a number of times. The most recent edition of ANSI B56.1 was issued in 2018, in conjunction with the Industrial Truck Standards Development Foundation (ITSDF) (OSHA–2018–0008–0002). The most recent edition of NFPA 505 was issued in 2018 (OSHA–2018–0008–0003). OSHA has updated the powered industrial trucks standards only once, on December 1, 1998 (63 FR 66270), to revise the requirements for operator training codified at § 1910.178(l) and to include references to § 1910.178(l) in the standards for shipyards, marine terminals, longshoring, and construction (§§ 1910.16, 1915.120, 1917.1, 1918.1, and 1926.602(d)).[2]

ANSI B56.1 defines the safety requirements relating to the elements of design, operation, and maintenance of powered industrial trucks. This national consensus standard has two basic parts. The first part establishes manufacturer requirements to ensure hazards do not result from the design and construction of powered industrial trucks at the time of manufacture. This includes a variety of test methods to determine load-handling capacity, which must also be indicated through appropriate markings. When OSHA originally promulgated the powered industrial trucks standard, the agency incorporated by reference the design requirements section of ANSI B56.1–1969.

The second part of B56.1 establishes guidelines for operators of industrial trucks, including requirements for operator qualifications and training, operator safety rules, and maintenance practices. Although OSHA did not incorporate by reference the ANSI B56.1–1969 user requirements in its powered industrial trucks standard, OSHA did base some of the provisions on this part of the ANSI standard. Throughout the years, ANSI/ITSDF has added other requirements to improve the safety of industrial truck operators and other employees. Examples of additions to the user requirements in B56.1 include:

- A requirement that operator training programs cover hazards from carbon monoxide production by internal combustion engines and common initial symptoms of exposure.
- A requirement that, prior to working on engine fuel systems of liquefied petroleum (LP) gas-powered trucks with engines that will not run, users must close the LP tank and vent fuel slowly in a non-hazardous area.
- A requirement for stopping distances when descending grades. This section states that when descending a grade, required stopping distances must be greater and methods must be employed to allow for this condition. Such methods include: Reducing speed, limiting loads, and allowing for adequate clear space at the bottom of the grade.
- A requirement to consider noise exposure of personnel in the work area.
- A requirement regarding relocation of powered industrial trucks. This section states that when using lifting equipment such as elevators, cranes, ship hoisting gear, to relocate a powered industrial truck, the user shall ensure that the capacity of the hoisting equipment being used is not exceeded.

The NFPA 505 standard contains fire safety guidelines for powered industrial trucks including type designations, areas of use, conversions, maintenance, and operations. This standard is designed to mitigate potential fire and explosion hazards involving powered industrial trucks, including fork trucks, tractors, platform lift trucks, motorized hand trucks, and other specialized industrial trucks powered by electric motors or internal combustion engines.

When OSHA adopted the powered industrial trucks standard in 1971, there were 11 designated types of trucks.[3]

[1] Section 6(a) directed OSHA, during the first two years after the OSH Act became effective, to promulgate as an occupational safety and health standard any national consensus standard or any established Federal standard if such promulgation would improve employee safety or health.

[2] See Docket OSHA–S008–2006–0639.

[3] These 11 designations represent the following truck types: D–Diesel-powered unit; DS-Diesel-powered unit with additional safeguards to exhaust, fuel and electrical systems; DY-Diesel-powered unit with safe guards of DS unit and do not have any electrical equipment including the ignition system and have temperature limiting features; E-Electrically powered unit; ES-Electrical powered unit with additional safeguards to electrical systems to prevent hazardous sparks and limit surface temperatures; EE-Electrical powered unit with safeguards of ES units and all electric motors and electrical equipment enclosed; EX-Electrical

NFPA has since listed an additional eight truck types: CGH, CN, CNS, DX, G/CN, G/LP, GS/CNS, and GS/LPS.[4] These are not listed in OSHA's standard. NFPA first added type designations G/LP and GS/LPS, which are both dual-fuel type trucks that operate on gasoline and/or liquefied petroleum gas. NFPA next added new truck type designation DX, which is a diesel-powered unit that is constructed to allow it to be used in atmospheres that contain specifically named flammable vapors, dust, and fibers. NFPA added a new section on compressed natural gas (CNG) that included the addition of type designations CN, CNS, G/CN, and GS/CNS, and made changes to the fuel handling and storage chapters for these trucks, as well as for the dual fuel and converted trucks. NFPA's most recent type designation is a compressed hydrogen-powered unit (CGH).

These eight type-designated units—CGH, CN, CNS, DX, G/CN, G/LP, GS/CNS, GS/LPS—have different requirements for safe operation, maintenance, and handling due to their fuel source, but they are generally the same in design and function as the 11 truck types currently listed in OSHA's standard. For instance, the chapter in NFPA 505 for fuel handling and storage prohibits over-pressurizing fuel cylinders and requires that pressure relief devices be free of plugging and maintained in good operating condition; these requirements are not reflected in OSHA's current standard.

OSHA requests information from the public on the powered industrial trucks standards to help the agency determine how to best protect employees who use powered industrial trucks and eliminate unnecessary burdens. OSHA is seeking public comments on whether and how the powered industrial trucks standards should be amended.

B. Fatality and Injury Data

Statistics show that, in some instances, powered industrial trucks cause worker fatalities and injuries. Accordingly, OSHA is considering ways to maintain or improve worker safety while modernizing its standards and reducing any overly-burdensome requirements.

Data from the Bureau of Labor Statistics (BLS) (OSHA–2018–0008–0004) for the years 2011 through 2016 indicate a total of 1,357 fatalities resulting from the use of powered material hauling and transport industrial vehicles and tractors. As shown in Table 1, the annual number of fatalities ranged from 218 to 241, with an annual average of 226 fatalities. The data show that the majority of these fatalities, 1,169 (89 percent), occurred in five industry sectors: Agriculture, forestry, fishing, and hunting (788); manufacturing (126); construction (94); wholesale trade (83); and transportation and warehousing (78). Nearly all the fatalities, 1,316 (97 percent), occurred during the use of powered forklifts, order pickers, platform trucks, tractors, and power take-offs.

With respect to injury data, BLS reports that, for the three most recent years with complete results from the BLS surveillance system (2014–2016), lost-workday injuries resulting from incidents associated with powered industrial forklifts, trucks, and tractors ranged from 11,790 cases (2016) to 11,940 cases (2015) and averaged 11,857 cases.[5] Over 90 percent of cases during this three-year period involved powered industrial material hauling and transport vehicles. The remainder involved tractors and power take-offs.

OSHA's data from the Severe Injury Reports (SIRs) mirror that of BLS. The SIRs recorded 1,238 incidents from January 1, 2015, through February 28, 2017, resulting in 1,123 hospitalizations and 193 amputations. Approximately 97 percent of the 1,238 incidents involved powered forklifts, order pickers, platform trucks, pallet jacks, airport utility vehicles, and other powered industrial material hauling and transport vehicles, not elsewhere classified, while the remainder involved tractors and power take-offs.[6]

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powered unit that differs from E, ES and EE units that allows it to be used in certain atmospheres containing flammable vapors and dust; G-Gasoline powered unit; GS-Gasoline powered unit with additional safeguards to exhaust, fuel and electrical systems; LP-Liquefied Petroleum powered unit; LPS-Liquefied Petroleum powered unit with additional safeguards to exhaust, fuel and electrical systems.

[4] These eight designations are: CGH-Compressed hydrogen-powered unit utilizing a fuel cell that has minimum acceptable safeguards against inherent fire and electrical shock hazards; CN-Compressed natural gas-powered unit that has minimum acceptable safeguards against inherent fire hazards; CNS-Compressed natural gas-powered unit that, in addition to meeting the requirements for Type CN units, is provided with additional safeguards to the exhaust, fuel, and electric systems; DX-Diesel-powered unit in which the diesel engine and the electric fittings and equipment are designed, constructed, and assembled in such a way that the unit can be used in atmospheres that contain specifically named flammable vapors, dusts, and, under certain conditions, fibers; G/CN-Gasoline or compressed natural gas unit that has minimum acceptable safeguards against inherent fire hazards; G/LP-Gasoline or liquefied petroleum gas and has minimum acceptable safeguards against inherent fire hazards; GS/CNS-Gasoline or compressed natural gas unit and, in addition to meeting all the requirements for G/CN units, is provided with additional safeguards to the exhaust, fuel, and electric systems; GS/LPS-Gasoline or liquefied petroleum gas unit and, in addition to meeting all the requirements for the G/LP units, is provided with additional safeguards to the exhaust, fuel, and electric systems.

[5] US Dept. of Labor, Bureau of Labor Statistics, Nonfatal cases involving days away from work: Selected characteristics (2011 forward), 2011–2016, *https://www.bls.gov/iif/* (accessed January 23, 2018).

[6] U.S. Dept. of Labor, Occupational Safety and Health Administration, Severe Injury Reports, *https://www.osha.gov/severeinjury/index.html* (accessed January 18, 2018).

Table 1: Fatalities -- Industrial Vehicles, Powered Material Hauling and Transport Vehicles, and Tractors (Primary Source of Accident), 2011-2016[1]																							
		All Powered Industrial Vehicles and Tractors[2]							Powered Forklifts, Order Pickers, & Platform Trucks							Tractors and Power Take-Offs						
NAICS	Industry Title	2011	2012	2013	2014	2015	2016	Total	2011	2012	2013	2014	2015	2016	Total	2011	2012	2013	2014	2015	2016	Total
	Total – Private Industry	**225**	**218**	**221**	**224**	**228**	**241**	**1,357**	**66**	**67**	**69**	**65**	**71**	**72**	**410**	**152**	**144**	**144**	**152**	**149**	**165**	**906**
11	Agriculture, Forestry, Fishing and Hunting	133	121	130	135	129	140	**788**	3		3	3	3		**12**	130	121	127	132	126	140	**776**
21	Mining, Quarrying, and Oil and Gas Extraction	8	8	10	9	8	5	**48**	5	6	2	3	1		**17**			2	2	2	2	**8**
23	Construction	15	14	13	14	14	24	**94**	11	9	9	9	9	16	**63**	4	5	3	5	5	7	**29**
31-33	Manufacturing	18	22	18	20	28	20	**126**	16	18	17	18	23	19	**111**		3		2	3	1	**9**
42	Wholesale Trade	12	18	14	16	9	14	**83**	11	15	14	12	9	11	**72**		3		3		3	**9**
44-45	Retail Trade	4	5	5	3	4		**21**	4	5	5	3	4		**21**							
48-49	Transportation and Warehousing	12	9	13	13	17	14	**78**	9	8	8	9	14	13	**61**			3	1			**4**

Table 1 Continued: Fatalities – Industrial Vehicles, Powered Material Hauling and Transport Vehicles and Tractors (Primary Source of Accident), 2011-2016[1]

		All Powered Industrial Vehicles and Tractors[2]							Powered Forklifts, Order Picker, & Platform Trucks							Tractors and Power Take-Offs						
NAICS	Industry Title	2011	2012	2013	2014	2015	2016	Total	2011	2012	2013	2014	2015	2016	Total	2011	2012	2013	2014	2015	2016	Total
54	Professional, Scientific, and Technical Services	13	10	6	1	8	7	**45**	6		5	3	4	6	**24**	7	7			5	3	**22**
55	Management of Companies and Enterprises																					
56	Administrative and Support and Waste Management and Remediation Services																					
71	Arts, Entertainment, and Recreation	4	1	2		3		**10**			1		2		**3**	4		1		1		**6**
72	Accommodation and Food Services		1		1			**2**				1			**1**				1			1
81	Other Services (except Public Administration)		4	5		3	4	**16**		3	5		1		**9**		1			3	4	**8**

*Data in columns may not sum to the totals on the top row due to adherence to statistical protocols such as ensuring an adequate sample size at the 2-digit NAICS level.

[1] Data for 2016 are preliminary for industry sectors below the super sector (multiple 2-digit) NAICS level.

[2] Includes powered industrial vehicles not shown elsewhere in this table.

Source: US Department of Labor, OSHA, Directorate of Standards and Guidance, based on Bureau of Labor Statistics, Census of Fatal Occupational Injuries, January, 2018 (accessed January 23, 2018).

BILLING CODE 4510–26–C

C. Regulatory History

1. General Industry

As previously noted, in June 1971, OSHA adopted the powered industrial trucks standard, 29 CFR 1910.178, implementing several measures to encourage worker safety. As part of that rulemaking, and under section 6(a) of the Act, OSHA codified ANSI B56.1–1969, Safety Standard for Powered Industrial Trucks, including the provisions covering operator training.

On December 1, 1998 (63 FR 66270), after notice and comment rulemaking, OSHA published a final rule updating the provisions covering powered industrial truck operator training, which was codified at 29 CFR 1910.178(l). These provisions mandate a training program that bases the amount and type of training required on the operator's prior knowledge and skill; the types of powered industrial trucks the operator will operate in the workplace; the hazards present in the workplace; and the operator's demonstrated ability to operate a powered industrial truck safely. Refresher training is required if the operator is involved in an accident or a near-miss incident; the operator has been observed operating the vehicle in an unsafe manner; the operator has been determined during an evaluation to need additional training; there are changes in the workplace that could affect safe operation of the truck; or the operator is assigned to operate a different type of truck. Evaluations of each operator's performance are required as part of the initial and refresher training and each operator's performance must be evaluated at least once every three years. These training requirements apply to all industries (general industry, construction, shipyards, marine terminals, and longshoring operations) that use powered industrial trucks, except agricultural operations.

Since the 1998 final rule on powered industrial truck operator training, OSHA has not revised the general industry powered industrial truck requirements or updated references to the national industry consensus standard (B56.1) to include newer versions of that standard.

2. Shipyards, Longshoring, and Marine Cargo Handling

In 1974, pursuant to Section 41 of the Longshore and Harbor Workers' Compensation Act, the Secretary issued the existing shipyards and longshoring regulations (39 FR 22074, June 19, 1974). These regulations appear at 29 CFR part 1915 for shipyards and 29 CFR part 1918 for longshoring. Because the OSH Act comprehensively covers most private employers, the longshoring standards also were applied to shoreside cargo handling operations (*i.e.* marine terminal operations) at 29 CFR part 1917. In addition, in accordance with 29 CFR 1910.5(c)(2), OSHA applied the general industry standards to shoreside activities not covered by the older longshoring rules. Under section 1910.5(c)(2), a general industry standard covering a hazardous condition applies to shoreside activities not covered by a specific standard addressing that hazard. Shipyards are covered by the general industry standard.

On July 5, 1983 (48 FR 30886), OSHA published the final standard for marine terminals (29 CFR part 1917). This rule was intended to further address the shoreside segment of marine cargo handling (29 CFR 1917.27). The marine terminals standard includes requirements for powered industrial trucks at 29 CFR 1917.43.

On July 25, 1997, OSHA published a final rule revising the marine terminals standard (29 CFR part 1917) and the longshoring standard (29 CFR part 1918), and improving the training requirements for powered industrial truck operators in the marine cargo handling industries (62 FR 40142). Then, on December 1, 1998 (63 FR 66238), OSHA adopted a final rule for shipyard employment (29 CFR 1915.120), Powered Industrial Truck Operator Training, which set forth training requirements applicable to shipyard employment identical to the requirements in the general industry powered industrial truck training standard at 29 CFR 1910.178(l).

3. Construction

In 1971, under section 6(a) of the OSH Act, the Secretary of Labor adopted the existing Federal standards that had been issued under the Contract Work Hours and Safety Standards Act as OSHA construction standards (36 FR 7340, April 17, 1971). The provisions pertaining to powered industrial trucks used in construction are contained at 29 CFR 1926.602(c). Paragraph 1926.602(c)(1)(vi) states:

> All industrial trucks in use shall meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation, as defined in American National Standards Institute B56.1–1969, Safety Standards for Powered Industrial Trucks.

Thus, by incorporating by reference the same 1969 ANSI standard that was the source document for the general industry standard at 29 CFR 1910.178, the powered industrial truck construction standard imposes the identical powered industrial truck requirements on the construction industry as applied to general industry.

On December 1, 1998, 29 CFR part 1926 was amended by adding a new paragraph (d), which provides the same powered industrial truck operator training requirements for construction work as adopted at 29 CFR 1910.178(l) for general industry.

II. Request for Information, Data, and Comments

OSHA is seeking information, data, and comments (information), including information on anticipated costs, cost savings, and benefits related to the questions below, that will inform the agency's analysis of technological and economic feasibility and will help determine what action, if any, should be taken to repeal, replace or modify outdated, unnecessary or overly burdensome aspects of the powered industrial trucks standard while maintaining or improving worker safety. OSHA is providing the following questions to facilitate responses to this RFI, but commenters may supply other information pertaining to the RFI not explicitly solicited by the questions. When responding, please reference the specific question number that you are responding to, provide a detailed response, explain the reasons behind your views, and, if possible, identify, and provide relevant information on which you rely, including, but not limited to, data, studies, and articles. Throughout this RFI, OSHA requests economic data on issues such as current practices and compliance resource expenditures. In your response, please provide details on your establishment including number of employees and categories of employee occupations; industry identification (by North American Industrial Classification System 6-digit code if available); and the primary types of goods or services produced by your company. This information will help OSHA develop a more accurate analysis of the impacts of any potential rule. OSHA will carefully review and evaluate the information, data, and comments received in response to this **Federal Register** notice to decide on an appropriate course of action.

A. General Issues

1. Types of Powered Industrial Trucks

OSHA's current powered industrial trucks standards list 11 different types of powered industrial trucks, while NFPA 505–2018 lists 19 different types of powered industrial trucks (the ANSI B56.1 standard does not list types of

powered industrial trucks). OSHA is considering adding these eight new truck types to modernize its standard and improve worker safety. The eight new truck types not currently listed in OSHA's powered industrial trucks standards are:

- CGH: Compressed hydrogen-powered unit utilizing a fuel cell that has minimum acceptable safeguards against inherent fire and electrical shock hazards.
- CN: Compressed natural gas-powered unit that has minimum acceptable safeguards against inherent fire hazards.
- CNS: Compressed natural gas-powered unit that, in addition to meeting the requirements for Type CN units, is provided with additional safeguards to the exhaust, fuel, and electric systems;
- DX: Diesel-powered unit in which the diesel engine and the electric fittings and equipment are designed, constructed, and assembled in such a way that the unit can be used in atmospheres that contain specifically named flammable vapors, dusts, and, under certain conditions, fibers.
- G/CN: Gasoline or compressed natural gas unit that has minimum acceptable safeguards against inherent fire hazards.
- G/LP: Gasoline or liquefied petroleum gas unit that has minimum acceptable safeguards against inherent fire hazards;
- GS/CNS: Gasoline or compressed natural gas unit and, in addition to meeting all the requirements for G/CN units, is provided with additional safeguards to the exhaust, fuel, and electric systems.
- GS/LPS: Gasoline or liquefied petroleum gas unit and, in addition to meeting all the requirements for the G/LP units, is provided with additional safeguards to the exhaust, fuel, and electric systems.

(a) Please provide OSHA with data on characteristics such as usage, specifications, capacity, function, ages, and lifespans of trucks in your fleet for the 19 truck types listed in the NFPA standard. Please include information on the number of each type of truck you use, the number of employees assigned to operate these trucks, and for what activities each type of truck is used.

(b) In addition to these 19 truck types, should OSHA consider including any other types of powered industrial trucks in a future OSHA standard? What would be the basis for inclusions, given that those types are not currently in NFPA 505–2018?

(c) How commonly used are the eight powered industrial truck types identified in NFPA 505–2018 but not in OSHA's current standard?

(d) In the Supporting Statement for the 2017 Information Collection Request of the standard on powered industrial trucks (29 CFR 1910.178) (Office of Management and Budget (OMB) Control No. 1218–0242 (September 2017)), OSHA estimated that 1.8 million workers operate 1.2 million trucks within all affected establishments in construction, general industry, longshoring, marine terminals, and shipyards.[7] Do these estimates accurately reflect the current number of workers and trucks affected by the standard on powered industrial trucks in general industry (29 CFR 1910.178)? If not, should the number of workers and trucks be adjusted up or down and by how much?

2. Truck Operations, Maintenance, and Training

(a) Do you perform training in-house or contract out to specialists?

(b) If you provide training in-house, do you purchase training modules or develop your own?

(c) Who actually provides the training (*e.g.,* supervisor, safety and health specialist)?

(d) Is your current training limited to truck operations and maintenance or do you manage a broad occupational safety and health training program that includes training on trucks? For all of your workplace safety and health training programs, please provide details on length, frequency, scope, and types of technical resources deployed (*e.g.,* DVDs, online courses, hands-on training, computer simulation or robotics).

(e) Are OSHA's current training requirements adequate or excessive? If not adequate, what modifications or additional requirements should OSHA consider? If excessive, what requirements are unnecessary or overly burdensome?

(f) Does your workplace have a training program that you think is more effective than that required by the OSHA standard?

(g) Please share the aspects of the program in your workplace that you recommend OSHA consider and provide any data to support its effectiveness.

(h) Are you using any powered industrial truck aftermarket equipment, such as a back-up camera or perimeter sensor alarm? Is such equipment effective in reducing accidents?

(i) What number or percentage of powered industrial trucks in use have rollover protection or enclosures?

(j) Can powered industrial trucks without rollover protection be retrofitted? If so, how, and what is your estimate of that cost?

(k) How often do you inspect your powered industrial trucks? Please describe your inspection procedures and provide any checklists that are used.

3. Incidents and Injuries

(a) What are the most common types of workplace incidents and injuries involving powered industrial trucks that have occurred in your facility or industry (*e.g.,* rollovers, struck by, falling off docks)?

(b) What are the most common causes of hazardous incidents involving powered industrial trucks (please specify those factors)? Please provide case reports, redacted data, or aggregated data, and information quantifying and describing such incidents.

(c) Which activities involving powered industrial trucks result in the most incidents (*e.g.,* loading, unloading, traveling, backing up)?

(d) Do more incidents occur with older equipment? If so, please provide detailed information on why the older equipment is more hazardous.

(e) Do incidents vary by type of industrial truck, and if so, how?

4. Consistency Among OSHA Standards

(a) If OSHA determines that it is necessary to revise the general industry standard, how should the agency consider revising the maritime and construction powered industrial trucks standards?

(b) Should OSHA's maritime and construction standards be identical or, at least, substantially similar to the general industry standard?

(c) Are there differences specific to the maritime and construction industries that should be addressed through different requirements?

[7] Docket Exhibit OSHA–2011–0062–0009, Document ID 0009, p. 5, *https://www.regulations.gov/document?D=OSHA-2011-0062-0009*. As reported in that document (2017 ICR supporting statement), ''In 1998, OSHA published a final rule in which it revised the operator training requirements specified by paragraph (l) of the Standard (see 63 FR 66238). As part of this rulemaking, the agency performed a Final Economic Analysis (FEA) (see 63 FR 66262). Using data from the FEA for the burden hour and cost estimates described below, OSHA finds that the Standard applies to employers using an estimated 1,210,679 powered industrial trucks operated by about 1,816,018 workers.''

B. Consensus Standards

1. American National Standards Institute

As previously stated, OSHA's standards addressing powered industrial trucks reference ANSI B56.1, developed in 1969. However, this consensus standard has been updated several times since then with the latest version published in 2018 (ANSI/ITSDF B56.1a).

(a) Do the requirements in the 2018 edition of ANSI/ITSDF B56.1a adequately protect workers operating powered industrial trucks?

(b) What requirements, if any, are missing from this ANSI standard that would ensure safety for employees during powered industrial truck operations?

(c) Does compliance with ANSI/ITSDF B56.1a-2018 address most hazards commonly encountered with powered industrial trucks and is it better or preferable than the existing OSHA regulation? Please explain.

(d) Are there any hazards not addressed by ANSI/ITSDF B56.1a–2018?

(e) Are there any requirements in ANSI/ITSDF B56.1a–2018 that reduce worker safety?

2. National Fire Protection Association

The National Fire Protection Association standard (NFPA 505–2018) is the fire safety standard for powered industrial trucks and covers truck types, designations, areas of use, maintenance, and operation of powered industrial trucks.

(a) Does compliance with the NFPA standard ensure that workers are protected from hazards associated with the operation of powered industrial trucks, or are there additional procedures OSHA should consider?

(b) Are employers currently in compliance with this consensus standard? If not, what provisions are employers not following? Why?

3. Other Standards

Are there other standards OSHA should consider or use if the agency determines it is necessary to revise its powered industrial trucks standards?

C. Compliance Issues

(a) If OSHA decides to revise the standards based on the most recent ANSI and NFPA standards, what requirements, if any, in ANSI/ITSDF B56.1a–2018 and NFPA 505–2018 would make it difficult or impossible for older equipment to be in compliance?

(b) If OSHA revises the standards on powered industrial trucks, should OSHA consider grandfathering in powered industrial trucks manufactured before a certain date and, if so, what date would that be? Please provide your reasoning for that date.

(c) Would it be appropriate for grandfathering dates to vary for different types of truck?

(d) If OSHA decides to consider grandfathering older equipment, is there a future date OSHA should set beyond which the ''grandfathered'' clause (or safe harbor) should not apply?

(e) How many older powered industrial trucks are you using? What type of trucks are these and what do you use them for?

(f) How many powered industrial trucks do you use that do not have seat belts?

(g) Can any of these trucks be retrofitted with seat belts? If so, how, and what is your estimate of that cost?

(h) What is the average life span of a powered industrial truck?

D. Economic Issues

(a) Please describe in detail any provision of the current standard that you believe is outdated, unnecessary, or ineffective; or imposes costs that exceed benefits. Please provide information supporting your view, including data, studies, and articles.

(b) To what extent do employers already comply with the current ANSI consensus standard (ANSI/ITSDF B56.1a–2018)? Are there situations where equipment could be easily retrofitted to meet the requirements contained in the revised consensus standard ANSI/ITSDF B56.1a–2018? Please include information on the type of vehicle and modifications necessary, including how much time is required to perform the retrofitting, the type of worker who could do the retrofitting, and the cost of equipment needed for the vehicle modification or the cost to contract out the work.

(c) What are the baseline practices in your industry with respect to complying with the provisions of consensus standards relating to training, operation, maintenance, or work practices?

(d) Is there older equipment that cannot be updated without significant cost, and what factors would contribute to the costs of retrofitting or augmenting older equipment to achieve compliance with ANSI/ITSDF B56.1a-2018? Please specify the types of costs (*i.e.,* labor, materials, equipment, and consultant fees) that affected employers would incur to comply with ANSI/ITSDF B56.1a–2018 and the costs per unit (*e.g.,* worker, machinery, energy). If a new OSHA standard required changes that applied to older powered industrial trucks, at what cost of compliance expense would it be more cost effective simply to replace older trucks with newer ones?

(e) If OSHA incorporated the requirements of NFPA 505–2018 into its standards and applied it to older powered industrial trucks, would employers retrofit or augment their older trucks, or replace them with already-compliant trucks?

(f) Are there particular impacts on small entities from a revision to the powered industrial trucks standards that references current consensus standards, including ANSI/ITSDF B56.1a—2018?

(g) Would small entities face economic or technological feasibility challenges to comply with revised standards that reference current consensus standards?

(h) Do you identify as a small entity in your industry? If so, what is the basis for that identification (for example, reliance on Small Business Administration size standards)? If you are uncertain as to your qualifications as a small entity, please provide details on your establishment size in terms of number of employees and categories of employee occupations; industry identification (by North American Industrial Classification System 6-digit code, if available); and the primary types of goods or services produced by your company.

(i) Please describe in detail the technical or financial concerns that employers encounter when implementing or planning the implementation of safety programs for powered industrial trucks.

(l) OSHA requests comments, particularly from small entities, on current practices with respect to safe handling and operation of powered industrial trucks. Please identify the practices that are critical to safe handling and operation of powered industrial trucks (*i.e.,* those practices whose absence would significantly compromise the safety of employees). Please discuss the role of employee training in your safety programs involving powered industrial trucks and the perceived benefits of employee training. Where possible, please estimate the cost per employee for any component of your safety programs involving powered industrial trucks.

E. Other Comments/Suggestions/ Concerns

OSHA invites interested persons—including employers, trade associations, workers, worker organizations, and public health and safety organizations—to submit information, comments, data, studies, and other materials on the

issues and questions in this RFI. In particular, OSHA invites comment on specific issues and requests information and data about practices at affected establishments in general industry, construction, shipyard employment, and marine cargo handling. When submitting comments in response to questions or issues raised or revisions that OSHA is considering, OSHA requests that you explain your rationale and, if possible, provide data and information to support your comments and recommendations.

Authority and Signature

Loren Sweatt, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice pursuant to 29 U.S.C. 653,655, and 657, Secretary's Order 1–2012 (77 FR 3912; Jan. 25, 2012), and 29 CFR part 1911.

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

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–04338 Filed 3–8–19; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–1098]

RIN 100–AA08

Special Local Regulations; Annual Boyne Thunder Poker Run; Charlevoix, MI

AGENCY: Coast Guard, DHS.

ACTION: Notification of proposed rulemaking.

SUMMARY: The Coast Guard proposes to add a special local regulation to increase safety in the navigable waters of Round Lake and Pine River Channel, Charlevoix, MI during the annual Boyne Thunder Poker Run. The proposal will allow the Coast Guard Patrol Commander to control vessel traffic during the event in this small and restricted waterway. The proposed regulation will be enforced during the day of the event. The date and time will be announced via a Notice of Enforcement. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 10, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2018–1098 using the Federal e-Rulemaking Portal at *http://www.regulations.gov*. Type the docket number (USCG–2018–1098) in the ''SEARCH'' box and click ''SEARCH.'' See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST2 Blackledge, Waterways Management, Coast Guard Sector Sault Sainte Marie, U.S. Coast Guard; telephone 906–253–2443, email *Onnalee.A.Blackledge@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Annual Boyne Thunder Poker Run is a charity marine event occurring in the month of July with a route that runs from Boyne City out to Lake Michigan and back to Boyne City. This event, occurring annually for the past 15 years, includes approximately 100 participants in offshore type power vessels. Round Lake and Pine River Channel are small restricted waterways that normally have a variety of recreational users and a commercial ferry that provides service to Beaver Island. This mix of vessels in close proximity to the event warrants additional safety measures.

The legal basis for this proposed rulemaking is found at 33 U.S.C. 1233; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

III. Discussion of Proposed Rule

The Captain of the Port Sault Sainte Marie (COTP) has determined that adding the Annual Boyne City Poker Run to the list of Special Local Regulations in the navigable waters of Round Lake and Pine River Channel in Charlevoix, MI is the most practical way to ensure the safety of the boating public.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day for the Special Local Regulation. Vessel traffic will be able to safely transit through the regulated area which will impact a small designated area within the COTP zone for a short duration of time. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the special local area.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement

Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule prohibits vessels from entering, transiting through, or anchoring within the regulated area without the permission of the Coast Guard Patrol Commander. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal e-Rulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacynotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 33 CFR 1.05–1.

■ 2. Add § 100.929 to read as follows:

§ 100.929 Special Local Regulations; Annual Boyne Thunder Poker Run; Charlevoix, MI.

(a) *Regulated area.* These Special Local Regulations apply to all U.S. navigable waters of Round Lake and Pine River Channel, Charlevoix, MI, within an area bordered by a line at the entrance of the Pine River Channel charted in position 45°19′15″ N, 085°15′55″ W to 45°19′13″ N, 085°15′55″ W to the southeast end of Round Lake charted in position 45°18′57″ N, 085°14′49″ W to 45°18′56″ N, 085°14′50″ W.

(b) *Special Local Regulation.* The regulations of § 100.901 apply. No vessel may enter, transit through, or anchor within the regulated area without the permission of the Coast Guard Patrol Commander.

(c) *Enforcement Period.* The Coast Guard will issue a Notice of Enforcement with the exact time and date in July that this regulated area will be enforced.

Dated: March 5, 2019.

P.S. Nelson,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. 2019–04281 Filed 3–8–19; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0759 FRL–9990–67–Region 4]

Air Plan Approval; Tennessee; Interstate Transport (Prongs 1 and 2) for the 2010 1-Hour NO_2 Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of Environment & Conservation (TDEC), through a letter dated May 14, 2018, for the purpose of addressing the Clean Air Act (CAA or Act) ''good neighbor'' interstate transport (prongs 1 and 2) infrastructure SIP requirements for the 2010 1-hour Nitrogen Dioxide (NO_2) National Ambient Air Quality Standard (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, commonly referred to as an ''infrastructure SIP.'' Specifically, EPA is proposing to approve Tennessee's May 14, 2018, SIP revision addressing prongs 1 and 2 to ensure that air emissions in the State do not significantly contribute to nonattainment or interfere with maintenance of the 2010 1-hour NO_2 NAAQS in any other state.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2018–0759 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Evan Adams of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Adams can be reached by phone at (404) 562–9009 or via electronic mail at *adams.evan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On January 22, 2010, EPA established a new 1-hour primary NAAQS for NO_2 at a level of 100 parts per billion (ppb), based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations.[1] *See* 75 FR 6474 (February 9, 2010). This NAAQS is designed to protect against exposure to the entire group of nitrogen oxides (NO_X). NO_2 is the component of greatest concern and is used as the indicator for the larger group of NO_X. Emissions that lead to the formation of NO_2 generally also lead to the formation of other NO_X. Therefore, control measures that reduce NO_2 can generally be expected to reduce population exposures to all gaseous NO_X which may have the co-benefit of reducing the formation of ozone and fine particles both of which pose significant public health threats. For comprehensive information on the 2010 1-hour NO_2 NAAQS, please refer to the February 9, 2010 **Federal Register** notice. *See* 75 FR 6474.

Whenever EPA promulgates a new or revised NAAQS, CAA section 110(a)(1) requires states to make SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS.[2] This particular type of SIP submission is commonly referred to as an ''infrastructure SIP.'' These submissions must meet the various requirements of CAA section 110(a)(2), as applicable. Due to ambiguity in some of the language of CAA section 110(a)(2), EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through a guidance document for infrastructure SIP submissions and through regional actions on infrastructure submissions.[3] Unless otherwise noted below, EPA is following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, EPA evaluates the submitting state's SIP for compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.[4] EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIPs. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). EPA sometimes refers to the prong 1 and prong 2 conjointly as the ''good neighbor'' provision of the CAA. The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) and from interfering with measures to protect visibility in another state (prong

[1] Subsequently, after careful consideration of the scientific evidence and information available, on April 18, 2018, EPA published a final action to retain the current NO_2 standard at the 2010 level of 100 ppb. This action was taken after review of the full body of available scientific evidence and information, giving particular weight to the assessment of the evidence in the 2016 NO_X Integrated Science Assessment; analyses and considerations in the Policy Assessment; the advice and recommendations of the Clean Air Scientific Advisory Committee; and public comments. *See* 83 FR 17226 (April 18, 2018).

[2] States were required to submit infrastructure SIPs for the 2010 1-hour NO_2 NAAQS to EPA no later than January 22, 2013.

[3] EPA explains and elaborates on these ambiguities and its approach to address them in its September 13, 2013 Infrastructure SIP Guidance (available at *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf*), as well as in numerous agency actions, including EPA's prior action on Tennessee's infrastructure SIP to address other 110(a)(2) elements for the $PM_{2.5}$ NAAQS entitled ''Air Quality Plans; Tennessee; Infrastructure Requirements for the 2012 $PM_{2.5}$ National Ambient Air Quality Standard;'' in the section ''What is EPA's approach to the review of infrastructure SIP submissions?'' *See* 82 FR 2295 at 2296–2299 (January 9, 2017).

[4] *See Montana Environmental Information Center* v. *Thomas,* 902 F.3d 971 (9th Cir. 2018).

4). Section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

EPA's most recent infrastructure SIP guidance, the September 13, 2013, ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' did not explicitly include criteria for how the Agency would evaluate infrastructure SIP submissions intended to address section 110(a)(2)(D)(i)(I).[5] With respect to certain pollutants, such as ozone and particulate matter (PM), EPA has addressed interstate transport in eastern states in the context of regional rulemaking actions that quantify state emission reduction obligations.[6] For NO_2, EPA has considered available information such as current air quality, emissions data and trends, and regulatory provisions that control source emissions to determine whether emissions from one state interfere with the attainment or maintenance of the NAAQS in another state. EPA's review and proposed action on Tennessee's CAA section 110(a)(2)(D)(i)(I) interstate transport SIP revisions for the 2010 NO_2 NAAQS is informed by these considerations.

Through this proposed action, EPA is proposing to approve Tennessee's May 14, 2018, SIP revision addressing prong 1 and prong 2 requirements for the 2010 1-hour NO_2 NAAQS.[7] The State addressed CAA section 110(a)(2)(D)(i)(I) by providing information supporting its conclusion that emissions from Tennessee do not significantly contribute to nonattainment or interfere with maintenance of the 2010 1-hour NO_2 NAAQS. All other applicable infrastructure SIP requirements for Tennessee for the 2010 1-hour NO_2 NAAQS have been addressed in separate rulemakings. *See* 80 FR 14019 (March 18, 2015) and 82 FR 27428 (June 15, 2017).

II. What is EPA's analysis of how Tennessee addressed prongs 1 and 2?

In Tennessee's May 14, 2018, SIP revision, the State concluded that its SIP adequately addresses prongs 1 and 2 with respect to the 2010 1-hour NO_2 NAAQS. Tennessee provides the following reasons for its determination: (1) The most recent valid design values for the 1-hour NO_2 standard in Tennessee and the neighboring states of Arkansas, Georgia, Kentucky, Missouri, North Carolina, South Carolina, and Virginia are below the 2010 standard; (2) total emissions of NO_X in the State have trended downward since 2008; and (3) the SIP contains state regulations that directly or indirectly control NO_X emissions. EPA preliminarily agrees with the State's conclusion based on the rationale discussed below.

First, EPA notes that there are no designated nonattainment areas for the 2010 1-hour NO_2 NAAQS in Tennessee or the neighboring states. On February 17, 2012 (77 FR 9532), EPA designated the entire country as ''unclassifiable/attainment'' for the 2010 1-hour NO_2 NAAQS, stating that ''available information does not indicate that the air quality in these areas exceeds the 2010 1-hour NO_2 NAAQS.''

Second, the 2015–2017 NO_2 design values in Tennessee and neighboring states are well below the 2010 1-hour NO_2 NAAQS standard of 100 ppb. The highest monitored 2015–2017 valid design values for the neighboring states of Arkansas, Georgia, Kentucky, Missouri, North Carolina, South Carolina, and Virginia are below the 2010 standard (at 42, 56, 49, 49, 38, 42, and 45 ppb, respectively).[8] The design values in Tennessee, and neighboring states, during this time period were 44 to 62 percent below the NAAQS. During the 2015–2017 time period, Georgia recorded the highest monitored 98th percentile concentration value in the neighboring states (61.1 ppb in 2016).

Third, total NO_X emissions data provided by the State shows that NO_X emissions in Tennessee decreased from 430,384 tons in 2008 to 271,383 tons in 2014, a reduction of approximately 37 percent.[9] The area, nonroad, onroad, and point sources are all considered in the total emissions data provided by the State. Onroad vehicles continue to be the largest emitters of NO_X in Tennessee, emitting 131,422 tons according to the 2014 data. Despite onroad mobile sources being the primary contributors to NO_X emissions, the data from Tennessee's submittal shows a 35 percent decrease in onroad mobile emissions from 2008 to 2014.

Finally, Tennessee identifies the following SIP-approved State rules that directly or indirectly control NO_X emissions: Rule 1200–03–09–.01—*Construction Permits* (regulating the construction of new sources and the modification of existing sources); Rule 1200–03–06–.03—*General Provisions* and Rule 1200–03–07–.07—*General Provisions and Applicability for Process Gaseous Emission Standards* (both regulating gaseous emissions from non-process and process emission sources); and Rule 1200–03–13–.01—*Violation Statement* (providing for enforcement actions for failure to comply with Tennessee air regulations).

For all the reasons discussed above, EPA has preliminarily determined that Tennessee does not contribute significantly to nonattainment or interfere with maintenance of the 2010 1-hour NO_2 NAAQS in any other state and that Tennessee's SIP includes adequate provisions to prevent emissions sources within the State from significantly contributing to nonattainment or interfering with maintenance of this standard in any other state.

III. Proposed Action

As described above, EPA is proposing to approve Tennessee's May 14, 2018, SIP revision addressing prongs 1 and 2 of CAA section 110(a)(2)(D)(i) for the 2010 1-hour NO_2 NAAQS.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a).

[5] At the time the September 13, 2013, guidance was issued, EPA was litigating challenges raised with respect to its Cross-State Air Pollution Rule (CSAPR), 76 FR 48208 (August 8, 2011), designed to address the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements with respect to the 1997 ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS. CSAPR was vacated and remanded by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in 2012 pursuant to *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7. EPA subsequently sought review of the D.C. Circuit's decision by the Supreme Court, which was granted in June 2013. As EPA was in the process of litigating the interpretation of section 110(a)(2)(D)(i)(I) at the time the infrastructure SIP guidance was issued, EPA did not issue guidance specific to that provision. The Supreme Court subsequently vacated the D.C. Circuit's decision and remanded the case to that court for further review. 134 S. Ct. 1584 (2014). On July 28, 2015, the D.C. Circuit issued a decision upholding CSAPR, but remanding certain elements for reconsideration. 795 F.3d 118.

[6] Nitrogen Oxides (NO_X) SIP Call, 63 FR 57371 (October 27, 1998); Clean Air Interstate Rule (CAIR), 70 FR 25172 (May 12, 2005); CSAPR, 76 FR 48208 (August 8, 2011).

[7] EPA received this SIP revision on May 16, 2018.

[8] Monitoring sites must meet the data completeness requirements listed in Appendix S to 40 CFR part 50 in order to have a valid design value. Table 1 in Tennessee's submittal and EPA's air quality design value website—*https://www.epa.gov/air-trends/air-quality-design-values*—indicate that not all design values are valid for the neighboring states of Kentucky (41), Missouri (45), North Carolina (39), South Carolina (38), and Virginia (38) (the parentheses contain the highest invalid design value in ppb for each state as reported in EPA's air quality design value website). Additionally, Alabama and Mississippi have no valid 2015–2017 NO_2 design values.

[9] See Table 2 in Tennessee's submittal, which is based on emissions trends data extracted from the EPA website at *https://www.epa.gov/air-emissions-inventories/air-pullutants-emissions-trends-data.*

Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: February 27, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2019–04390 Filed 3–8–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0720; FRL–9990–66–Region 4]

Air Plan Approval; Georgia; Interstate Transport (Prongs 1 and 2) for the 2010 1-Hour NO_2 Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Georgia, through the Georgia Environmental Protection Division (Georgia EPD), through a letter dated July 24, 2018, for the purpose of addressing the Clean Air Act (CAA or Act) ''good neighbor'' interstate transport (prongs 1 and 2) infrastructure SIP requirements for the 2010 1-hour Nitrogen Dioxide (NO_2) National Ambient Air Quality Standard (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, commonly referred to as an ''infrastructure SIP.'' Specifically, EPA is proposing to approve Georgia's July 24, 2018, SIP revision addressing prongs 1 and 2 to ensure that air emissions in the State do not significantly contribute to nonattainment or interfere with maintenance of the 2010 1-hour NO_2 NAAQS in any other state.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2018–0720 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Evan Adams of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Adams can be reached by phone at (404) 562–9009 or via electronic mail at *adams.evan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On January 22, 2010, EPA established a new 1-hour primary NAAQS for NO_2 at a level of 100 parts per billion (ppb), based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations.[1] *See* 75 FR 6474 (February 9, 2010). This NAAQS is designed to protect against exposure to the entire group of nitrogen oxides (NO_X). NO_2 is the component of greatest concern and is used as the indicator for the larger group of NO_X. Emissions that lead to the formation of NO_2 generally also lead to the formation of other NO_X. Therefore, control measures that reduce NO_2 can generally be expected to reduce population exposures to all gaseous NO_X which may have the co-benefit of reducing the formation of ozone and fine particles both of which pose

[1] Subsequently, after careful consideration of the scientific evidence and information available, on April 18, 2018, EPA published a final action to retain the current NO_2 standard at the 2010 level of 100 ppb. This action was taken after review of the full body of available scientific evidence and information, giving particular weight to the assessment of the evidence in the 2016 NO_X Integrated Science Assessment; analyses and considerations in the Policy Assessment; the advice and recommendations of the Clean Air Scientific Advisory Committee; and public comments. *See* 83 FR 17226 (April 18, 2018).

significant public health threats. For comprehensive information on the 2010 1-hour NO_2 NAAQS, please refer to the February 9, 2010 **Federal Register** notice. *See* 75 FR 6474.

Whenever EPA promulgates a new or revised NAAQS, CAA section 110(a)(1) requires states to make SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS.[2] This particular type of SIP submission is commonly referred to as an ''infrastructure SIP.'' These submissions must meet the various requirements of CAA section 110(a)(2), as applicable. Due to ambiguity in some of the language of CAA section 110(a)(2), EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through a guidance document for infrastructure SIP submissions and through regional actions on infrastructure submissions.[3] Unless otherwise noted below, EPA is following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, EPA evaluates the submitting state's implementation plan for compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.[4] EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIPs. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). EPA sometimes refers to the prong 1 and prong 2 conjointly as the ''good neighbor'' provision of the CAA. The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) and from interfering with measures to protect visibility in another state (prong 4). Section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

EPA's most recent infrastructure SIP guidance, the September 13, 2013, ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' did not explicitly include criteria for how the Agency would evaluate infrastructure SIP submissions intended to address section 110(a)(2)(D)(i)(I).[5] With respect to certain pollutants, such as ozone and particulate matter (PM), EPA has addressed interstate transport in eastern states in the context of regional rulemaking actions that quantify state emission reduction obligations.[6] For NO_2, EPA has considered available information from states such as current air quality, emissions data and trends, and regulatory provisions that control source emissions to determine whether emissions from one state interfere with the attainment or maintenance of the NAAQS in another state. EPA's review and proposed action on Georgia's CAA section 110(a)(2)(D)(i)(I) interstate transport SIP revision for the 2010 NO_2 NAAQS is informed by these considerations.

Through this proposed action, EPA is proposing to approve Georgia's July 24, 2018, SIP revision addressing the prong 1 and prong 2 requirements for the 2010 1-hour NO_2 NAAQS.[7] The State addressed CAA section 110(a)(2)(D)(i)(I) by providing information supporting its conclusion that emissions from Georgia do not significantly contribute to nonattainment or interfere with maintenance of the 2010 1-hour NO_2 NAAQS. All other applicable infrastructure SIP requirements for Georgia for the 2010 1-hour NO_2 NAAQS have been addressed in separate rulemakings. *See* 80 FR 14019 (March 18, 2015), 81 FR 63106 (September 14, 2016), and 83 FR 19637 (May 4, 2018).

II. What is EPA's analysis of how Georgia addressed prongs 1 and 2?

In Georgia's July 24, 2018, SIP revision, the State concluded that its SIP adequately addresses prongs 1 and 2 with respect to the 2010 1-hour NO_2 NAAQS. Georgia provides the following reasons for its determination: (1) There are SIP-approved and state-only regulations that directly or indirectly control NOx emissions; (2) all areas in the United States are designated as unclassifiable/attainment for the 2010 1-hour NO_2 NAAQS; (3) monitored 1-hour NO_2 design values in Georgia and surrounding states (Alabama, Florida, North Carolina, South Carolina, and Tennessee) are below the 2010 standard; [8] and (4) point source emissions of NOx in the State have trended downward. EPA preliminarily agrees with the State's conclusion based on the rationale discussed below.

First, Georgia identifies SIP-approved portions of the following State rules that directly or indirectly control NO_X emissions: Georgia Rules for Air Quality Control 391–3–1–.03—*Permits;* 391–3–1–.02(7)—*Prevention of Significant Deterioration (PSD);* 391–3–1–.02(2)(yy)—*Emissions of Nitrogen Oxides from Major Sources;* 391–3–1–.02(2)(jjj)—*NO_X* Emissions from Electric Utility Steam Generating Units; 391–3–1–.02(2)(lll)—*NO_X Emissions From Fuel Burning Equipment*; 391–3–1–

[2] States were required to submit infrastructure SIPs for the 2010 1-hour NO_2 NAAQS to EPA no later than January 22, 2013.

[3] EPA explains and elaborates on these ambiguities and its approach to address them in its September 13, 2013 Infrastructure SIP Guidance (available at *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf*), as well as in numerous agency actions, including EPA's prior action on Georgia's infrastructure SIP to address other 110(a)(2) elements for the NO_2 NAAQS entitled ''Air Plan Approval; GA Infrastructure Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standards;'' in the section ''What is the EPA's approach to the review of infrastructure SIP submissions?'' *See* 81 FR 41905 at 41906–41909 (June 28, 2017).

[4] *See Montana Environmental Information Center* v. *Thomas,* 902 F.3d 971 (9th Cir. 2018).

[5] At the time the September 13, 2013, guidance was issued, EPA was litigating challenges raised with respect to its Cross-State Air Pollution Rule (CSAPR), 76 FR 48208 (August 8, 2011), designed to address the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements with respect to the 1997 ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS. CSAPR was vacated and remanded by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in 2012 pursuant to *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7. EPA subsequently sought review of the D.C. Circuit's decision by the Supreme Court, which was granted in June 2013. As EPA was in the process of litigating the interpretation of section 110(a)(2)(D)(i)(I) at the time the infrastructure SIP guidance was issued, EPA did not issue guidance specific to that provision. The Supreme Court subsequently vacated the D.C. Circuit's decision and remanded the case to that court for further review. 134 S. Ct. 1584 (2014). On July 28, 2015, the D.C. Circuit issued a decision upholding CSAPR, but remanding certain elements for reconsideration. 795 F.3d 118.

[6] Nitrogen Oxides (NO_x) SIP Call, 63 FR 57371 (October 27, 1998); Clean Air Interstate Rule (CAIR), 70 FR 25172 (May 12, 2005); CSAPR, 76 FR 48208 (August 8, 2011).

[7] EPA received this SIP revision on August 2, 2018.

[8] A design value is a statistic that describes the air quality status of a given area relative to the level of the NAAQS. The design value for the 1-hour NO_2 NAAQS is the 3-year average of annual 98th percentile daily maximum 1-hour values for a monitoring site.

.02(2)(rrr)—*NO_X Emissions From Small Fuel-Burning Equipment*; and 391–3–20—*Enhanced Inspection and Maintenance.* In addition to the SIP-approved rules mentioned above, Georgia also identifies Rule 391–3–1–.02(sss)—*Multipollutant Control for Electric Utility Steam Generating Units,* a rule that is not incorporated into the SIP, as a measure that targets NO_X emissions.

Second, there are no designated nonattainment areas for the 2010 1-hour NO_2 NAAQS nationwide. On February 17, 2012 (77 FR 9532), EPA designated the entire country as ''unclassifiable/attainment'' for the 2010 1-hour NO_2 NAAQS, stating that ''available information does not indicate that the air quality in these areas exceeds the 2010 1-hour NO_2 NAAQS.''

Third, the 2015–2017 NO_2 design values in Georgia are below the 2010 1-hour NO_2 NAAQS standard of 100 ppb. The highest monitored design value in the State is 56 ppb, which is 44 percent below the standard. Additionally, the highest monitored 2015–2017 valid design values for the neighboring states of Florida, North Carolina, South Carolina, and Tennessee are below the 2010 standard (at 42, 38, 42, and 53 ppb, respectively).[9] EPA notes that the trends in NO_2 design values for the southeast indicate a 42 percent decrease in measured NO_2 concentrations from 2000–2017.[10]

Fourth, emissions data provided in the SIP submittal show that NO_x emissions decreased from 1990 to 2017 by approximately 58 percent. In 2017, highway vehicles were the largest contributors with 153,635 tons per year (tpy), and off-highway vehicles were second with 56,872 tpy.[11]

For all the reasons discussed above, EPA has preliminarily determined that Georgia does not contribute significantly to nonattainment or interfere with maintenance of the 2010 1-hour NO_2 NAAQS in any other state and that Georgia's SIP includes adequate provisions to prevent emissions sources within the State from significantly contributing to nonattainment or interfering with maintenance of this standard in any other state.

[9] Monitoring sites must meet the data completeness requirements listed in Appendix S to 40 CFR part 50 in order to have a valid design value. Table 2 in Georgia's submittal and EPA's air quality design value website—*https://www.epa.gov/air-trends/air-quality-design-values*—indicate that the highest reported 2015–2017 NO_2 design values are invalid for the neighboring states of Alabama, Florida, and North Carolina (49, 45, and 39 ppb, respectively). Additionally, Alabama has no valid 2015–2017 NO_2 design values.

[10] National Trends in Nitrogen Dioxide Levels for the southeast are available on the EPA's air trends website at *https://www.epa.gov/air-trends/nitrogen-dioxide-trends.*

[11] See Figure 1 and Table 3 in Georgia's submittal, which is based on emissions trends data extracted from the EPA website at *https://www.epa.gov/air-emissions-inventories/air-pullutants-emissions-trends-data.*

III. Proposed Action

As described above, EPA is proposing to approve Georgia's July 24, 2018, SIP revision addressing prongs 1 and 2 of CAA section 110(a)(2)(D)(i) for the 2010 1-hour NO_2 NAAQS.

IV. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: February 27, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2019–04391 Filed 3–8–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2018–0679; FRL–9990–50–Region 10]

Air Plan Approval; OR: Infrastructure Requirements for the 2015 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Whenever a new or revised National Ambient Air Quality Standard (NAAQS) is promulgated, the Clean Air Act requires each State to submit a plan for the implementation, maintenance, and enforcement of the standard, commonly referred to as infrastructure requirements. The Environmental Protection Agency (EPA) is proposing to approve the Oregon Department of Environmental Quality's (ODEQ) State Implementation Plan (SIP), submitted on September 21, 2018, as meeting infrastructure requirements for the 2015 ozone NAAQS. In addition, the EPA is proposing to approve an Oregon Administrative Rule, submitted as part of the Cleaner Air Oregon program and

rule revision on December 11, 2018, which incorporates the Code of Federal Regulation November 2018 edition as the version referred to throughout their rule.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2018–0679, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION, CONTACT: Christi Duboiski at (360) 753–9081, or *duboiski.christi@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

Table of Contents

I. Background

On October 26, 2015 (80 FR 65292) the EPA published a rule revising the 8-hour ozone NAAQS from 0.075 parts per million (ppm) to a new, more protective level of 0.070 ppm. Whenever EPA promulgates a new or revised NAAQS, CAA section 110(a)(1) requires states to make SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS. This particular type of SIP submission is commonly referred to as an ''infrastructure SIP.''

These submissions must meet the various requirements of CAA section 110(a)(2), as applicable. Due to ambiguity in some of the language of CAA section 110(a)(2), EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through a guidance document for infrastructure SIP submissions and through regional actions on infrastructure submissions.[1] Unless otherwise noted below, we are following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, EPA evaluates the submitting state's SIP for facial compliance with statutory and regulatory requirements, not for the state's implementation of its SIP.[2] The EPA has other authority to address any issues concerning a state's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

On September 21, 2018, the Oregon Department of Environmental Quality (ODEQ) submitted a SIP revision to meet the 2015 ozone NAAQS infrastructure requirements.[3] The EPA is proposing to approve ODEQ's submission as meeting certain 2015 ozone NAAQS infrastructure requirements.

II. EPA Evaluation

110(a)(2)(A): Emission Limits and Other Control Measures

CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the CAA.

State submission: Oregon's submission cites multiple Oregon air quality laws and SIP-approved regulations to address this element for the 2015 ozone NAAQS. Oregon Revised Statutes (ORS) 468A.035 *General Comprehensive Plan* provides authority to the ODEQ to develop a general comprehensive plan for the control or abatement of air pollution. ORS 468.020 *Rules and Standards* gives the Oregon Environmental Quality Commission (EQC) authority to adopt rules and standards to perform functions vested by law. ORS 468A.025 *Air Purity Standards* provides the EQC with authority to set air quality standards, emission standards, and emission treatment and control provisions. ORS 468A.040 *Permits; Rules* provides that the EQC may require permits for specific sources, type of air contaminant or specific areas of the State. The Oregon submission also cites these other SIP-approved laws and regulations:

- ORS 468 Environmental Quality Generally; Public Health and Safety; General Administration
- ORS 468A Air Quality, Public Health and Safety, Air Pollution Control
- ORS 468A.010 Policy
- ORS 468A.015 Purpose of air pollution laws
- ORS 468A.045 Activities Prohibited without Permit; Limit on Activities with Permit
- ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees
- ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal
- ORS 468A.070 Measurement and Testing of Contamination Sources; Rules
- ORS 468A.310 Federal Operating Permit Program Approval; Rules; Content of Plan
- ORS 468A.315 Emission Fees for Major Sources; Base Fees; Basis of Fees; Rules
- ORS 468A.350–455 Motor Vehicle Pollution Control
- ORS 468A.625–.645 Chlorofluorocarbons and Halon Control
- ORS 468A.650–.660 Aerosol Spray Control
- ORS 468A.990 Penalties
- OAR 340–200–0020 General Air Pollution Procedures and Definitions
- OAR 340–202 Ambient Air Quality Standards and PSD Increments

[1] EPA explains and elaborates on these ambiguities and its approach to address them in its September 13, 2013 Infrastructure SIP Guidance (available at *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf*), as well as in numerous agency actions, including EPA's prior action on the Oregon Department of Environmental Quality's infrastructure SIP to address the lead NAAQS (79 FR 21679, April 17, 2014).

[2] See U.S. Court of Appeals for the Ninth Circuit decision in *Montana Environmental Information Center* v. *EPA,* No. 16–71933 (Aug. 30, 2018).

[3] The September 25, 2018, submission also addressed all interstate transport requirements at CAA section 110(a)(2)(D) for the 2015 ozone NAAQS. However, this publication proposes action on only a portion of those requirements, specifically CAA sections 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii). We intend to address the remainder of the interstate transport requirements in a separate, future action. *See* section 110(a)(2)(D) below.

- OAR 340–204 Designation of Air Quality Areas
- OAR 340–216 Air Contaminant Discharge Permits
- OAR 340–222 Stationary Source Plant Site Emission Limits
- OAR 340–223 Regional Haze Rules
- OAR 340–224 New Source Review
- OAR 340–226 General Emission Standards
- OAR 340–232 Emission Standards for VOC Point Sources
- OAR 340–236 Emission Standards for Specific Industries: Emission Limits
- OAR 340–242 Rules Applicable to the Portland Area
- OAR 340–250 General Conformity
- OAR 340–252 Transportation Conformity
- OAR 340–256 Motor Vehicles
- OAR 340–258 Motor Vehicle Fuel Specifications
- OAR 340–268 Emission Reduction Credits

EPA analysis: The State regulations identified above were previously approved by the EPA into the Oregon SIP and demonstrate that the Oregon SIP includes enforceable emission limits and other control measures to implement the 2015 ozone NAAQS. We recently approved updates to the Oregon ambient air quality standards in Division 202 to account for the 2015 ozone NAAQS (83 FR 24034, May 24, 2018). Oregon has no areas designated nonattainment for the 2015 ozone NAAQS. We note, however, that the EPA does not consider SIP requirements triggered by the nonattainment area mandates in part D, title I of the CAA to be governed by the submission deadline of CAA section 110(a)(1). Regulations and other control measures for purposes of attainment planning under part D, title I of the CAA are due on a different schedule than infrastructure SIPs.

Oregon regulates emissions of ozone precursors through its SIP-approved new source review (NSR) permitting program, in addition to provisions described below. Oregon's SIP-approved NSR program, in Division 224 *New Source Review,* is administered through Division 216 *Air Contaminant Discharge Permits.* The EPA most recently approved revisions to Oregon's NSR program as meeting Federal requirements on October 10, 2017 (82 FR 47122). The program regulates new and modified stationary sources of nitrogen oxides (NO_X) and Volatile Organic Compounds (VOC) as precursors to ozone.

In addition to permitting provisions, Oregon's SIP contains numerous rules that limit emissions of NO_X and VOC as precursors to ozone formation. These rules (listed above) include requirements to reduce pollutants that reduce visibility and contribute to regional haze, emission standards for VOC point sources, emission limits for hot mix asphalt plants and other industries, industrial emission management rules that apply to the Portland area, and requirements that regulate motor vehicle fuel content specifications and certification of vehicle pollution control systems. As a result, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(A) for the 2015 ozone NAAQS.

110(a)(2)(B): Ambient Air Quality Monitoring/Data System

CAA section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to the EPA upon request.

State submission: The Oregon submission references ORS 468.035(a–e, m) *Functions of the Department* which provides authority to conduct and supervise inquiries and programs to assess and communicate air conditions and to obtain necessary resources (assistance, materials, supplies, etc.) to meet these responsibilities and ORS 468A.070 *Measurement and Testing of Contamination Sources; Rules* which provides the authority to establish a measurement and testing program. In addition, ORS 468A.025 *Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules* requires controls necessary to achieve ambient air quality standards and prevent significant impairment of visibility. The submission also references Division 212 *Stationary Source Testing and Monitoring* regulations which sets requirements, methods, and criteria for emission monitoring and reporting.

EPA analysis: A comprehensive air quality monitoring plan, intended to meet federal requirements, was originally submitted by Oregon on December 27, 1979 (40 CFR 52.1970) and approved by the EPA on March 4, 1981 (46 FR 15136). The plan includes statutory and regulatory authority to establish and operate an air quality monitoring network, including ozone monitoring. Oregon's SIP-approved regulations at Division 212 govern stationary source testing and monitoring in accordance with Federal reference methods. Every five years, Oregon assesses the adequacy of the State monitoring network and submits that assessment to the EPA for review. In practice, Oregon operates a comprehensive monitoring network, including ozone monitoring, compiles and analyzes collected data, and submits the data to the EPA's Air Quality System on a quarterly basis. Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(B) for the 2015 ozone NAAQS.

110(a)(2)(C): Program for Enforcement of Control Measures

CAA section 110(a)(2)(C) requires each State to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources, including a program to meet PSD and nonattainment NSR requirements.

State submission: The Oregon submission refers to ORS 468.090–140 *Enforcement* which provides the ODEQ with authority to investigate complaints, investigate and inspect sources for compliance, access records, commence enforcement procedures, and impose civil penalties. In addition, ORS 468.035 *Functions of the Department,* paragraphs (j) and (k), provide the ODEQ with authority to enforce Oregon air pollution laws and compel compliance with any rule, standard, order, permit or condition. The submission also cites:

- ORS 468.020 Rules and Standards
- ORS 468.065 Issuance of Permits; Consent; Fees; Use
- ORS 468.070 Denial, Modification, Suspension or Revocation of Permits
- ORS 468.920–963 Environmental Crimes
- ORS 468.996–997 Civil Penalties
- ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules
- ORS 468A.035 General Comprehensive Plan
- ORS 468A.040 Permits; Rules
- ORS 468A.045 Activities Prohibited without Permit; Limit on Activities with Permit
- ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees
- ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal
- ORS 468A.070 Measurement and Testing of Contamination Sources; Rules
- ORS 468A.310 Federal Operating Permit Program Approval; Rules; Content of Plan

- ORS 468A.990 Penalties for Air Pollution Offenses
- OAR 340–012 Enforcement Procedure and Civil Penalties
- OAR 340–202 Ambient Air Quality Standards and PSD Increments
- OAR 340–210 Stationary Source Notification Requirements
- OAR 340–214 Stationary Source Reporting Requirements
- OAR 340–216 Air Contaminant Discharge Permits (ADCP)
- OAR 340–224 New Source Review

EPA analysis: The EPA is proposing to find that Oregon code provisions provide the ODEQ with authority applicable to the 2015 ozone standard to enforce the air quality laws, regulations, permits, and orders promulgated pursuant to ORS Chapters 468 and 468A. The ODEQ staffs and maintains an enforcement program to ensure compliance with SIP requirements. The ODEQ Director, at the direction of the Governor, may enter a cease and desist order for polluting activities that present an imminent and substantial danger to public health (ORS 468.115). Enforcement cases may be referred to the State Attorney General's office for civil or criminal enforcement.

To generally meet the requirements of CAA section 110(a)(2)(C) for regulation of construction of new or modified stationary sources, each State is required to have PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the 2015 ozone NAAQS. As explained above, we are not in this action evaluating nonattainment-related provisions, including the nonattainment NSR program required by part D, title I of the CAA.

Oregon's Federally-enforceable State operating permit program, at Division 216 *Air Contaminant Discharge Permits,* is also the administrative permit mechanism used to implement the SIP-approved NSR program. We most recently approved revisions to the NSR program (Divisions 200, 202, 209, 212, 216, 222, 224, 225, and 268) as meeting Federal requirements at 40 CFR 51.160 through 164 (minor NSR) and 40 CFR 51.166 (PSD) on October 11, 2017 (82 FR 47122). The Oregon minor NSR and PSD rules meet current requirements for all regulated NSR pollutants. Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(C) for the 2015 ozone NAAQS.

110(a)(2)(D): Interstate Transport

CAA section 110(a)(2)(D)(i) addresses four separate elements, or ''prongs.'' CAA section 110(a)(2)(D)(i)(I) requires SIPs to contain adequate provisions prohibiting emissions which will contribute significantly to nonattainment of the NAAQS in any other State (prong 1), and adequate provisions prohibiting emissions which will interfere with maintenance of the NAAQS by any other State (prong 2). CAA section 110(a)(2)(D)(i)(II) requires SIPs to contain adequate provisions prohibiting emissions which will interfere with any other State's required measures to prevent significant deterioration (PSD) of its air quality (prong 3), and adequate provisions prohibiting emissions which will interfere with any other State's required measures to protect visibility (prong 4).

CAA section 110(a)(2)(D)(ii) states SIPs must include provisions ensuring compliance with the applicable requirements of CAA sections 126 and 115 (relating to interstate and international pollution abatement). CAA section 126 requires notification to neighboring States of potential impacts from a new or modified major stationary source and specifies how a State may petition the EPA when a major source or group of stationary sources in a State is thought to contribute to certain pollution problems in another State. CAA section 115 governs the process for addressing air pollutants emitted in the United States that cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare in a foreign country.

State submission: The Oregon submission addresses all interstate transport requirements of the CAA. This proposed action, however, addresses only the CAA sections 110(a)(2)(D)(i)(II), and 110(a)(2)(D)(ii). We intend to address the remainder of the interstate transport requirements in a separate, future action.

To meet the provisions of the CAA sections 110(a)(2)(D)(i)(II), and 110(a)(2)(D)(ii), the Oregon submission references the State's SIP-approved NSR program, the State's SIP-approved regional haze plan and the recently SIP-approved Oregon Regional Haze Progress Report (May 17, 2018, 83 FR 22853). The Oregon submission also references Division 209 *Public Participation,* approved as part of the Oregon NSR program, and asserts that Oregon regulations are consistent with Federal requirements in Appendix N of 40 CFR part 50 pertaining to the notification of interstate pollution abatement.

EPA analysis: The EPA believes that the PSD sub-element of CAA section 110(a)(2)(D)(i)(II) (prong 3) is satisfied where major new and modified stationary sources in attainment and unclassifiable areas are subject to a SIP-approved PSD program. The EPA most recently approved revisions to Oregon's NSR program as meeting Federal PSD requirements on October 11, 2017 (82 FR 47122). Therefore, we are proposing to approve the Oregon SIP as meeting CAA section 110(a)(2)(D)(i)(II) prong 3 with respect to PSD for the 2015 ozone NAAQS.

The EPA believes, as noted in the 2013 Guidance, where a State's regional haze plan has been approved as meeting all current obligations, a State may rely upon those provisions in support of its demonstration that it satisfies CAA section 110(a)(2)(D)(i)(II) as it relates to visibility (prong 4). On July 5, 2011, the EPA approved portions of the Oregon regional haze plan, including the requirements for best available retrofit technology (76 FR 38997). We approved the remaining elements of the Oregon regional haze plan on August 22, 2012 (77 FR 50611). In addition, on May 17, 2018, the EPA approved the Oregon Regional Haze Progress Report and determined the existing regional haze SIP adequate to meet the State's visibility goals and requires no substantive revisions at this time (83 FR 22853). Because we approved the Oregon plan as meeting regional haze requirements, we are proposing to approve the Oregon SIP as meeting CAA section 110(a)(2)(D)(i)(II) prong 4 visibility requirements with respect to the 2015 ozone NAAQS.

The Division 209 public notice provisions in Oregon's SIP-approved NSR program require that for major NSR permit actions, Oregon must provide notice to neighboring States, among other officials and agencies. This notice requirement is consistent with CAA section 126(a). In addition, Oregon has no pending obligations under section 115 or 126(b) of the CAA. Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(D)(ii) for the 2015 ozone NAAQS.

110(a)(2)(E): Adequate Resources

CAA section 110(a)(2)(E) requires each State to provide (i) necessary assurances that the State will have adequate personnel, funding, and authority under State law to carry out the SIP (and is not prohibited by any provision of Federal or State law from carrying out the SIP or portion thereof), (ii) requirements that the State comply with the State board provisions under CAA section 128 and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the State has responsibility for ensuring

adequate implementation of such SIP provision.

State submission: With respect to sub-element (E)(i), the Oregon submission cites ORS 468.035 *Functions of Department* which provides the ODEQ authority to employ personnel, purchase supplies, enter into contracts, and to receive, appropriate, and expend Federal and other funds for purposes of air pollution research and control. In addition, ORS 468.045 *Functions of Director; Delegation* provides the ODEQ Director with authority to hire, assign, reassign, and coordinate personnel of the department and to administer and enforce the laws of the State concerning environmental quality. The ODEQ has an intergovernmental agreement to delegate its authority to implement the requirements of the CAA in Lane County, Oregon to the Lane Regional Air Protection Agency (LRAPA). In addition, the submission cites the CAA section 105 grants received from the EPA and matched through the Oregon General Fund.

Turning to sub-element (E)(ii), the submission cites OAR 340–200–0100 *Purpose,* OAR 340–200–0110 *Public Interest Representation,* and OAR 340–200–0120 *Disclosure of Potential Conflicts of Interest.* The submission states that the EPA approved the listed regulatory provisions as meeting the requirements of CAA section 128 on January 22, 2003 (68 FR 2891). In addition, the submission cites LRAPA Title 12, Section 025 (recodified to LRAPA Title 13, Section 025 *Conflict of Interest*), approved by the EPA on March 1, 1989 (54 FR 8538), and notes it meets CAA section 128.

With respect to sub-element (E)(iii), the submission cites ORS 468.020 *Rules and Standards* which requires a public hearing on any proposed rule or standard prior to adoption. ORS 468.035(c) *Functions of Department* provides the ODEQ authority to advise, consult, and cooperate with other States, State and Federal agencies, or political subdivisions on all air quality control matters. ORS 468A.010 *Policy* calls for a coordinated Statewide program of air quality control with responsibility allocated between the State and the units of local government. ORS 468A.100–180 *Regional Air Quality Control Authorities* describes the establishment, role and function of regional air quality control authorities. State regulations in Division 200 specify LRAPA has authority in Lane County, defines the term *Regional Agency* and describes inclusion of LRAPA's actions into the SIP. Division 204 includes designation of control areas within Lane County. Division 216 *Air Contaminant Discharge Permits* includes permitting authority for LRAPA.

EPA analysis: We are proposing to find that the above-referenced provisions provide Oregon with adequate authority to carry out SIP obligations with respect to the 2015 ozone NAAQS as required by CAA section 110(a)(2)(E)(i). We are also proposing to approve the Oregon SIP as meeting CAA section 110(a)(2)(E)(ii) because we previously approved the SIP for purposes of CAA section 128. On January 22, 2003, we approved OAR 340–200–0100 through OAR 340–200–0120 as meeting CAA section 128 (68 FR 2891). In addition, we approved LRAPA Title 12, Section 025 (recodified at LRAPA Title 13, section 025) as meeting CAA section 128 on March 1, 1989 (54 FR 8538).

We are proposing to find that Oregon has provided necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the State has responsibility for ensuring adequate implementation of the SIP as required by CAA section 110(a)(2)(E)(iii). Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA sections 110(a)(2)(E) for the 2015 ozone NAAQS.

110(a)(2)(F): Stationary Source Monitoring System

CAA section 110(a)(2)(F) requires (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to the CAA, which reports shall be available at reasonable times for public inspection.

State submission: The Oregon submission refers to the following statutory and regulatory provisions for source emissions monitoring, reporting, and correlation with emission limits or standards:

- ORS 468.020 Rules and Standards
- ORS 468.035 Functions of Department paragraphs (b) and (d)
- ORS 468A.025(4) Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules
- ORS 468A.070 Measurement and Testing of Contamination Sources; Rules
- ORS 468A.310 Federal operating permit program approval; rules; content of plan
- ORS 468A.365 Certification of Motor Vehicle Pollution Control Systems and Inspection of Motor Vehicles; Rules
- OAR 340–212 Stationary Source Testing and Monitoring
- OAR 340–214 Stationary Source Reporting Requirements
- OAR 340–222 Stationary Source Plant Site Emission Limits
- OAR 340–224–0070 New Source Review, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas
- OAR 340–225 Air Quality Analysis Requirements
- OAR 340–232 Emission Standards for VOC Point Sources
- OAR 340–236 Emission Standards for Specific Industries: Emissions Monitoring and Reporting
- OAR 340–250 General Conformity
- OAR 340–258–0010 through 0310 Motor Vehicle Fuel Specifications, record keeping and reporting

EPA analysis: The Oregon statutory provisions listed above provide authority to establish a program for measurement and testing of sources, including requirements for sampling and testing with respect to the 2015 ozone NAAQS. The Oregon regulations cited above require facilities to monitor and report emissions, including requirements for monitoring methods and design, and monitoring and quality improvement plans. Oregon's stationary source reporting requirements include maintaining written records to demonstrate compliance with emission rules, limitations, or control measures, and requirements for reporting and recordkeeping. Information is made available to the public through public processes outlined at OAR 340–209 *Public Participation.*

Oregon submits emissions data to the EPA for purposes of the National Emissions Inventory (NEI). The NEI is the EPA's central repository for air emissions data. Oregon submits a comprehensive emission inventory every three years and reports emissions for certain larger sources annually through the EPA's online Emissions Inventory System. Oregon reports emissions data for the six criteria pollutants and voluntarily reports emissions of hazardous air pollutants. The EPA compiles the emissions data, supplementing it where necessary, and releases it to the public through the website *https://www.epa.gov/air-emissions-inventories.*

Based on the analysis above, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(F) for the 2015 ozone NAAQS.

110(a)(2)(G): Emergency Episodes

CAA section 110(a)(2)(G) requires States to provide for authority to address activities causing imminent and substantial endangerment to public health, including adequate contingency plans to implement the emergency episode provisions in their SIPs.

State submission: The Oregon submission cites ORS 468–115 *Enforcement in Cases of Emergency* which authorizes the ODEQ Director, at the direction of the Governor, to enter a cease and desist order for polluting activities that present an imminent and substantial danger to public health. In addition, OAR 340–206 *Air Pollution Emergencies* authorizes the ODEQ Director to declare an air pollution alert or warning, or to issue an advisory to notify the public. OAR 340–214 *Stationary Source Reporting Requirements* governs reporting of emergencies and excess emissions and reporting requirements.

EPA analysis: Section 303 of the CAA provides authority to the EPA Administrator to restrain any source from causing or contribution to emissions which present an ''imminent and substantial endangerment to public health or welfare, or the environment.'' We find that ORS 468–115 *Enforcement in Cases of Emergency* provides emergency order authority comparable to CAA section 303.

We recently approved revisions to the Oregon air pollution emergency rules at OAR 340–206 *Air Pollution Emergencies* on October 11, 2017 (82 FR 47122). Oregon's rules are consistent with Federal emergency episode requirements for ozone (prevention of air pollution emergency episodes, 40 CFR part 51 subpart H; sections 51.150 through 51.153). Accordingly, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(G) for the 2015 ozone NAAQS.

110(a)(2)(H): Future SIP Revisions

CAA section 110(a)(2)(H) requires that SIPs provide for revision of a State plan (i) from time to time as may be necessary to take account of revisions of a national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining the standard, and (ii), except as provided in paragraph 110(a)(3)(C), whenever the Administrator finds that the SIP is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional requirements under the CAA.

State submission: The Oregon submission refers to ORS 468.020 *Rules and Standards* which requires public notice on any proposed rule or standard prior to adoption, and ORS 468A.035 ''General Comprehensive Plan'' which requires the ODEQ to develop a general comprehensive plan for the control or abatement of air pollution. The submission also refers to OAR 340–200–0040 *State of Oregon Clean Air Act Implementation Plan* which provides for revisions to the Oregon SIP and submission of revisions to the EPA, including standards submitted by a regional authority and adopted verbatim into State rules.

EPA analysis: As cited above, the Oregon SIP provides for revisions, and in practice, Oregon regularly submits SIP revisions to the EPA. On October 11, 2017, the EPA approved many revisions to the Oregon SIP (82 FR 47122). Other recent EPA actions on revisions to the Oregon SIP include but are not limited to: May 24, 2018 (83 FR 24034); May 17, 2018 (83 FR 22853); February 8, 2018 (83 FR 5537); October 21, 2016 (81 FR 72714); July 20, 2016 (81 FR 47029); June 6, 2016 (81 FR 36176); May 16, 2018 (81 FR 30181). Accordingly, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(H) for the 2015 ozone NAAQS.

110(a)(2)(I): Nonattainment Area Plan Revision Under Part D

There are two elements identified in CAA section 110(a)(2) not governed by the three-year submission deadline of CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are due on nonattainment area plan schedules pursuant to section 172 and the various pollutant-specific subparts 2 through 5 of part D. These are submissions required by: (i) CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address CAA section 110(a)(2)(C) with respect to nonattainment NSR or CAA section 110(a)(2)(I).

110(a)(2)(J): Consultation With Government Officials

CAA section 110(a)(2)(J) requires States to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements pursuant to CAA section 121. CAA section 110(a)(2)(J) further requires States to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, CAA section 110(a)(2)(J) requires States to meet applicable requirements of part C, title I of the CAA related to prevention of significant deterioration and visibility protection.

State submission: The Oregon submission references specific laws and regulations relating to consultation, public notification, and PSD:

- ORS 468.020 Rules and Standards
- ORS 468.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules
- ORS 468.035 Functions of Department paragraphs (a), (c), (f) and (g)
- ORS 468A.010 Policy paragraphs (1)(b) and (c)
- OAR 340–202 Ambient Air Quality Standards and PSD Increments
- OAR 340–202 Ambient Air Quality Standards and PSD Increments
- OAR 340–204 Designation of Air Quality Areas
- OAR 340–206 Air Pollution Emergencies
- OAR 340–209 Public Participation
- OAR 340–216 Air Contaminant Discharge Permits (ACDP)
- OAE 340–223 Regional Haze Rules
- OAR 340–224 New Source Review
- OAR 340–225 Air Quality Analysis Requirements
- OAR 340–252 Transportation Conformity

EPA analysis: The Oregon SIP includes specific provisions for consulting with local governments and Federal Land Managers as specified in CAA section 121, including the Oregon rules for PSD permitting. The EPA most recently approved revisions to the Oregon NSR program, which provides opportunity and procedures for public comment and notice to appropriate Federal, State and local agencies, on October 11, 2017 (82 FR 47122). In addition, we approved the Oregon rules that define transportation conformity consultation on October 4, 2012 (77 FR 60627) and regional haze interagency planning on July 5, 2011 (76 FR 38997).

In practice, the ODEQ routinely coordinates with local governments, States, Federal Land Managers and other stakeholders on air quality issues including transportation conformity and regional haze, and provides notice to appropriate agencies related to permitting actions. Oregon participates in regional planning processes including the Western Regional Air

Partnership, which is a voluntary partnership of States, Tribes, Federal Land Managers, local air agencies and the EPA, whose purpose is to understand current and evolving regional air quality issues in the West. Based on the provisions above, we are proposing to find that the Oregon SIP meets the requirements of CAA section 110(a)(2)(J) for consultation with government officials for the 2015 ozone NAAQS.

Section 110(a)(2)(J) also requires States to notify the public if ambient air quality standards are exceeded in an area. States must advise the public of the health hazards associated with air pollution and what can be done to prevent exceedances. The EPA calculates an air quality index for five major air pollutants regulated by the CAA: Ground-level ozone, particulate matter, carbon monoxide, sulfur dioxide, and nitrogen dioxide. This air quality index (AQI) provides daily information to the public on air quality. Oregon actively participates and submits information to the EPA's AIRNOW and Enviroflash Air Quality Alert programs which provide information to the public on local air quality. Oregon also provides the AQI to the public at *http://www.deq.state.or.us/aqi/*. Therefore, we are proposing to find that the Oregon SIP meets the requirements of CAA section 110(a)(2)(J) for public notification for the 2015 ozone NAAQS.

Turning to the requirement in CAA section 110(a)(2)(J) that the SIP meet the applicable requirements of part C, title I of the CAA, we have evaluated this requirement in the context of CAA section 110(a)(2)(C) and permitting. The EPA most recently approved revisions to Oregon's PSD program on October 11, 2017 (82 FR 47122), updating the program for current Federal requirements. Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA 110(a)(2)(J) with respect to PSD for the 2015 NAAQS.

With respect to visibility protection under element (J), the EPA recognizes that States are subject to visibility and regional haze program requirements under part C of the CAA. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus, we find that there is no new applicable requirement relating to visibility triggered under CAA section 110(a)(2)(J) when a new NAAQS becomes effective.

Based on the above analysis, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(J) for the 2015 ozone NAAQS.

110(a)(2)(K): Air Quality and Modeling/Data

CAA section 110(a)(2)(K) requires that SIPs provide for (i) the performance of air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a NAAQS, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

State submission: The Oregon submission refers to ORS 468–020 *Rules and Standards* which requires public hearing on any proposed rule or standard prior to adoption, and ORS 468.035 *Functions of Department* which provides the ODEQ authority to conduct studies and investigations to determine air quality. The submission also references OAR 340–225 *Air Quality Analysis Requirements* which includes modeling requirements for analysis and demonstration of compliance with standards and increments in specified areas.

In addition, on December 11, 2018, Oregon submitted OAR 340–200–0035 *Reference Materials* as a related rule amendment associated with ODEQ's Cleaner Air Oregon program and rule submission.[4] Specifically, OAR 340–200–0035(1) was revised to incorporate the Code of Federal Regulations, July 1, 2018 edition, as the updated reference to be used throughout their rule.

EPA analysis: The EPA previously approved OAR 340–225 *Air Quality Analysis Requirements* on October 11, 2017 (82 FR 47122). These rules specify that modeled estimates of ambient concentrations be based on 40 CFR part 51, appendix W (Appendix W) (Guidelines on Air Quality Models). Oregon's SIP requires modeled estimates of ambient concentrations be based on the current version of Appendix W, consistent with the EPA's implementing regulations in 40 CFR part 51.

On December 11, 2018, the ODEQ submitted revised OAR 340–200–0035 *Reference Materials* as part of its Cleaner Air Oregon SIP submission. Specifically, the submission of OAR 340–200–0035(1) incorporates Appendix W, as of July 1, 2018 and therefore captures the EPA's recent changes to the Federal Guidelines on Air Quality Models codified in 40 CFR part 51, appendix W (January 17, 2017, 82 FR 5182). Any change or substitution from models specified in Appendix W is subject to notice and opportunity for public comment and must receive prior written approval from the ODEQ and the EPA.

Based on the above information, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(K) for the 2015 ozone NAAQS. We are also proposing to approve the revised OAR 340–200–0035(1) *Reference Materials.*

110(a)(2)(L): Permitting Fees

CAA section 110(a)(2)(L) directs SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

State submission: The Oregon submission refers to ORS 468.065 *Issuance of Permits: Content; Fees; Use* which provides the EQC authority to establish a schedule of fees for permits based on the costs of filing and investigating applications, issuing or denying permits, carrying out title V requirements and determining compliance. ORS 468A.040 *Permits; Rules* provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the State. The submission also references OAR 340–216 *Air Contaminant Discharge Permits* which requires payment of permit fees based on a specified table of sources and fee schedule.

EPA analysis: On September 28, 1995, the EPA fully-approved Oregon's title V operating permit program (60 FR 50106). While Oregon's title V program is not formally approved into the SIP, it is a mechanism the State can use to ensure the ODEQ has sufficient resources to support the air program, consistent with the requirements of the SIP. Before the EPA can grant full approval, a State must demonstrate the ability to collect adequate fees. The Oregon title V program included a demonstration that fees would be adequate, and that the State would collect fees from title V sources above the presumptive minimum in accordance with 40 CFR 70.9(b)(2)(i). In addition, we note that Oregon SIP-approved regulations require fees for purposes of major and minor NSR permitting, as specified in OAR 340–216–0090 *Sources Subject to ADCP and*

[4] The Cleaner Air Oregon program and rules, and related rules, add public health-based protection from emissions of industrial toxic air contaminants to the state's existing air permitting regulatory framework. The goal of the Cleaner Air Oregon program is to evaluate potential health risks to people near commercial and industrial facilities that emit regulated toxic air contaminants, communicate those results to affected communities, and ultimately reduce those risks below health-based standards.

Fees, OAR 340–216–8010 *Table 1—Activities and Sources,* and OAR 340–216–8020 *Table 2—Air Contaminant Discharge Permits (fee schedule).* Therefore, we are proposing to conclude that Oregon has satisfied the requirements of CAA section 110(a)(2)(L) for the ozone NAAQS.

110(a)(2)(M): Consultation/Participation by Affected Local Entities

CAA section 110(a)(2)(M) requires States to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

State submission: The Oregon submission refers to the following laws and regulations:

- ORS 468.020 Rules and Standards
- ORS 468.035 Functions of Department paragraphs (a), (c), (f), and (g)
- ORS 468A.010 Policy paragraphs (1)(b) and (c)
- ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules
- ORS 468A.035 General Comprehensive Plan
- ORS 468A.040 Permits; Rules
- ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal
- ORS 468A.070 Measurement and Testing of Contamination Sources; Rules
- ORS 468A.100–180 Regional Air Quality Control Authorities
- OAR 340–200 General Air Pollution Procedures and Definitions
- OAR 340–204 Designation of Air Quality Areas
- OAR 340–216 Air Contaminant Discharge Permits

EPA analysis: The regulations cited by Oregon were previously approved on December 27, 2011 (76 FR 80747) and provide for consultation and participation in SIP development by local political subdivisions affected by the SIP. We are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(M) for the 2015 ozone NAAQS.

III. Proposed Action

The EPA is proposing to find the Oregon SIP meets the following CAA section 110(a)(2) infrastructure elements for the 2015 ozone NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). This proposed action addresses only the interstate transport requirements of CAA sections 110(a)(2)(D)(i)(II), and 110(a)(2)(D)(ii). We intend to address the remainder of the interstate transport requirements in a separate, future action. In addition, we are also proposing to approve into the Oregon SIP, and incorporate by reference at 40 CFR part 52, subpart MM, a revision to Oregon's Administrative Rule 340–200–0035(1) *Reference Materials* submitted as part of the Cleaner Air Oregon SIP on December 11, 2018.

IV. Incorporation by Reference

In this document, we are proposing to include in a final rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are proposing to incorporate by reference the provisions described above in Section V. Proposed Action. The EPA has made, and will continue to make, these documents generally available electronically through *https://www.regulations.gov* and in hard copy at the appropriate EPA office (see the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Orders Review

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: February 25, 2019.

Chris Hladick,

Regional Administrator, Region 10.

[FR Doc. 2019–04385 Filed 3–8–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0422; FRL–9990–68–Region 4]

Air Plan Approval; NC; Emission Control Standards, Open Burning, and Miscellaneous Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve portions of a revision to the North Carolina State Implementation Plan (SIP) submitted by the State of North Carolina through the North Carolina Department of Environmental Quality (formerly the North Carolina Department of Environment and Natural Resources (NCDENR)), Division of Air Quality, on January 31, 2008. The revision includes changes to emission control standards and open burning regulations. The changes are part of North Carolina's strategy to meet and maintain the national ambient air quality standards (NAAQS). This action is being taken pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0422 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Nacosta C. Ward, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960. Ms. Ward can be reached via telephone at (404) 562–9140, or via electronic mail at *ward.nacosta@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On January 31, 2008, the State of North Carolina, through NCDENR,[1] submitted changes to the North Carolina SIP for EPA approval. EPA is proposing to approve changes to the following regulations under 15A North Carolina Administrative Code (NCAC) 02D, Section .0519, *Control of Nitrogen Dioxide and Nitrogen Oxides Emissions;* Section .0540, *Particulates From Fugitive Non-Process Dust Emissions;* and Section .1907, *Multiple Violations Arising From a Single Episode*.[2] These changes are a part of North Carolina's strategy to attain and maintain the NAAQS and are being proposed for approval pursuant to section 110 of the CAA. EPA has taken, will take, or, for various reasons, will not take separate action on all other changes submitted on January 31, 2008.[3]

II. Analysis of the State Submittals

The revision that is the subject of this proposed rulemaking makes changes to emission control standard regulations under Subchapter 2D of the North Carolina SIP. These changes revise the applicability of nitrogen dioxide (NO_2) and nitrogen oxides emissions standards to nitric acid plants, amend definitions and expand the applicability of provisions related to fugitive dust emissions, and add a new open burning rule for multiple violations that can occur from a single open burning event. The changes either do not interfere with attainment and maintenance of the NAAQS or they have the effect of strengthening the North Carolina SIP. Detailed descriptions of the changes are below:

1. Section .0519, *Control of Nitrogen Dioxide and Nitrogen Oxides Emissions* is amended by removing the provision to limit NO_2 emissions from nitric acid manufacturing plants. This regulation covers existing nitric acid manufacturing plants only, and the provision limiting NO_2 emissions from sulfuric acid manufacturing plants remains unchanged. The provision limiting NO_2 emissions from existing nitric acid manufacturing plants is removed because at the time of the regulations changes there were no nitric acid plants in the State (nor are there any currently operating in the State). Section .0519 is also amended by adding a provision clarifying that boilers subject to emission standards under regulations under Subchapter 2D of the North Carolina SIP, Sections .0524, *New Source Performance Standards* or .1418, *New Generating Units, Large Boilers and Internal Combustion Engines,* must meet the requirements of those regulations instead of the requirements in Section .0519. To demonstrate that this change does not interfere with the maintenance and attainment of the NAAQS, North Carolina submitted a noninterference demonstration supporting this change to its SIP on April 11, 2017.[4] North Carolina confirmed in its noninterference demonstration that there are currently no nitric acid plants operating in the State, and any new nitric acid plants with affected boilers or engines will be required to comply with the New Source Performance Standards or new generating units, large boilers and internal combustion engines Sections at .0524 and .1418 that are more stringent than the standards being removed. EPA is proposing to find that the rationale in North Carolina's noninterference demonstration sufficiently establishes that the revisions to Section .0519 will not interfere with attainment and maintenance of the NAAQS pursuant to CAA section 110(l).[5]

2. Section .0540, *Particulates From Fugitive Non-Process Dust Emissions* is amended to make the Section applicable to *all* fugitive dust emissions instead of only fugitive *non-process* dust emissions. Section .0540 requires that the owner or operator of a facility shall not cause or allow fugitive dust emissions to cause or contribute to substantive complaints or visible emissions in excess of prescribed levels. Preliminarily, EPA views the expanded applicability of Section .0540 as SIP strengthening. To effectuate this expanded applicability, the substitution

[1] NCDENR is now the North Carolina Department of Environmental Quality.

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

[3] On February 5, 2015 (80 FR 6455), EPA took final action on 2D Section .1004. On July 18, 2017 (82 FR 32767), EPA took direct final action on 2D Sections .1901, .1902 and .1903. EPA will be taking separate action on 15A NCAC Sections 2D .1904 and 2Q .0102. EPA is not taking action on 2D Sections .0516 and .0521, because the changes to these rules reference incinerator rules under CAA sections 111(d) and 129 and 40 CFR part 60 and are not a part of the federally-approved SIP. EPA is not taking action on changes to 2Q Section .0506 because the changes reference a regulation not approved into the SIP. Lastly, EPA is not taking action on changes to 2D Sections .0524, .0960, .1201, .1202, .1208, .1211, and .2303 because the State withdrew these regulations from its January 31, 2008, submittal.

[4] This noninterference demonstration is a part of the docket for this action.

[5] Section 110(l) requires that a revision to the SIP not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the Act.

of the term ''fugitive non-process dust emissions'' with ''fugitive dust emissions'' has been made throughout the Section to reflect this change. Other changes to this regulation are as follows:

- The title has been changed from ''*Particulates From Fugitive Non-Process Dust Emissions*'' to ''*Particulates From Fugitive Dust Emission Sources;*''
- The term ''fugitive non-process dust emissions'' has been modified to eliminate ''non-process,'' and the corresponding definition has been modified;
- The terms ''excess fugitive dust emissions,'' ''production of crops,'' and ''public parking,'' along with definitions thereof, have been added, and the definitions have been renumbered to reflect these additions;
- A provision clearly identifying certain activities that are excluded from the regulation's expanded applicability has been added under paragraph (b). These activities include: Abrasive blasting covered under Subchapter 2D Section .0541; cotton ginning operations covered under Subchapter 2D Section .0542; non-production military base operations; land disturbing activities; and public roads, public parking, timber harvesting, or production of crops. As a preliminary matter, EPA believes the exclusion of these activities from the expanded applicability of .0540 does not result in the North Carolina SIP being less stringent. This is because, in the current North Carolina SIP, these activities are already not subject to the requirements of Section .0540 due to the fact that applicability of the current SIP-approved regulation is limited to non-process fugitive dust emissions from only four specified source categories and the activities now proposed for explicit exclusion in the new version of the regulation were effectively excluded under the old regulation.
- The requirements related to substantive complaints regarding fugitive dust emissions from facilities have been revised to provide clarity to the requirements that an owner or operator must meet in order to comply with the regulation. The regulation is amended by adding an objective method (reference method 22) for determining opacity at the property boundary to assist inspectors in application of the regulation. The regulation is also amended to include the processes that need to be followed when excess fugitive emissions substantive complaints are received.

As noted above, the current SIP-approved version of Section .0540 applies to only four source categories that reference regulation Section .0540 regarding control of non-process fugitive dust emissions: Section .0506, *Hot Mix Asphalt Plants;* Section .0509, *Mica or Feldspar Processing Plants;* Section .0510, *Sand, Gravel, or Crushed Stone Operations;* and Section .0511, *Light Weight Aggregate Processes.* The amendments to the regulation now expand its applicability to require sources with no permit, and that are not subject to one of the aforementioned four categories, to abate fugitive dust that is due to poor collection and/or control systems or non-process fugitive emissions. The focus of the regulation is no longer limited to non-process fugitive emissions, and the amendments eliminate any differentiation between fugitive non-process and fugitive process emissions.

The other major change to the regulation includes the addition of reference method 22 for visible emissions determination. Compliance with the regulation was previously determined by the presence of physical evidence to verify a complaint (*i.e.,* dust that must be attributed solely to a source). The addition of reference method 22 allows an inspector to determine compliance based on any opacity at the property boundary that occurs more than six minutes in an hour and includes all fugitive dust. The amendments also include the processes that need to be followed when excess fugitive emissions or two (or more) substantive complaints are received. The amendment requires immediate abatement measures for identified fugitive dust emission sources within 30 days and permanent plans for fugitive dust abatement within 90 days (60 days from the first report).

EPA has preliminarily determined that the changes to Section .0540 have the effect of strengthening the SIP by covering both process and non-process fugitive dust from facilities subject to an emission standard or a permit, whereas the current SIP-approved version of the regulation applies only to non-process fugitive dust from four source categories. EPA also believes, as a preliminary matter, that the amendments related to the specified exclusions do not make the SIP less stringent because the excluded activities were already effectively excluded under the old regulation. The changes also provide clarity to definitions, exclusions, and the requirements applicable to substantive complaints. For the reasons noted above, EPA is proposing approval of the changes to this regulation and proposing to find that these amendments to Section .0540 and the revisions to the SIP satisfy CAA section 110(l) and do not interfere with attainment and maintenance of the NAAQS or any other applicable requirement of the Act.

3. Section .1907, *Multiple Violations Arising From a Single Episode* is a new open burning regulation being added to the North Carolina SIP. North Carolina added this provision to allow assessment of multiple civil penalties with respect to a single open burning event because multiple violations may occur during a single episode. EPA believes, as a preliminary matter, that this new regulation is SIP-strengthening and on this basis EPA is proposing approval of North Carolina's request to add this regulation to its SIP.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the North Carolina regulations under Subchapter 2D Air Pollution Control Requirements, Section .0519, *Control of Nitrogen Dioxide and Nitrogen Oxides Emissions;* Section .0540, *Particulates From Fugitive Dust Emission Sources;* and Section .1907, *Multiple Violations Arising from a Single Episode,* which had a state effective date of July 1, 2007. These changes are proposed to revise the applicability of NO_2 and nitrogen oxides emissions standards to nitric acid plants, amend definitions and the applicability of provisions related to fugitive dust emissions, and add a new open burning rule for multiple violations that can occur from a single open burning event. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

For the reasons described above, EPA is proposing to approve the aforementioned changes to the North Carolina SIP submitted by the State of North Carolina on January 31, 2008, pursuant to section 110 because these changes are consistent with the CAA.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices,

provided that they meet the criteria of the CAA. This action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: February 25, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

[FR Doc. 2019–04383 Filed 3–8–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Chapter IV

Office of the Secretary

45 CFR Subtitle A

[CMS–9921–NC]

RIN 0938–ZB45

Patient Protection and Affordable Care Act; Increasing Consumer Choice Through the Sale of Individual Health Insurance Coverage Across State Lines Through Health Care Choice Compacts

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Request for information.

SUMMARY: This request for information (RFI) solicits comment from interested parties on how to eliminate barriers to and enhance health insurance issuers' ability to sell individual health insurance coverage across state lines, primarily pursuant to Health Care Choice Compacts. This RFI was written in connection with Executive Order 13813, ''Promoting Healthcare Choice and Competition Across the United States,'' which directs the Administration, including the Department of Health and Human Services (HHS), to the extent consistent with law, to facilitate the purchase of health insurance coverage across state lines. HHS is committed to increasing health insurance coverage options under Title I of the Patient Protection and Affordable Care Act.

DATES: *Comment Date:* To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on May 6, 2019.

ADDRESSES: In commenting, please refer to file code CMS–9921–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–9921–NC, P.O. Box 8016, Baltimore, MD 21244–8016.

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–9921–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: Cam Moultrie Clemmons, (206) 615–2338.

SUPPLEMENTARY INFORMATION:

Submission of Comments: All submissions received must include the Agency file code CMS–9921–NC for this notice.

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. We post all comments received before the close of the comment period 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

On October 12, 2017, President Trump issued Executive Order 13813, ''Promoting Healthcare Choice and Competition Across the United States,'' which states the policy of the Administration will be ''to the extent consistent with law, to facilitate the purchase of insurance across State lines and the development and operation of a

healthcare system that provides high-quality care at affordable prices for the American people.'' [1] The Executive Order reflects the Administration's intention to put downward pressure on premiums by providing more meaningful choices for consumers and increasing competition. The Department of Health and Human Services (HHS) intends to work with states to innovate within the health insurance market by considering additional mechanisms for the purchase of individual health insurance coverage that are less burdened by regulatory requirements and will therefore simplify operations and lower costs for health insurance issuers, with the ultimate goal of lowering prices for coverage and increasing options for United States consumers.

Executive Order 13813 further directs the Secretary of HHS, in consultation with the Secretaries of the Treasury, Labor, and the Federal Trade Commission, within 180 days from the date of the Executive Order, and every 2 years thereafter, to provide a report to the President that details the extent to which existing state and federal laws, regulations, guidance, requirements, and policies fail to conform to the policies set forth in section 1 of the Executive Order, including the facilitation of the purchase of insurance across state lines, and identifies actions that states or the federal government could take in furtherance of the policies set forth in section 1 of the Executive Order. Comments provided in response to this Request for Information (RFI) may help to inform future reports.

While there is no federal law that generally prohibits the sale of health insurance coverage across state lines, the McCarran-Ferguson Act of 1945 [2] establishes states as the primary regulators of insurance and declares that a federal law cannot preempt any state law that regulates the business of insurance, or that imposes a fee or tax upon such business, unless such federal law specifically relates to the business of insurance. While several mechanisms to facilitate the sale of individual health insurance coverage across state lines exist, such as Interstate Health Compacts enacted through state legislation and the allowance of the sale of insurance from out-of-state insurers by a state, this RFI primarily explores options related to Health Care Choice Compacts related to section 1333 of the Patient Protection and Affordable Care Act (PPACA) (Pub. L. 111–148) since section 1333 provides a specific role for the federal government.

Section 1333 of the PPACA provides for the establishment of a regulatory framework [3] that allows two or more states to enter into a Health Care Choice Compact. For plan years beginning on or after January 1, 2016, under a Health Care Choice Compact, a health insurance issuer could offer one or more qualified health plans (QHPs) [4] in the individual health insurance market in any state included in the compact. The QHP generally would only be subject to the laws and regulations of the state in which the health insurance coverage was written or issued.[5] Section 1333 of the PPACA does not address the sale of group health insurance coverage across state lines or the sale of individual market policies that are not QHPs. In order to enter into a Health Care Choice Compact, a state must pass legislation, after March 23, 2010, specifically authorizing it to do so. To date, no states have passed legislation authorizing the state to enter into a Health Care Choice Compact as contemplated by section 1333 of the PPACA or created a Health Care Choice Compact, and no issuer has offered health insurance coverage through a Health Care Choice Compact. However, four states (Georgia, Maine, Oklahoma, and Wyoming) have passed laws authorizing the sale of health insurance coverage across state lines. Under Georgia law,[6] insurers are authorized to offer individual accident and sickness insurance policies in Georgia that have been approved for issuance in other states, provided specified minimum criteria are met. Under Maine law,[7] domestic insurers or licensed health maintenance organizations that are authorized to transact individual health insurance in Maine are permitted to offer for sale in Maine an individual health insurance policy duly authorized for sale in Connecticut, Massachusetts, New Hampshire, Rhode Island, or Vermont by a parent or corporate affiliate, provided specified minimum criteria are met. Oklahoma law [8] allows issuers authorized to engage in the business of insurance in a state which has a legislatively approved compact with Oklahoma, and not so authorized in Oklahoma, to issue individual accident and health insurance policies in Oklahoma, provided specified minimum criteria are met. Wyoming law [9] allows insurers authorized to engage in the business of insurance in a state identified by the Commissioner as having insurance laws sufficiently consistent with Wyoming laws, and so authorized in Wyoming, to issue in Wyoming selected comprehensive individual medical and surgical insurance policies that have been approved in other such states, provided specified minimum criteria are met.

Three other states have passed laws to study the feasibility of selling insurance across state lines.[10] Since 2010, bills that would permit the purchase of health insurance coverage across state lines have been filed but not passed in an additional 11 states.[11]

Separately, ''Interstate Health Compacts,'' also known as ''Freedom

[1] *https://www.whitehouse.gov/the-press-office/2017/10/12/presidential-executive-order-promoting-healthcare-choice-and-competition.*

[2] 15 U.S.C. 1011–1015.

[3] Section 1333 of the PPACA requires that no later than July 1, 2013, the Secretary of HHS, in consultation with the National Association of Insurance Commissioners, issue regulations for the creation of Health Care Choice Compacts. To date, HHS has not promulgated rules implementing section 1333 of the PPACA.

[4] Qualified health plan, or QHP, means a health plan that has in effect a certification that it meets the standards described in subpart C of part 156 issued or recognized by each Exchange through which such plan is offered in accordance with the process described in subpart K of part 155. See 45 CFR 155.20.

[5] Additionally, the issuer would be subject to the market conduct, unfair trade practices, network adequacy, and consumer protection standards (including standards relating to rating), including addressing disputes as to the performance of the contract, of the state in which the policyholder resides. The health insurance issuer must be licensed in or submit to the jurisdiction and be subject to the aforementioned standards of each state in which it offers health insurance coverage under the compact. In addition, the health insurance issuer must notify the policyholder that the coverage may not otherwise be subject to the laws of the state in which the policyholder resides. Under section 1333 of the PPACA, HHS has the authority to approve Health Care Choice Compacts if it determines that they would provide coverage that would be at least as comprehensive as health insurance coverage sold through the Exchanges that offer essential health benefits, provide coverage and cost-sharing protections against excessive out-of-pocket spending at least as affordable as coverage under Title I of the PPACA, provide coverage to at least a comparable number of residents as coverage under Title I of the PPACA, not increase the federal deficit, and not weaken the enforcement of the laws and regulations of any state that is included in the compact that would still apply to the issuer in states in which the purchaser of coverage resides that is not the state in which the coverage was issued or written under the Health Care Choice Compact requirements. To date, HHS has not received any requests for approval of a Health Care Choice Compact.

[6] Ga. Code Ann., sec. 33–29A–30, *et seq.*

[7] Me. Rev. Stat. tit. 24–A, sec. 405–B.

[8] Okla. Stat. Ann. tit. 36, sec. 4414.

[9] Wyo. Stat. Ann. sec. 26–18–201, et *seq.*

[10] Kentucky (2012 Ken. H.B. 265. Sec. 10), Rhode Island (RI General Law 27–67), and Washington (Chapter 303, Laws of the State of Washington 2008, section 8, (SSB 5261)).

[11] Arizona (SB 1593 of 2011), Indiana (HB 1063 of 2011 and HB 1013 of 2013), Minnesota (H 1859 and S 349 of 2015), Montana (H 280 of 2013), New Hampshire (H 327 and S 150 of 2011), New Jersey (A 1558, A 4364, and S 2806 of 2017), Pennsylvania (HB 47 of 2011–12 and SB 346 of 2013–14), South Carolina (S 185 of 2011 and S 886 of 2014), Texas (HCR 90 of 2017), Washington (S 5540 of 2013–14), and West Virginia (HB 2801 and SB 419 of 2011).

Health Compacts,'' are another type of compact, advocated by Competitive Governance Action and the American Legislative Exchange Council, which could provide broader interstate health markets than the Health Care Choice Compacts under section 1333 of the PPACA. Interstate Health Compacts include a provision allowing for the suspension of the operation of all federal laws, rules, regulations, and orders regarding health care that are inconsistent with the laws and regulations adopted by the member state pursuant to the compact and aim to secure federal funding that is not conditional on any action of the member states.[12] The creation of any such Interstate Health Compact requires formal Congressional approval pursuant to Article 1, Section 10, of the United States Constitution. As of January 2017, at least nine states [13] have enacted Interstate Health Compacts; however, no requests for Congressional approval of the Interstate Health Compacts have been submitted.

No health insurance issuers or consumers appear to have access to the increased flexibility that could be afforded by state laws related to the sale of health insurance coverage across state lines.

II. Solicitation of Public Comments

HHS solicits public comments about actions that could further facilitate selling individual health insurance coverage across state lines. Comments are requested in response to the questions below with respect to individual health insurance coverage. The Administration recognizes and strongly supports the fundamental role states play in regulating insurance. Providing states with flexibility to address the unique needs of their health insurance markets is a key component of achieving the goals stated in the Executive Order. This RFI is not intended to inform policy which will preempt state law or otherwise impede the role states play as the primary regulators of insurance.

A. Expanding Access to Health Insurance Coverage Across State Lines

1. What are the practical advantages and disadvantages of allowing health insurance issuers to sell individual health insurance coverage across state lines through Health Care Choice Compacts?

2. What actions could the federal government undertake to facilitate the state implementation of the sale of individual health insurance coverage across state lines pursuant to section 1333 of the PPACA?

3. While four states have passed laws specifically authorizing the sale of individual health insurance across state lines, we understand that no action to implement these laws has been taken. Additionally, nine states have enacted laws authorizing the creation of Interstate Health Compacts, yet we understand that no such Compact has been created. Why have states not taken advantage of these opportunities? Are there federal or state statutory and/or regulatory barriers that prevent states from doing so?

4. Should HHS promote the sale of QHPs through Health Care Choice Compacts across state lines and why?

5. How would the sale of individual health insurance coverage across state lines through Health Care Choice Compacts impact access to QHPs? We are particularly interested in the impact on counties that do not have many options for QHP coverage in their current markets and whether the sale of health insurance coverage across state lines would increase or decrease the number of issuers offering QHPs in these counties.

6. Are there mechanisms, such as memoranda of understanding or other contractual arrangements, other than Health Care Choice Compacts established pursuant to section 1333 of the PPACA, that states could utilize to facilitate the sale of individual health insurance coverage across state lines? Would selling health insurance coverage such as short-term, limited-duration insurance; state-regulated farm bureau coverage; or insurance licensed by a state as defined under section 2791(d)(14) of the Public Health Service Act (PHS Act) (to include each of the several states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands) [14] to individuals pursuant to such state agreements help facilitate the sale of individual health insurance coverage across state lines? Consider whether the type of coverage is relevant to, or would impact, the form or nature of the agreements utilized by states.

B. Operationalizing the Sale of Health Insurance Coverage Across State Lines

1. Is the structure of Health Care Choice Compacts contemplated by section 1333 of the PPACA effective in facilitating the sale of individual health insurance coverage across state lines? To date, no states have passed laws specifically authorizing the state to enter into a Health Care Choice Compact under section 1333 of the PPACA. Why have states not enacted such laws? Are there any necessary revisions to section to 1333 of the PPACA that would facilitate the sale of health insurance coverage across state lines?

2. How difficult is it for small and/or regional health insurance issuers to develop provider networks in multiple states that could be used for health insurance coverage sold pursuant to Health Care Choice Compacts, and what are the causes of any such difficulties? For individual market health insurance issuers that already have a national provider network, what are the challenges for selling individual health insurance coverage across state lines through Health Care Choice Compacts? In what ways could the federal government facilitate expanding and strengthening provider networks?

3. How would states allowing health insurance issuers to sell individual health insurance coverage across state lines through Health Care Choice Compacts (if the health insurance coverage only covers health benefits in accordance with federal law and the laws of the state where the coverage is written) impact access to and the utilization of medical services?

4. What new and existing consumer protections are needed to protect policyholders that reside in one state but purchase individual health insurance coverage from a health insurance issuer in another state

[12] *See e.g.,* Ala. Code sec. 22–21A; Ga. Code Ann. sec. 31–48–1; Ind. Code sec. 12–16.5–1–1, *et seq.*; Kan. Stat. Ann. 65–6230; Mo. Rev. Stat. sec. 191.025; Okla. St. Ann. tit. 63, sec. 7300; S.C. Code Ann. sec. 44–10–10, *et seq.;* and Tex. Ins. Code Ann. sec. 5002.001. The legality of suspending the operation of federal law is not addressed herein, but this type of provision likely will face legal challenges.

[13] Alabama, Georgia, Indiana, Kansas, Missouri, Oklahoma, South Carolina, Texas, and Utah (expired July 2014).

[14] On July 14, 2016, the CMS Administrator sent letters to the territories stating the new market reforms in the PHS Act enacted in title I of the PPACA are governed by the definition of ''state'' set forth in that title, and therefore do not apply to issuers of health insurance coverage in the territories. The letter states the definition of ''state'' set forth in the PHS Act will apply only to PHS Act requirements in place prior to the enactment of the PPACA, or subsequently enacted in legislation that does not include a separate definition of ''state'' (as the PPACA does). This analysis applies only to health insurance that is governed by the PHS Act. The PHS Act, the Employee Retirement Income Security Act (ERISA), and the Internal Revenue Code (Code) requirements applicable to group health plans continue to apply to such coverage. The letters are available at *https://www.cms.gov/CCIIO/Resources/Letters/index.html#HealthMarketReforms.*

pursuant to a Health Care Choice Compact? How would allowing health insurance issuers to sell individual health insurance coverage across state lines impact the ability of state regulators to assist consumers or impact the ability of state courts to resolve legal disputes when the policyholder resides in a state other than that in which the policy was written, pursuant to a Health Care Choice Compact?

5. To what extent, if any, would the sale of individual health insurance coverage across state lines pursuant to a Health Care Choice Compact positively or negatively impact the following populations: Persons with pre-existing conditions; persons with disabilities; persons with chronic physical health conditions; expectant mothers; newborns; American Indians and Alaska Natives and tribal entities; veterans; and persons with behavioral health conditions, including both mental health and substance use disorder conditions?

6. In general, which statutes or regulations of the issuing state should apply to an individual market policy sold in another state pursuant to a Health Care Choice Compact, and which statutes or regulations, if any, of the state in which the policy is sold should apply? To what extent should policies being sold in another state pursuant to a Health Care Choice Compact be required to cover the state-required benefits of that state, and to what extent should such policies be required to cover the state-required benefits of the issuing state?

C. Financial Impact of Selling Health Insurance Coverage Across State Lines

1. What policies, including how premiums and rates are established and reviewed, and how risk is pooled, should be in place with respect to rating and pricing of health insurance coverage sold across state lines pursuant to Health Care Choice Compacts?

2. What impact would the sale of health insurance coverage across state lines pursuant to Health Care Choice Compacts have on health insurance coverage premiums for purchasers of insurance across state lines and for policyholders purchasing in-state insurance in the state where the across-state-lines purchasers live or in the state in which the issuer is located? Would the impact be different for policyholders in different states?

3. What impact would the sale of health insurance coverage across state lines pursuant to Health Care Choice Compacts have on policyholders' out-of-pocket expenses? Would the impact be different for different policyholders?

4. What impact would the sale of health insurance coverage across state lines pursuant to Health Care Choice Compact have on a health insurance issuer's operating costs?

5. What impact would the sale of health insurance coverage across state lines pursuant to Health Care Choice Compacts have on market participation in each state?

6. What impact would the sale of health insurance coverage across state lines pursuant to Health Care Choice Compacts have on competition and the viability of health insurance issuers that elect not to sell health insurance coverage across state lines?

7. What impact would the sale of health insurance coverage across state lines pursuant to Health Care Choice Compacts have on health care cost growth and medical inflation?

8. What impact would the sale of health insurance coverage across state lines pursuant to Health Care Choice Compacts have on consolidation of health insurance issuers?

9. What impact would the sale of health insurance coverage across state lines pursuant to Health Care Choice Compacts have on the market risk pools of the states where the health insurance issuer is domiciled and where the policyholder resides?

10. What impact would the sale of health insurance coverage across state lines pursuant to Health Care Choice Compacts have on the size and composition of the uninsured population?

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. This RFI constitutes a general solicitation of comments. In accordance with the implementing regulations of the Paperwork Reduction Act (PRA) at 5 CFR 1320.3(h)(4), information subject to the PRA does not generally include ''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 of the comment.'' Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, in the event we issue a subsequent document, we will respond to the comments in the preamble to that document.

Dated: January 28, 2019.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: February 14, 2019.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2019–04270 Filed 3–6–19; 4:15 pm]

BILLING CODE 4120–01–P

Notices

Federal Register
Vol. 84, No. 47
Monday, March 11, 2019

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 6, 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 required 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 April 10, 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.

Farm Service Agency

Title: Measurement Service Records.

OMB Control Number: 0560–0260.

Summary of Collection: This collection of information is authorized by 7 CFR part 718 and described in FSA Handbook 2–CP. If a producer requests measurement services, it becomes necessary for the producer to provide certain information which is collected on the FSA–409, Measurement Service or 409 A, Measurement Service Request Register. The collection of this information is necessary to fulfill the producer's request for measurement services. Producers may request acreage or production measurement services.

Need and Use of the Information: The Farm Service Agency (FSA) will collect the following information that the producer is required to provide on the FSA–409 and FSA 409 A: Farm serial number, program year, farm location, contact person, and type of service request (acreage or production). The collected information is used to create a record of measurement service requests and cost to the producer.

Description of Respondents: Farms.

Number of Respondents: 135,000.

Frequency of Responses: Reporting: On occasion; Weekly; Monthly.

Total Burden Hours: 33,750.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–04334 Filed 3–8–19; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Docket No. FCIC–19–0001]

Information Collection Request; Interpretations of Statutory and Regulatory Provisions and Written Interpretations of FCIC Procedures; Notice of Request for Renewal of a Currently Approved Information Collection

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice; request for comment.

SUMMARY: This notice announces a public comment period on the information collection requests (ICRs) associated with the interpretations of provisions of the Act or any regulation codified in the Code of Federal Regulations (Final Agency Determination) and interpretations of policy provision not codified in the Code of Federal Regulations or any procedure used in the administration of the Federal crop insurance program (FCIC interpretation).

DATES: Written comments on this notice will be accepted until close of business May 10, 2019.

ADDRESSES: FCIC prefers that comments be submitted electronically through the Federal eRulemaking Portal. You may submit comments, identified by Docket ID No. FCIC–19–0001, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change to *http://www.regulations.gov,* including any personal information provided, and can be accessed by the public. All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this rule. For detailed instructions on submitting comments and additional information, see *http://www.regulations.gov.* If you are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, we ask that it be in a text-based format. If you want to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of your submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the RMA Web Content Team at (816) 823–4694 or by email at *rmaweb.content@rma.usda.gov.*

Privacy Act: Anyone is able to search the electronic form of all comments received for any dockets by the name of the person submitting the comment (or

signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the complete User Notice and Privacy Notice for *Regulations.gov* at *http://www.regulations.gov/#!privacyNotice.*

SUPPLEMENTARY INFORMATION:

Title: Interpretations of Statutory and Regulatory Provisions and Written Interpretations of FCIC Procedures.

OMB Number: 0563–0055.

Expiration Date of Approval: May 31, 2019.

Type of Request: Extension with a revision.

Abstract: FCIC is proposing to renew the currently approved information collection, OMB Number 0563–0055. It is currently up for renewal and extension for three years. The information collection requirements for this renewal package are necessary for FCIC to provide an interpretation of request for a Final Agency Determination and an FCIC interpretation. This data is used to administer the provisions of 7 CFR part 400, subpart X in accordance with the Federal Crop Insurance Act, as amended.

We are asking the Office of Management and Budget (OMB) to extend its approval of our use of this information collection activity for an additional 3 years.

The purpose of this notice is to solicit comments from the public concerning this information collection activity. These comments will help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 8 hours per response.

Respondents/Affected Entities: Parties affected by the information collection requirements included in this Notice are any producer (including their legal counsel) with a valid crop insurance policy and approved insurance provider (agents, loss adjusters, employees, contractors or legal counsel) with agreement with FCIC.

Estimated annual number of respondents: 30.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 30.

Estimated total annual burden hours on respondents: 240.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, or other collection technologies, *e.g.,* permitting electronic submission of responses.

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.

Martin R. Barbre,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2019–04279 Filed 3–8–19; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2018–0034]

Availability of FSIS Guideline for Industry Response to Customer Complaints

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of availability and request for comment.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the availability of and requesting comments on a guideline to assist the meat and poultry industry develop written programs for responding to consumer complaints about adulterated or misbranded meat and poultry products. FSIS developed this guideline in response to an increase in the number of recalls of meat and poultry products contaminated with foreign materials.

DATES: Submit comments on or before May 10, 2019.

ADDRESSES: A downloadable version of the guideline is available to view and print at *https://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/compliance-guides-index* once copies of the guideline have been published.

FSIS invites interested persons to submit comments on this guideline. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2018–0034. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202)720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

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

SUPPLEMENTARY INFORMATION:

Background

The Food Safety and Inspection Service (FSIS) administers a regulatory program under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*) to protect the health and welfare of consumers. The Agency is responsible for ensuring that meat, poultry, and egg products are safe, wholesome, and correctly labeled and packaged.

FSIS is announcing the availability of a guideline to assist all FSIS-regulated establishments that slaughter, or further process inspected meat and poultry products to develop and implement

procedures for responding to customer complaints of adulterated and misbranded meat and poultry products. FSIS developed this document in response to an increase in the number of recalls of meat and poultry products contaminated with foreign materials. In many cases, the recalling establishments had received multiple customer complaints before these recalls.

While FSIS specifically developed this document to address foreign material customer complaints, establishments can apply the information to other customer complaints of adulterated or misbranded products in commerce. FSIS encourages establishments that may receive customer complaints for adulterated or misbranded meat and poultry products to follow this guideline. This document does not present or describe any new regulatory requirements. This guideline represents current FSIS thinking, and FSIS will update it as necessary to reflect comments received and any additional information that becomes available.

Additional Public Notification

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

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

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 in Washington, DC.

Carmen M. Rottenberg,

Administrator.

[FR Doc. 2019–04350 Filed 3–8–19; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Review of USDA Natural Resources Conservation Service National Conservation Practice Standards

AGENCY: Natural Resources Conservation Service (NRCS), USDA.

ACTION: Notice and request for comment.

SUMMARY: The Agriculture Improvement Act of 2018 (2018 Farm Bill) amended the Food Security Act of 1985, to require an expedited review of conservation practice standards, including engineering design specifications, that were in effect on December 19, 2018. NRCS will evaluate opportunities to increase flexibility in the conservation practice standards in a manner that ensures equivalent natural resource benefits. This notice announces that NRCS will be reviewing the national conservation practice standards in the National Handbook of Conservation Practices and is requesting comments from the public about how to improve the conservation practice standards.

DATES: We will consider comments that we received by April 25, 2019.

ADDRESSES: We invite you to submit comments on this notice. In your comments, include the volume, date, and page number of this issue of the **Federal Register**. You may submit your comments by the following method:

- *Federal eRulemaking Portal website:* go to *http://www.regulations.gov* and search for docket ID NRCS–2019–0003. Follow the online instruction for submitting comments electronically.

All written comments received will be publicly available on *www.regulations.gov.*

Electronic copies of the national conservation practice standards are available at *http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/technical/cp/ncps/?cid=nrcs143_026849.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to this notice contact Bill Reck; phone: (202) 720–4485; or email: *bill.reck@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: NRCS provides technical assistance to clients through the conservation planning process. The planning process involves:

(1) Determining client goals and resource concerns (conservation needs);

(2) Developing treatment options;

(3) Recording client decisions;

(4) Implementing selected conservation treatment(s) through the application of conservation practices; and

(5) Evaluating and adaptive management of the conservation treatment.

The conservation practice standards contain information on why and where the practice is to be applied and specifies the minimum technical criteria that must be met during the application of that practice in order for it to achieve its intended purposes. Conservation practices are designed to address the treatment of natural resource concerns. NRCS conservation practice standards are based on sound science and include scientifically accepted and demonstrated technologies. Conservation practices that have not been adequately demonstrated may be eligible for conservation innovation grants or may be implemented as interim conservation practices to gain needed field scale demonstration and establish and document natural resource benefits.

Section 2502 of the 2018 Farm Bill (Pub. L. 115–334) amends section

1242(h) of the Food Security Act of 1985 (16 U.S.C. 3842(h)), to require expedited revision of conservation practice standards by USDA. The review is for the conservation practice standards, including engineering design specifications, that were in effect on December 19, 2018. In keeping with the review requirement, NRCS will:

- Evaluate opportunities to increase flexibility in the conservation practice standards in a manner that ensures equivalent natural resource benefits;
- Provide the optimal balance between meeting site-specific conservation needs and minimizes risks of design failure and associated costs of construction and installation; and
- Ensure, to the maximum extent practicable, the completeness and relevance of the standards to local agricultural, forestry, and natural resource needs, including specialty crops, native and managed pollinators, bioenergy crop production, forestry, and such other needs as are determined by NRCS.

To obtain the widest possible input and to ensure the revision of the standards fully meets the intent and spirit of the expedited conservation practice review requirements, NRCS is requesting comments from the public on its conservation practice standards through April 25, 2019. The specific content of the standards can be found online at: *http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/technical/cp/ncps/?cid=nrcs143_026849.*

This notice announces that NRCS will be reviewing the national conservation practice standards in the National Handbook of Conservation Practices and is requesting comments from the public about how to improve the conservation practice standards. NRCS specifically requests comments that include peer reviewed scientific literature references or other supporting scientific data, if available, for recommended changes or additions to standards.

Further information on NRCS national conservation practice standards can be found at: *https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/technical/cp/ncps/.* Further information on Conservation Innovation Grants can be found at: *https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/cig/.*

Kevin Norton,

Acting Associate Chief, Natural Resources Conservation Service.

[FR Doc. 2019–04290 Filed 3–8–19; 8:45 am]

BILLING CODE 3410–16–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the 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 Virginia Advisory Committee to the Commission will convene by conference call at 12:00 p.m. (EST) on Wednesday, March 20, 2019. The purpose of the meeting is for Committee members to announce meeting date and expert presenters who will be invited to participate at the in person meeting on its civil rights project titled, Hate Crimes in VA—Incidences and Responses.

DATES: Wednesday, March 20, 2019, at 12:00 p.m. EST.

Public Call-In Information: Conference call-in number: 1–888–394–8218 and conference call ID number: 8310490.

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: 1–888–394–8218 and conference call ID number: 8310490. 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 1–800–877–8339 and providing the operator with the toll-free conference call-in number: 1–888–394–8218 and conference call ID number: 8310490.

Members of the public are invited to make statements during the open comment period of the meeting 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 Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, 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=a10t0000001gzjXAAQ,* 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: Wednesday, March 20, 2019

I. Rollcall
II. Welcome
III. Project Planning
—Discuss Plans for Briefing Meeting
IV. Other Business
V. Next Meeting
VI. Open Comment
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: March 6, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–04356 Filed 3–8–19; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Kentucky 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 (Commission) and the Federal Advisory Committee Act that the Kentucky Advisory Committee will hold a meeting on Wednesday, March 21, 2019, from 3:00–4:00 p.m. to discuss School to Prison Pipeline public hearing preparation.

DATES: The meeting will be held on Wednesday, March 21, 2019; 3:00–4:00 p.m.

Public Call Information: Dial 877–260–1479; Conference ID 7779214

For Additional Information Contact: Jeff Hinton, DFO, at 312–353–8311 or via email at *jhinton@usccr.gov.*

SUPPLEMENTARY INFORMATION: Members of the public are invited to come in and listen to the discussion. Written comments will be accepted until March 19, 2019 and 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 may be emailed to the Regional Director, Jeff Hinton at *jhinton@usccr.gov.* Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Tennessee 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 attendance of advisory committee members
Dr. Betty Griffin, Chairman/Jeff Hinton, Regional Director, USCCRSRO
Kentucky Advisory Committee update/ discussion of meeting to hear testimony on juvenile justice project
Advisory Committee members
Open Comment
Adjournment

Dated: March 6, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–04333 Filed 3–8–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Arizona Advisory Committee

AGENCY: U.S. Commission on Civil Rights

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the meeting of the Arizona Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Arizona Time) Monday, March 25, 2019. The purpose of the meeting is to discuss the project process and potential civil rights topics of study.

DATES: These meetings will be held on Monday, March 25, 2019 at 12:00 p.m. Arizona Time.

Public Call Information:

Dial: 877–260–1479.

Conference ID: 1392682.

FOR FURTHER INFORMATION CONTACT: Alejandro Ventura (DFO) at *aventura@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: 1392682. 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 Alejandro Ventura at *aventura@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzl2AAA.*

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

Agenda

I. Welcome and Roll Call
II. Updates from the U.S. Commission on Civil Rights
III. Orientation to Project Process and Concept Stage
IV. Committee Discussion of Potential Topics
V. Next Steps
VI. Public Comment
VII. 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: March 6, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–04360 Filed 3–8–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New Mexico Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the New Mexico Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Mountain Time) Thursday, March 21, 2019. The purpose of the meeting is for the Committee to discuss the project process and potential civil rights topics for study.

DATES: The meeting will be held on Thursday, March 21, 2019, at 1:00 p.m. Mountain Time.

FOR FURTHER INFORMATION CONTACT: Alejandro Ventura at *aventura@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION:

Public Call Information: Dial: 877–260–1479; Conference ID: 8691565.

This meeting is available to the public through the following toll-free call-in number: 877–260–1479, conference ID number: 8691565. 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 Alejandro Ventura at *aventura@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=a10t0000001gzlGAAQ.*

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

Agenda

I. Welcome and Roll Call

II. Introduction of Designated Federal Official (Alejandro Ventura)

III. Orientation to Project Process and Concept Stage

IV. Discussion of Potential Topics of Study

V. Next Steps

VI. Public Comment

VII. 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: March 6, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–04361 Filed 3–8–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Tennessee 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 (Commission) and the Federal Advisory Committee Act that the Tennessee Advisory Committee will hold a public meeting on Wednesday, March 21, 2019; 1:30–2:30 p.m. to finalize Legal Financial Obligation (LFO) public hearing.

DATES: The meeting will be held on Wednesday, March 21, 2019; 1:30–2:30 p.m.

Public Call Information: Call: 877–260–1479; Conference ID: 8369527.

FOR FURTHER INFORMATION CONTACT: Jeff Hinton, DFO, at (312) 353–8311 or via email at *jhinton@usccr.gov.*

SUPPLEMENTARY INFORMATION: Members of the public are invited to come in and listen to the discussion. Written comments will be accepted until March 19, 2019 and 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 may be emailed to the Regional Director, Jeff Hinton at *jhinton@usccr.gov.* Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Tennessee 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 Call to Order

Diane DiIanni, Tennessee SAC Chairman

Regional Update—Jeff Hinton

New Business: Diane DiIanni, Tennessee SAC Chairman/Staff/Advisory Committee

Continuation: Preparation for public hearing (LFO).

Public Participation

Adjournment

Dated: March 6, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–04355 Filed 3–8–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

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: Census Bureau.

Title: National Survey of Children's Health.

OMB Control Number: 0607–0990.

Form Number(s):

English survey forms include:

NSCH–S1 (English Screener),

NSCH–T1 (English Topical for 0- to 5-year-old children),

NSCH–T2 (English Topical for 6- to 11-year-old children),

NSCH–T3 (English Topical for 12- to 17-year-old children).

Spanish survey forms include:

NSCH–S–S1 (Spanish Screener),

NSCH–S–T1 (Spanish Topical for 0- to 5-year-old children),

NSCH–S–T2 (Spanish Topical for 6- to 11-year-old children), and

NSCH–S–T3 (Spanish Topical for 12- to 17-year-old children)

NSCH–SC1 (Screener Card—perforated).

Type of Request: Regular submission.

Number of Respondents: 67,193 for the production screener, 26,321 for the production topical, 2,000 for the screener card, 680 for the screener card web screener, and 355 for the screener card web topical. Please note that the estimated number of respondents are slightly lower here than noted in the Presubmission **Federal Register**, published on November 13, 2018 (83 FR, No. 219; p. 56287–56290). The figures here are the correct figures and are a result of improved estimates of the response rates for the screener and topical modules using updated return rates from the 2018 NSCH cycle after survey closeout.

Average Hours per Response: 0.083 for the production screener and screener card web screener, 0.55 for the production topical and screener card web topical, and 0.033 for the screener card.

Burden Hours: 20,371. Please note that the estimated total annual burden hours are slightly lower here than noted in the **Federal Register** Pre-notice. The figure here is the correct figure and is a result of improved estimates of the response rates for the screener and topical modules using updated return rates from the 2018 NSCH cycle after survey closeout.

Needs and Uses: The National Survey of Children's Health (NSCH) enables the Maternal and Child Health Bureau (MCHB) of the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (HHS) to produce national and state-based estimates on the health and well-being of children, their families, and their communities as well as estimates of the prevalence and impact of children with special health care needs.

Data will be collected using one of two modes. The first mode is a web instrument (Centurion) survey that contains the screener and topical instruments. The web instrument first will take the respondent through the screener questions. If the household screens into the study, the respondent will be taken directly into one of the three age-based topical sets of questions. The second mode is a mailout/mailback of a self-administered paper-and-pencil interviewing (PAPI) screener instrument followed by a separate mailout/mailback of a PAPI age-based topical instrument. A test of a single-question PAPI screener card instrument to ease the burden for households without children is also being conducted concurrently with the production survey.

The National Survey of Children's Health (NSCH) is a large-scale (sample size is 184,000 addresses) national survey with approximately 180,000 addresses included in the production survey and 4,000 addresses included in the screener card test. The survey will consist of one additional experiment to test the effectiveness of an envelope design that is aimed at increasing the likelihood of response by increasing the chance that the initial mail package is opened. Higher response can reduce follow-up costs and nonresponse bias. As in prior cycles of the NSCH, there remain two key, non-experimental design elements. The first additional non-experimental design element is either a $2 or $5 screener cash incentive mailed to 90% (45% each) of sampled addresses; the remaining 10% (the control) will receive no incentive to monitor the effectiveness of the cash incentive. This incentive is designed to increase response and reduce nonresponse bias. The incentive amounts were chosen based on the results of the 2018 NSCH as well as funding availability. The second additional non-experimental design element is a data collection procedure based on the block group-level paper-only response probability used to identify households (30% of the sample) that would be more likely to respond by paper and send them a paper questionnaire from the initial mailing. The two experiments that will be further evaluated during the 2019 NSCH cycle are the screener card test as mentioned above along with a test of a more visually appealing, eye-catching envelope design that is aimed at increasing the likelihood that a mail package is opened, furthermore increasing the probability of response.

Affected Public: Parents, researchers, policymakers, and family advocates.

Frequency: The 2019 collection is the fourth administration of the NSCH. It is an annual survey, with a new sample drawn for each administration.

Respondent's Obligation: Voluntary.

Legal Authority: Census Authority: 13 U.S.C. Section 8(b).

HRSA MCHB Authority: Section 501(a)(2) of the Social Security Act (42 U.S.C. 701)

USDA Authority: The Healthy, Hunger-Free Kids Act of 2010, Public Law 111–296. In particular, 42 U.S.C. 1769d(a) authorizes USDA to conduct research on the causes and consequences of childhood hunger included in 1769d(a)(4)(B), the geographic dispersion of childhood hunger and food insecurity.

CDC/NCBDDD Authority: Public Health Service Act, Section 301, 42 U.S.C. 241.

Confidentiality: The Census Bureau is required by law to protect your information. The Census Bureau is not permitted to publicly release your responses in a way that could identify you or your household. Federal law protects your privacy and keeps your answers confidential (Title 13, United States Code, Section 9). Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data.

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. 2019–04303 Filed 3–8–19; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

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: Survey of State Government Research and Development.

OMB Control Number: 0607–0933.

Form Number(s): Survey Frame Review Module; SRD–1 State Agency Form.

Type of Request: Extension of a currently approved collection.

Number of Respondents: 604.

Average Hours per Response: 1 hour and 45 minutes.

Burden Hours: 1,056.

Needs and Uses: The Census Bureau is requesting clearance to conduct the Survey of State Government Research and Development (SGRD) for the 2019–2021 survey years. The Census Bureau conducts this survey on behalf of the National Science Foundation's (NSF) National Center for Science and Engineering Statistics (NCSES). The NSF Act of 1950 includes a statutory charge to ''provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formulation by other agencies in the Federal Government.'' Under the aegis of this legislative mandate, NCSES and its predecessors have sponsored surveys of research and development (R&D) since 1953, including the SGRD since 2006. This survey has helped to expand the scope of R&D collections to include state governments, where previously there had been no regularly established collection efforts, and thus a gap in the national portfolio of R&D statistics.

NCSES sponsors surveys of R&D activities of Federal agencies, higher education institutions, and private industries. The results of these surveys provide a consistent information base for both federal and state government officials, industry professionals, and researchers to use in formulating public policy and planning in science and technology. These surveys allow for the analysis of current and historical trends of R&D in the U.S. and in international comparisons of R&D with other countries. The data collected from the SGRD fills a void that previously existed

for collection of R&D activities. Although NCSES conducted periodic data collections of state government R&D in 1995, 1988 and 1987, more frequent collection was necessary to account for the changing dynamic of state governments' role in performing and funding R&D and their role as fiduciary intermediaries of federal funds for R&D. The survey is a census of state government departments, agencies, commissions, public authorities, and other dependent entities as defined by the Census Bureau's Census of Governments program, that performed or funded R&D activities in a given fiscal year.

The Census Bureau, serving as collection agent, employs a methodology similar to the one used to collect information from state and local governments on other established censuses and surveys. This methodology involves identifying a central coordinator in each state who will assist Census Bureau staff in identifying appropriate state agencies to be surveyed. Since not all state agencies have the budget authority or operational capacity to perform or fund R&D, NCSES and Census Bureau staffs have identified those agencies most likely to perform or fund R&D based on state session laws, authorizing legislation, budget authority, previous R&D activities, and reports issued by state government agencies. The state coordinators, based on their knowledge of the state government's own activities and priorities, are asked to confirm which of the selected agencies identified should be sent the survey for a given fiscal year or to add additional agencies to the survey frame. These state coordinators also verify the final responses at the end of the data collection cycle and may assist with nonresponse follow-up with individual state agencies. The collection approach using a central state coordinator is used successfully at the Census Bureau in surveys of local school districts, as well as the annual surveys of state and local government finance.

The FY 2019 survey will follow the same content that was collected during the FYs 2016–2018 survey cycles.

Final survey results produced by NCSES contain state and national estimates and are useful to a variety of data users interested in R&D performance, including: The National Science Board; the OMB; the Office of Science and Technology Policy (OSTP) and other science policy makers; institutional researchers; and private organizations; and many state governments.

Legislators, policy officials, and researchers rely on statistics to make informed decisions about R&D investment at the Federal, state, and local level. These statistics are derived from the existing NCSES sponsored surveys of Federal agencies, higher education institutions, and private industry. The total picture of R&D expenditures, however, had been incomplete due to the lack of data from state governments prior to this implementation of the SGRD in 2006, which now fills that void.

State government officials and policy makers garner the most benefit from the results of this survey. Governors and legislatures need a reliable, comprehensive source of data to help in evaluating how best to attract the high-tech R&D industries to their state. Officials are able to evaluate their investment in R&D based on comparisons with other states. These comparisons include the sources of funding, the type of R&D being conducted, and the type of R&D performer.

State governments serve a unique role within the national portfolio of R&D. Not only are they both performers and funders of R&D like other sectors such as the Federal Government, higher education, or industry, but they also serve as fiduciary intermediaries between the Federal Government and other R&D performers while also providing state specific funds for R&D. The information collected from the SGRD provides data users with perspective on this complex flow of funds. Survey results are used at the Federal level to assess and direct investment in technology and economic issues. Congressional committees and the Congressional Research Service use results of the R&D surveys. The BEA uses these data to estimate the contribution of state agency-funded R&D to the overall impact of treating R&D as an investment in BEA's statistics of gross domestic product by state-area.

NSF also uses data from this survey in various publications produced about the state of R&D in the U.S. The Science and Engineering Indicators, for example, is a biennial report mandated by Congress and describes quantitatively the condition of the country's R&D efforts and includes data from the SGRD. Survey results are also included in the National Patterns of Research and Development report's tabulations.

The availability of state R&D survey results are posted to NSF's web page allowing for public access from a variety of other data users as well. Media, university researchers, nonprofit organizations, and foreign government officials are also consumers of state R&D statistics. All users are able to utilize this information in an attempt to better understand the Nation's R&D resources.

Affected Public: State, local or tribal government.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: This survey is conducted under the authority of the National Science Foundation Act of 1950, as amended, the America COMPETES Reauthorization Act of 2010, and collected under Title 13, United States Code, Section 8(b).

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. 2019–04304 Filed 3–8–19; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–73–2019]

Foreign-Trade Zone (FTZ) 41—Milwaukee, Wisconsin; Authorization of Production Activity; Jeneil Biotech, Inc. (Natural Fragrance Intermediates), Saukville, Wisconsin

On September 27, 2018, the Port of Milwaukee, grantee of FTZ 41, submitted a notification of proposed production activity to the FTZ Board on behalf of Jeneil Biotech, Inc., within Site 16, in Saukville, Wisconsin.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register**, inviting public comment (83 FR 57717–57718, November 16, 2018). On March 6, 2019, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: March 6, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–04336 Filed 3–8–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–433–813, A–427–830]

Strontium Chromate From Austria and France: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

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

DATES: Applicable March 11, 2019.

FOR FURTHER INFORMATION CONTACT: Brian Smith at (202) 482–1766 or Jaron Moore at (202) 482–3640 (Austria); and Dennis McClure at (202) 482–5973 or Josh Simonidis at (202) 482–0608 (France), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On September 25, 2018, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of strontium chromate from Austria and France.[1] The original deadline for these preliminary determinations was February 12, 2019. However, 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.[2] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. Accordingly, the revised deadline for these preliminary determinations is now March 25, 2019.[3]

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On February 11, 2019, the petitioner[4] submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.[5] The petitioner stated that it requests postponement to provide adequate time for it to review the respondents' questionnaire responses and for Commerce to issue supplemental questionnaires and receive responses to those supplemental questionnaires prior to the preliminary determinations.

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.,* 190 days after the date on which these investigations were initiated plus 40 days for tolling). As a result, Commerce will issue its preliminary determinations no later than May 13, 2019. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of publication of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: March 4, 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. 2019–04280 Filed 3–8–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Procedures for Importation of Supplies for Use in Emergency Relief Work

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 10, 2019.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Scott D. McBride, Assistant Chief Counsel for Trade Enforcement & Compliance, Office of the Chief Counsel for Trade Enforcement and Compliance, Room 3622, U.S. Department of Commerce, 14th and Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–6292; fax: 202–482–4912; *Scott.McBride@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The regulations (19 CFR 358.101 through 358.104) provide procedures for requesting the Secretary of Commerce to permit the importation of supplies, such as food, clothing, and medical, surgical, and other supplies, by for-profit and not-for-profit entities for use in

[1] *See Strontium Chromate from Austria and France: Initiation of Less-Than-Fair-Value Investigations,* 83 FR 49543 (October 2, 2018) (*Initiation Notice*).

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

[3] This is the next business day after March 24, 2019, the 40-day tolled preliminary determination deadline which falls on a Sunday.

[4] The petitioner is Lumimove, Inc., d.b.a. WPC Technologies.

[5] *See* Letters from the petitioner, ''Strontium Chromate from Austria: Request to Extend Preliminary Determination,'' dated February 11, 2019; and ''Strontium Chromate from France: Request to Extend Preliminary Determination,'' dated February 11, 2019.

emergency relief work free of antidumping and countervailing duties.

Authority: 19 U.S.C. 1318(a). There are no proposed changes to this information collection.

II. Method of Collection

Three copies of the request must be submitted in writing to the Secretary of Commerce, Attention: Enforcement and Compliance, Central Records Unit, Room B–8024, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

III. Data

OMB Control Number: 0625–0256.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Business, including for-profit and non-profit organizations.

Estimated Number of Respondents: 1.

Estimated Time per Response: 15 hours.

Estimated Total Annual Burden Hours: 15 hours.

Estimated Total Annual Cost to Public: Less than $450.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–04323 Filed 3–8–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG832

Schedules for Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops

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

ACTION: Notice of public workshops.

SUMMARY: Free Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops will be held in April, May, and June of 2019. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and to maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. Additional free workshops will be conducted during 2019 and will be announced in a future notice.

DATES: The Atlantic Shark Identification Workshops will be held on April 25, May 23, and June 20, 2019. The Safe Handling, Release, and Identification Workshops will be held on April 3, April 11, May 2, May 15, June 7, and June 10, 2019. See **SUPPLEMENTARY INFORMATION** for further details.

ADDRESSES: The Atlantic Shark Identification Workshops will be held in Wilmington, NC; Fort Lauderdale, FL; and Manahawkin, NJ. The Safe Handling, Release, and Identification Workshops will be held in Palm Coast, FL; Warwick, RI; Kitty Hawk, NC; Kenner, LA; Revere, MA; and Ocean City, MD. See **SUPPLEMENTARY INFORMATION** for further details on workshop locations.

FOR FURTHER INFORMATION CONTACT: Rick Pearson by phone: (727) 824–5399.

SUPPLEMENTARY INFORMATION: The workshop schedules, registration information, and a list of frequently asked questions regarding the Atlantic Shark ID and Safe Handling, Release, and ID workshops are posted on the internet at: *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-shark-identification-workshopss* and *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/safe-handling-release-and-identification-workshops*

Atlantic Shark Identification Workshops

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit that first receives Atlantic sharks (71 FR 58057; October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years. Thus, certificates that were initially issued in 2016 will be expiring in 2019. Approximately 154 free Atlantic Shark Identification Workshops have been conducted since April 2008.

Currently, permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit which first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and who fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location that first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, trucks or other conveyances that are extensions of a dealer's place of business must possess a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate.

Workshop Dates, Times, and Locations

1. April 25, 2019, 12 p.m.–4 p.m., Hampton Inn, 124 Old Eastwood Road, Wilmington, NC 28403.

2. May 23, 2019, 12 p.m.–4 p.m., La Quinta Inn, 999 West Cypress Creek Road, Fort Lauderdale, FL 33309.

3. June 20, 2019, 12 p.m.–4 p.m., Holiday Inn, 151 Route 72 West, Manahawkin, NJ 08050.

Registration

To register for a scheduled Atlantic Shark Identification Workshop, please contact Eric Sander at

ericssharkguide@yahoo.com or at (386) 852–8588. Pre-registration is highly recommended, but not required.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items to the workshop:

- Atlantic shark dealer permit holders must bring proof that the attendee is an owner or agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.
- Atlantic shark dealer proxies must bring documentation from the permitted dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate valid permit, and proof of identification.

Workshop Objectives

The Atlantic Shark Identification Workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

Safe Handling, Release, and Identification Workshops

Since January 1, 2007, shark limited-access and swordfish limited-access permit holders who fish with longline or gillnet gear have been required to submit a copy of their Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057; October 2, 2006). These certificate(s) are valid for 3 years. Certificates issued in 2016 will be expiring in 2019. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or vessel owners whose certificate(s) will expire prior to the next permit renewal, must attend a workshop to fish with, or renew, their swordfish and shark limited-access permits. Additionally, new shark and swordfish limited-access permit applicants who intend to fish with longline or gillnet gear must attend a Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued. Approximately 310 free Safe Handling, Release, and Identification Workshops have been conducted since 2006.

In addition to certifying vessel owners, at least one operator on board vessels issued a limited-access swordfish or shark permit that uses longline or gillnet gear is required to attend a Safe Handling, Release, and Identification Workshop and receive a certificate. Vessels that have been issued a limited-access swordfish or shark permit and that use longline or gillnet gear may not fish unless both the vessel owner and operator have valid workshop certificates onboard at all times. Vessel operators who have not already attended a workshop and received a NMFS certificate, or vessel operators whose certificate(s) will expire prior to their next fishing trip, must attend a workshop to operate a vessel with swordfish and shark limited-access permits that uses longline or gillnet gear.

Workshop Dates, Times, and Locations

1. April 3, 2019, 9 a.m.–5 p.m., Hilton Garden Inn, 55 Town Center Boulevard, Palm Coast, FL 32164.
2. April 11, 2019, 9 a.m.–5 p.m., Hilton Garden Inn, 1 Thurber Street, Warwick, RI 02886.
3. May 2, 2019, 9 a.m.–5 p.m., Hilton Garden Inn, 5353 North Virginia Dare Trail, Kitty Hawk, NC 27949.
4. May 15, 2019, 9 a.m.–5 p.m., Hilton Inn, 901 Airline Drive, Kenner, LA 70062.
5. June 7, 2019, 9 a.m.–5 p.m., Hampton Inn, 230 Lee Burbank Highway, Revere, MA 02151.
6. June 10, 2019, 9 a.m.–5 p.m., Courtyard by Marriott, 2 15th Street, Ocean City, MD 21842.

Registration

To register for a scheduled Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at (386) 682–0158. Pre-registration is highly recommended, but not required.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items with them to the workshop:

- Individual vessel owners must bring a copy of the appropriate swordfish and/or shark permit(s), a copy of the vessel registration or documentation, and proof of identification.
- Representatives of a business-owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable swordfish and/or shark permit(s), and proof of identification.
- Vessel operators must bring proof of identification.

Workshop Objectives

The Safe Handling, Release, and Identification Workshops are designed to teach longline and gillnet fishermen the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish, and prohibited sharks. In an effort to improve reporting, the proper identification of protected species and prohibited sharks will also be taught at these workshops. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species and prohibited sharks, which may prevent additional regulations on these fisheries in the future.

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

Dated: March 5, 2019.

Karen H. Abrams,

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

[FR Doc. 2019–04302 Filed 3–8–19; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Revised Registration Form 7–R

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of revised form.

SUMMARY: The Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') is revising its Form 7–R, the application form that entities must use to register with the Commission as a commodity pool operator, commodity trading advisor, introducing broker, floor trader firm, retail foreign exchange dealer, futures commission merchant, leverage transaction merchant, swap dealer, or major swap participant (collectively, ''applicants'').

DATES: *Implementation date:* The new, revised version of Form 7–R shall be implemented (and the prior version shall be superseded) as of the date upon which the National Futures Association (''NFA'') makes the new, revised version

of the Form 7–R available on the NFA website for use by applicants.

FOR FURTHER INFORMATION CONTACT: Matthew Kulkin, Director, 202–418–5213, *mkulkin@cftc.gov;* or Christopher Cummings, Special Counsel, 202–418–5445, *ccummings@cftc.gov,* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

Entities that engage in certain specified business in the derivatives markets regulated by the Commission are required to register with the Commission by filing a completed Form 7–R with NFA.[1] These applicants include: Futures commission merchants, retail foreign exchange dealers, introducing brokers, commodity trading advisors, commodity pool operators, leverage transaction merchants, swap dealers, major swap participants, and floor trader firms.[2] Applicants have been required to use Form 7–R since 1977.[3] In the past, Form 7–R also was used to register with NFA and to apply for NFA membership.

Form 7–R requests information about the applicant that can be used to assess the applicant's fitness to engage in business in the registration categories referenced above. Although Form 7–R is a Commission form, it is maintained and used primarily by the NFA.[4] Pursuant to section 17(*o*) of the Commodity Exchange Act (''Act''),[5] Regulation 3.2,[6] and a series of orders, the Commission delegated to NFA certain registration functions including, among other things, the processing of all Form 7–R filings.[7] Since the first delegation to NFA in 1983, NFA has developed substantial expertise in registration matters, including reviewing and processing completed Forms 7–R. In 2002, with the approval of the Commission, NFA transitioned from a paper-based registration system to an online registration system that utilizes, among other things, an electronic version of Form 7–R.[8]

II. Revisions to Commission Form 7–R

NFA has requested that the Commission make several changes to Form 7–R.[9] Upon consideration of NFA's request, the Commission is revising and updating Form 7–R. In addition, the Commission is updating the Form 7–R Privacy Act and Paperwork Reduction Act Statements. The Form 7–R revisions are described in this Notice.[10]

First, revised Form 7–R incorporates new functionality throughout the form, consisting of hyperlinks to the text of the applicable provisions of the Act, Commission regulations, and NFA Rules, whenever those authorities are referenced in the form. Additionally, Form 7–R incorporates certain clarifying language where appropriate. For example, the term ''futures'' has been replaced with the term ''derivatives'' in several locations to more accurately reflect the full scope of the Commission's jurisdiction. Similarly, the reference to a failure ''to pay an award issued in a futures-related arbitration'' was replaced with the phrase ''failure to pay an award related to a CFTC-related product.''

In the section titled ''Location of Business Records,'' revised Form 7–R no longer separately requests that non-U.S. applicants identify the non-U.S. address where their business records are located. Instead, both U.S. and non-U.S. applicants are required to comply only with the existing requirements of Form 7–R to identify the location of their business records, which remain unchanged, and, for non-U.S. applicants, to indicate that such records will be produced for inspection at NFA's offices, or at another physical location (not a post office box) within the U.S. that the applicant identifies.

In the section titled ''Holding Company Information,'' the revised Form 7–R requests additional information about any entity that is a principal (as defined in Form 7–R) of the applicant. Form 7–R previously required applicants to identify by name any entity that was a principal of the applicant. The revised Form 7–R requires that, for each entity that is principal of the applicant, the applicant must provide the entity's Federal EIN and the location where the entity is incorporated, organized, or established. This additional information is intended to ensure accurate identification of the entity, given that firms sometimes can have the same or similar names.

The sections in Form 7–R titled ''Disciplinary Information—Criminal Disclosures,'' ''Disciplinary Information—Regulatory Disclosures,'' and ''Disciplinary Information—Financial Disclosures'' contain a series of questions that inquire about the disciplinary history of the applicant. These questions are designed to identify and gather information that may reflect on the fitness of the applicant and whether the applicant may be subject to a statutory disqualification from registration.[11] To this end, in the section titled ''Disciplinary Information—Regulatory Disclosures,'' a new question was added to existing Question E. Among other things, Question E inquires whether the applicant violated, or aided and abetted the violation of, any investment-related statutes or regulations, a potential statutory basis for refusing or conditioning registration.[12] The new question directs the applicant to disclose whether it has ever been found to have ''failed to supervise another person's activities under any investment-related statute or regulation.'' [13] The new question is intended to ensure complete disclosure of conduct that may result in a refusal or limitation on registration.

Separately, NFA is simplifying the process by which it requests supplemental information and documentation regarding the applicant's criminal, regulatory, or financial disclosures. The prior version of Form 7–R requested that applicants provide a written explanation of the facts and circumstances regarding any such disclosures. Applicants were also separately requested to provide NFA with copies of pertinent documents associated with each disclosure. To consolidate and modernize this process, the revised Form 7–R allows applicants to complete a separate ''Disclosure Matter Page'' for each matter, instance,

[1] 17 CFR 3.10(a)(2), 3.11(a), and 3.12(c).

[2] 17 CFR 3.11(a); 3.12(c).

[3] Revision of Registration Forms and Amendment of Related Rules, 42 FR 23988 (May 11, 1977) (Form 7–R replaced Forms 1–R, 5–R and 6–R).

[4] NFA is currently the only registered futures association authorized by the Commission in accordance with section 17 of the Commodity Exchange Act.

[5] 7 U.S.C. 21(*o*) (2012).

[6] 17 CFR 3.2.

[7] *See, e.g.,* Introducing Brokers and Associated Persons of Introducing Brokers; Authorization of National Futures Association to Perform Commission Registration Functions, 48 FR 35158 (Aug. 3, 1983); Performance of Registration Functions by National Futures Association, 49 FR 39593 (Oct. 9, 1984) (futures commission merchants, commodity pool operators, commodity trading advisors, and associated persons thereof); Performance of Registration Functions by National Futures Association; Delegation of Authorities; Performance of Registration Functions by National Futures Association with Respect to Floor Traders and Floor Brokers, 58 FR 19657 (Apr. 15, 1993); and Performance of Registration Functions by National Futures Association with Respect to Swap Dealers and Major Swap Participants, 77 FR 2708 (Jan. 19, 2012).

[8] Registration of Intermediaries, 67 FR 38869 (June 6, 2002).

[9] Request from NFA to CFTC, dated March 23, 2018. This communication is on file with the Commission.

[10] This Notice describes the technical changes to Form 7–R. The Commission also is making a number of minor, non-substantive changes to Form 7–R that are not described herein.

[11] *See* 7 U.S.C. 12(a) and (3) (2012).

[12] 7 U.S.C. 12(a)(3).

[13] *See* 7 U.S.C. 12(a)(3)(C).

or event requiring disclosure and to simultaneously upload all pertinent documents associated with each disclosure. The Disclosure Matter Page provides applicants with an efficient and effective method of supplying the supplemental information and documentation that NFA requests in the normal course whenever an applicant responds affirmatively to any of the questions regarding criminal, regulatory or financial disclosures.

Lastly, questions that pertain only to NFA membership have been removed from the form. As noted above, in the past, Form 7–R functioned both as a registration form for the Commission and NFA, and as an application for NFA membership. To the extent that questions ask for information that is necessary for NFA membership but is not necessary for registration, those questions have been removed from the form and will appear in a separate application for NFA membership. Specifically, revised Form 7–R no longer contains: a series of questions that inquire whether the applicant will transact in retail off-exchange foreign currency, swap, futures, or options; a question that is directed to applicants that are registering in multiple capacities that asks them to select the capacity in which they intend to vote on NFA membership matters; the question that asks applicants that are applying to register as a futures commission merchant to indicate whether the applicant has ''applied for membership at any United States commodity exchange;'' a question that asks applicants that are applying for registration as a swap dealer or major swap participant to indicate whether the applicant is currently regulated by other U.S. regulators and to identify those regulators; and lastly, contact information for the applicant's Membership Contact, Accounting Contact, Assessment Fee Contact, Arbitration Contact, Compliance Contact, or Chief Compliance Officer Contact.

A revised version of Form 7–R that incorporates the changes discussed in this Notice, as well as other minor, non-substantive changes, is set forth in Appendix 2 to this Notice.

III. Related Matters

Paperwork Reduction Act

Recordkeeping or information collection requirements under the Paperwork Reduction Act (''PRA'') related to Form 7–R exist under current law. The titles for the existing information collections are ''Registration Under the Commodity Exchange Act,'' Office of Management and Budget (''OMB'') control number 3038–0023, and ''Registration of Swap Dealers and Major Swap Participants,'' OMB control number 3038–0072. The preliminary view of the Commission is that the revisions to Form 7–R may modify the existing recordkeeping or information collection requirements under the PRA. To ensure compliance with the PRA, the Commission, concurrently with this Notice, is publishing in the **Federal Register** a separate notice and request for comment on the amended PRA burden associated with the revised Form 7–R. The Commission also will submit to OMB an information collection request to amend the information collection, in accordance with 44 U.S.C. 3506(c)(2)(A) and 5 CFR 1320.8(d).

Issued in Washington, DC, on March 5, 2019, by the Commission.

Christopher Kirkpatrick,

Secretary of the Commission.

Appendices to Notice of Revised Form—Commission Voting Summary and Revised Registration Form 7–R

Appendix 1—Commission Voting Summary

On this matter, Chairman Giancarlo and Commissioners Quintenz, Behnam, Stump, and Berkovitz voted in the affirmative. No Commissioner voted in the negative.

Appendix 2—Revised Registration Form 7–R

BILLING CODE 6351–01–P

Firm Application (Form 7-R)
OMB Control Numbers 3038-0023 and 3038-0072

COMMODITY FUTURES TRADING COMMISSION

Instructions for Completing the Firm Application

READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING OR REVIEWING THE APPLICATION. THE FAILURE TO ANSWER ALL QUESTIONS COMPLETELY AND ACCURATELY OR THE OMISSION OF REQUIRED INFORMATION MAY RESULT IN THE DENIAL OR REVOCATION OF REGISTRATION.

THE FAILURE TO DISCLOSE A DISCIPLINARY MATTER EITHER IN AN APPLICATION OR AN UPDATE WILL RESULT IN THE IMPOSITION OF A LATE DISCLOSURE FEE IN ACCORDANCE WITH NFA REGISTRATION RULE 210(C).

Not every section applies to every applicant. Certain sections apply depending on the registration category or categories being applied for. The text above these sections explains who must complete the section.

DEFINED TERMS

Words that are underlined in this form are defined terms and have the meanings contained in the Definition of Terms section or links to the text of Commodity Exchange Act provisions, CFTC Regulations or NFA Rules.

GENERAL

Read the Instructions and Questions Carefully

A question that is answered incorrectly because it was misread or misinterpreted can result in severe consequences, including denial or revocation of registration. Although this applies to all questions in the application, it is particularly important to the questions in the Disciplinary Information Section.

Rely Only on Advice from NFA Staff

A question that is answered incorrectly because of advice received from a lawyer, employer, a judge or anyone else (other than a member of NFA's Registration Investigations or Legal (RIL) staff) can

result in severe consequences, including denial or revocation of registration. This also applies to all questions in the form, but is particularly important regarding the Disciplinary Information Section. If the language of a question in the Disciplinary Information Section requires disclosure of a matter, a "Yes" answer to the question is required no matter what other advice has been received from anyone other than NFA's RIL staff. Additionally, the applicant or registrant remains responsible for failures to disclose even if someone completes the form on the applicant's or registrant's behalf.

Update the Information on the Application

If information provided on the application changes or a matter that would have required disclosure on the application occurs after the application is filed, the new information must be promptly filed. APs and Principals should advise their Sponsors of the new information, and the Sponsor must file the update on their behalf. The failure to promptly update information can result in severe consequences, including denial or revocation of registration.

Compliance with Disclosure Requirements of Another Regulatory Body is not Sufficient

With some exceptions, which are described below in the Regulatory and Financial Disclosures sections, if any question requires the provision of information, that information must be provided. In particular, if a question in the Disciplinary Information Section requires disclosure of a matter, the question must be answered "Yes" and additional documents must be provided even if the matter has been disclosed to another regulatory body such as FINRA, an exchange or a state regulator. Similarly, disclosure is required even if another regulatory body does NOT require disclosure of the same matter.

Call NFA with Questions

If there is any question about whether particular information must be provided, whether a particular matter must be disclosed or whether a particular question requires a "Yes" answer, call the NFA Information Center at (800) 621-3570 or (312) 781-1410. Representatives are available from 8:00 a.m. to 5:00 p.m., Central Time, Monday through Friday. If the advice of NFA staff is sought, a written record containing the date of the conversation, the name of the NFA staff person giving the advice and a description of the advice should be made during the conversation and kept in the event an issue concerning disclosure of the matter arises later.

DISCIPLINARY INFORMATION SECTION

Criminal Disclosures

Some common mistakes in answering the criminal disclosure questions involve expungements, diversion programs and similar processes. The Commodity Futures Trading Commission requires a "Yes" answer even if the matter has been expunged or the records sealed, there was no adjudication

or finding of guilt, the guilty plea was vacated or set aside or the matter was dismissed upon completion of the diversion program.

Another common error regarding criminal matters concerns matters that do not involve the derivatives industry. All criminal matters must be disclosed, even if a matter is unrelated to the derivatives industry, unless the case was decided in a juvenile court or under a Youth Offender law.

Regulatory Disclosures

Regulatory actions taken by the Commodity Futures Trading Commission, NFA or U.S. futures exchanges do not need to be disclosed since NFA is already aware of them once they are entered into NFA's BASIC system.

Financial Disclosures

It is not necessary to disclose arbitration awards or CFTC reparations matters unless the applicant or registrant has failed to pay an award related to a CFTC-related product or an order entered in a reparations matter.

Only adversary actions that a U.S. bankruptcy trustee files must be disclosed. Adversary actions that creditors file are not disclosable. A person named as a party to an adversary action in a bankruptcy proceeding must disclose the action, even if the person is not the bankrupt person.

ADDITIONAL DOCUMENTS

For each matter that caused a "Yes" answer, a Disclosure Matter Page (DMP), which is accessible using NFA's DMP Filing System, must be filed. In addition to the required DMP, other documents about the matter must be provided to NFA. If court documents are unavailable, a certified letter from the court verifying that must be sent to NFA. If documents other than court documents are unavailable, a written explanation for their unavailability must be provided. Electronic copies of the documents can be uploaded using NFA's DMP Filing System or documents may be sent to NFA by email to registration@nfa.futures.org, fax to (312) 559-3411 or mail to NFA Registration Department, 300 S. Riverside Plaza, Suite 1800, Chicago, IL 60606.

Providing all documents to NFA is important. Failure to do so will delay the registration process and may result in a denial of the application.

DEFINITION OF TERMS (The following terms are defined solely for the purpose of using NFA's Online Registration System.)

10% OR MORE INTEREST: direct or indirect ownership of 10% or more of an entity's stock; entitlement to vote or empowered to sell 10% or more of an entity's voting securities; contribution of 10% or more of an entity's capital; or entitlement to 10% or more of an entity's net profits.

ADJUDICATION: in a criminal case, a determination by the court that the defendant is guilty or not guilty.

ADVERSARY ACTION: a lawsuit arising in or related to a bankruptcy case commenced by a creditor or bankruptcy trustee by filing a complaint with the bankruptcy court.

ALIAS: another name utilized by an individual or previously used by an entity.

CHARGE: a formal complaint, information, indictment or equivalent instrument containing an accusation of a crime.

DBA: abbreviation for Doing Business As. The firm is doing its futures, retail off-exchange forex or swaps business by this name.

ENJOINED: subject to an injunction.

ENTITY: any person other than an individual.

FELONY: any crime classified as a felony and for states and countries that do not differentiate between a felony or misdemeanor, an offense that could result in imprisonment for any period of more than one year. The term also includes a general court martial.

FINANCIAL SERVICES INDUSTRY: the commodities, securities, accounting, banking, finance, insurance, law or real estate industries.

FOUND: subject to a determination that conduct or a rule violation has occurred. The term applies to dispositions of any type, including but not limited to consent decrees or settlements in which the findings are neither admitted nor denied or in which the findings are for settlement or record purposes only.

INTERNAL REVENUE CODE:

Section 7203:	Willful Failure to File Return, Supply Information or Pay Tax
Section 7204:	Fraudulent Statement or Failure to Make Statement
Section 7205:	Fraudulent Withholding Exemption Certificate or Failure to Supply Information
Section 7207:	Fraudulent Returns, Statements or Other Documents

INVESTMENT RELATED STATUTES:

- The Commodity Exchange Act
- The Securities Act of 1933
- The Securities Exchange Act of 1934
- The Public Utility Holding Company Act of 1935
- The Trust Indenture Act of 1939
- The Investment Advisers Act of 1940
- The Investment Company Act of 1940
- The Securities Investors Protection Act of 1970
- The Foreign Corrupt Practices Act of 1977
- Chapter 96 of Title 18 of the United States Code
- Any similar statute of a State or foreign jurisdiction
- Any rule, regulation or order under any such statutes; and
- The rules of the Municipal Securities Rulemaking Board

MISDEMEANOR: any crime classified as a misdemeanor and for states and countries that do not differentiate between a felony or misdemeanor, an offense that could result in imprisonment for any period of at least six days but not more than one year. By way of example, an offense for which the

maximum period of imprisonment is 60 days would be considered a misdemeanor. The term also includes a special court martial.

OTHER NAME: For firms, including sole proprietors, any other name that the firm uses or has used in the past but not the name of any other legal entity that the firm has an affiliation or association with (see DBA). **For individuals**, this is any name the person is or has been known by. For example, a maiden name, an alias name that you use or are known by, or a previous name if you have changed your legal name.

PERSON: an individual, association, partnership, corporation, limited liability company, limited liability partnership, trust, or other form of business organization.

PRINCIPAL: means, with respect to an applicant, a registrant, or a person required to be registered under the Act:

(1) an individual who is:

• a sole proprietor of a sole proprietorship;

• a general partner of a partnership;

• a director, president, chief executive officer, chief operating officer, chief financial officer or a person in charge of a business unit, division or function subject to regulation by the Commission of a corporation, limited liability company or limited liability partnership;

• a manager, managing member or a member vested with the management authority for a limited liability company or limited liability partnership; or

• a chief compliance officer; or

(2) an individual who directly or indirectly, through agreement, holding companies, nominees, trusts or otherwise:

- is the owner of 10% or more of the outstanding shares of any class of an applicant or registrant's equity securities, other than non-voting securities;

- is entitled to vote 10% or more of the outstanding shares of any class of an applicant or registrant's equity securities, other than non-voting securities;

- has the power to sell or direct the sale of 10% or more of the outstanding shares of any class of an applicant or registrant's equity securities, other than non-voting securities;

- is entitled to receive 10% or more of an applicant or registrant's net profits; or

- has the power to exercise a controlling influence over an applicant or registrant's activities that are subject to regulation by the Commission; or

(3) an entity that:

- is a general partner of a partnership; or

- is the direct owner of 10% or more of the outstanding shares of any class of an applicant or registrant's equity securities, other than non-voting securities; or

(4) an individual who or an entity that:

- has contributed 10% or more of an applicant or registrant's capital unless such capital contribution consists of subordinated debt contributed by:

□□an unaffiliated bank insured by the Federal Deposit Insurance Corporation;

□□ an unaffiliated "foreign bank," as defined in 12 CFR 211.21(n) that currently operates an "office of a foreign bank," as defined in 12 CFR 211.21(t), which is licensed under 12 CFR 211.24(a);

□□such office of an unaffiliated, licensed foreign bank; or

□□an insurance company subject to regulation by any State,

provided such debt is not guaranteed by an individual who or entity that is not a principal of the applicant or registrant.

SELF-REGULATORY ORGANIZATION (SRO): a private, non-governmental organization authorized to set and enforce standards of conduct for an industry. NFA, FINRA (formerly known as NASD) and the securities and futures exchanges in the U.S. are examples of domestic SROs.

UNITED STATES CRIMINAL CODE:

Section 152: Concealment of assets, making false claims or bribery in connection with a bankruptcy
Section 1341,
1342 or 1343: Mail fraud
Chapter 25: Counterfeiting and forgery
Chapter 47: Fraud or false statements in a matter within the jurisdiction of a United States department or agency
Chapter 95 or 96: Racketeering and Racketeering Influence

Principals

Firms must file electronic applications for each individual who is a principal of the firm, including the sole proprietor of a sole proprietorship. A firm must have at least one individual principal affiliated with it in order to obtain registration. NFA Members that are registered or applying for registration as an FCM, RFED, IB, CPO and/or CTA must have at least one individual principal who is also registered as an AP of the firm or a floor broker.

Additional Assistance

Additional information regarding registration requirements and specific topics can be found on the Registration page of NFA's web site at www.nfa.futures.org. NFA's Information Center, (800-621-3570 or 312-781-1410), is also available to provide assistance. Its normal hours are Monday through Friday, from 8:00 AM to 5:00 PM CT.

NAME

Indicate the full legal name that appears on the firm's corporate filings or if Sole Proprietor, indicate the full legal name of the individual who is the Sole Proprietor. The name should not be a "doing business as" name the Firm or Sole Proprietor may be doing business under. Do not use nicknames or abbreviations. For example, if the individual's first name is Charles, enter Charles, not Chuck.

Firm Name*

or

First & Middle* Last (Surname)*

Suffix

NFA ID#*

CATEGORIES

Check category(ies).*

NFA Member	Commodity Trading Advisor	Swap Dealer
Futures Commission Merchant	Commodity Pool Operator	Major Swap Participant
Introducing Broker	Retail Foreign Exchange Dealer	Floor Trader Firm

BUSINESS INFORMATION

Form of Organization*

Sole Proprietorship (Individual)	Limited Liability Company	US Federally Chartered Bank
Partnership	Limited Liability Partnership	Other
Corporation	Trust	

Where is the entity incorporated, organized or established? (Sole proprietors and US Federally Charter Banks do not answer this question.)*

State

Country

Federal EIN

Business Address

Enter Information. A sole proprietor may use a P.O. Box address if the business is located in the sole proprietor's residence and a complete residential address is provided on the individual application. For all others, a P.O. Box address is not acceptable.

Street Address1*

Street Address2

Street Address3

*Required to file application

City**
State* (US Only)
Province
Zip/Postal Code**
Country*
Phone Number*
Fax Number
E-Mail

Web Site/URL

CRD/IARD ID

Other Names

Enter any other name the firm uses or has used in the past. The name should not be the name of any other legal entity. For example, the name should not be the name of an affiliate, subsidiary or any other legal entity the firm may have an affiliation/association with.

Name	In Use	Not In Use
Name	In Use	Not In Use
Name	In Use	Not In Use
Name	In Use	Not In Use

LOCATION OF BUSINESS RECORDS

Enter the location of the firm's business records and those records required to be kept by regulation under the Commodity Exchange Act. A P.O. Box address is not acceptable. If the firm is a CTA, this address must be the same as the business address, unless the CFTC has granted an exemption to the firm. If the firm is a CPO, the firm can maintain its books and records at a location other than the business address, as long as the firm files a notice of exemption pursuant to CFTC Regulation 4.23(c).

Street Address1*
Street Address2
Street Address3
City**
State*(U.S. only)
Province
Zip/Postal Code**
Country*

*Required to file application
**Required to file application for United States address

Only non-U.S. applicants complete this section.
Enter the location in the U.S. where the firm's books and records will be produced for inspection by the CFTC and NFA.

Select one.

The office of NFA located in New York, NY
The office of NFA located in Chicago, IL
The following address (P.O. Box address is not acceptable):

Office of*
Street Address1*
Street Address2
Street Address3
City*
State*
Zip/Postal Code*
Country*

HOLDING COMPANY INFORMATION

Enter the full legal name, Federal EIN and location where incorporated, organized or established for any entity that is a principal of the firm. It is important that the full legal name of the entity is entered. NFA will assign an NFA ID number to the entity if one has not already been assigned. An incorrect name could cause a delay in the application process. If more space is needed, please add in another document and attach it to this document. If none, continue to the next section.

Full Name — 10% or More Interest: Yes No

Federal EIN — State — Country

Full Name — 10% or More Interest: Yes No

Federal EIN — State — Country

*Required to file application

BRANCH OFFICE INFORMATION

Swap Dealers, Major Swap Participants and Floor Trader Firms do not complete this section.

If the firm has more than one branch office, please add in another document and attach it to this document. If none, continue to the next section.

Branch ID
Street Address1*
Street Address2
Street Address3
City**
State* (US Only)
Province
Zip/Postal Code**
Country*
Phone Number
Fax Number
E-Mail

NON-U.S. REGULATOR INFORMATION

Enter the name and location of each non-U.S. financial services industry regulatory authority or self-regulatory organization that has regulated the firm during the past five (5) years. Do not enter NFA, FINRA or the name of any U.S. exchange.

List of Non-U.S. Regulators:

*Required to file application

**Required to file application for United States address

DISCIPLINARY INFORMATION - Criminal Disclosures

For additional assistance and information on completing this page, refer to the Instructions and Definition of Terms at the beginning of this document.

THE QUESTIONS ON THIS PAGE MUST BE ANSWERED "YES" EVEN IF:

- **ADJUDICATION OF GUILT WAS WITHHELD OR THERE WAS NO CONVICTION; OR**
- **THERE WAS A CONDITIONAL DISCHARGE OR POST-CONVICTION DISMISSAL AFTER SUCCESSFUL COMPLETION OF A SENTENCE; OR**
- **A STATE CERTIFICATE OF RELIEF FROM DISABILITIES OR SIMILAR DOCUMENT WAS ISSUED RELIEVING THE HOLDER OF FORFEITURES, DISABILITIES OR BARS RESULTING FROM A CONVICTION; OR**
- **THE RECORD WAS EXPUNGED OR SEALED; OR**
- **A PARDON WAS GRANTED.**

THE QUESTIONS MAY BE ANSWERED "NO" IF THE CASE WAS DECIDED IN A JUVENILE COURT OR UNDER A YOUTH OFFENDER LAW.

For each matter that requires a "Yes" answer to Questions A, B or C below, a Criminal Disclosure Matter Page (DMP) must be filed using NFA's DMP Filing System that requests:

- who was involved:
- when it occurred;
- what the allegations were;
- what the final determination was, if any; and
- the date of the determination.

In addition, documents must be provided for each matter requiring a "Yes" answer that show:

- the charges;
- the classification of the offense, i.e., felony or misdemeanor;
- the plea, sentencing and probation information, as applicable;
- the final disposition; and
- a summary of the circumstances surrounding the criminal matter.

The documents may be provided electronically using the upload function in the DMP Filing System or by sending them to NFA (See Instructions).

Answer the following questions.

A.* Has the firm ever pled guilty or nolo contendere ("no contest") to or been convicted or found guilty of any felony in any U.S., non-U.S. or military court?

Yes No

B.* Has the firm ever pled guilty to or been convicted or found guilty of any misdemeanor in any U.S., non-U.S. or military court which involves:

• embezzlement, theft, extortion, fraud, fraudulent conversion, forgery, counterfeiting, false pretenses, bribery, gambling, racketeering or misappropriation of funds, securities or property; or

• violation of sections 7203, 7204, 7205 or 7207 of the Internal Revenue Code of 1986; or

• violation of sections 152, 1341, 1342, or 1343 or chapters 25, 47, 95 or 96 of the U.S. Criminal Code; or

• any transaction in or advice concerning futures, options, leverage transactions or securities?

Yes No

C.* Is there a charge pending, the resolution of which could result in a "Yes" answer to the above questions?

Yes No

Applicants with all "No" answers above answer this question.
Even though you answered "No" to all of the above questions, would you like provide a Criminal DMP?*

Yes No

Applicants with "Yes" answers above answer this question
Will you be filing a Criminal DMP with respect to a new matter?*

Yes No

*Required to file application

DISCIPLINARY INFORMATION - Regulatory Disclosures
For additional assistance and information on completing this page, refer to the Instructions and Definition of Terms at the beginning of this document.

For each matter that requires a "Yes" answer to Questions D, E, F, G, H or I below, a Regulatory DMP must be filed using NFA's DMP Filing System that requests:

- who was involved:
- when it occurred;
- what the allegations were;
- what the final determination was, if any;
- the date of the determination; and
- a summary of the circumstances surrounding the regulatory matter.

In addition, documents must be provided for each matter requiring a "Yes" answer that show:

- the allegations; and
- the final disposition.

The documents may be provided electronically using the upload function in the DMP Filing System or by sending them to NFA (See Instructions).

Answer the following questions.

D.* In any case brought by a U.S. or non-U.S. governmental body (other than the CFTC), has a court ever permanently or temporarily enjoined the firm after a hearing or default or as the result of a settlement, consent decree or other agreement, from engaging in or continuing any activity involving:

• any transaction in or advice concerning futures, options, leverage transactions or securities; or

• embezzlement, theft, extortion, fraud, fraudulent conversion, forgery, counterfeiting, false pretenses, bribery, gambling, racketeering or misappropriation of funds, securities or property?

Yes No

E.* In any case brought by a U.S. or non-U.S. governmental body (other than the CFTC), has the firm ever been found, after a hearing or default or as the result of a settlement, consent decree or other agreement, to:

• have violated any provision of any investment-related statute or regulation thereunder; or

• have violated any statute, rule, regulation or order which involves embezzlement, theft, extortion, fraud, fraudulent conversion, forgery, counterfeiting, false pretenses, bribery, gambling, racketeering or misappropriation of funds, securities or property; or

• have willfully aided, abetted, counseled, commanded, induced or procured such violation by any other person; or

- have failed to supervise another person's activities under any investment-related statute or regulation thereunder?

Yes No

F.* Has the firm ever been debarred by any agency of the U.S. from contracting with the U.S.?

Yes No

G.* Has the firm ever been the subject of any order issued by or a party to any agreement with a U.S. or non-U.S. regulatory authority (other than the CFTC), including but not limited to a licensing

authority, or self-regulatory organization (other than NFA or a U.S. futures exchange) that prevented or restricted the firm's ability to engage in any business in the financial services industry?

Yes No

H.* Are any of the orders or other agreements described in Question G currently in effect against the firm?

Yes No

I.* Is the firm a party to any action, the resolution of which could result in a "Yes" answer to the above questions?

Yes No

Applicants with all "No" answers above answer this question.
Even though you answered "No" to all of the above questions, would you like to provide a Regulatory DMP?*

Yes No

Applicants with "Yes" answers above answer this question
Will you be filing a Regulatory DMP with respect to a new matter?*

Yes No

*Required to file application

DISCIPLINARY INFORMATION - Financial Disclosures
For additional assistance and information on completing this page, refer to the Instructions and Definition of Terms at the beginning of this document.

For each matter that requires a "Yes" answer to Question J below, a Financial DMP must be filed using NFA's DMP Filing System that requests:

- who was involved;
- when it occurred;
- what the allegations were;
- what the final determination was, if any;
- the date of the determination; and
- a summary of the circumstances surrounding the financial matter.

In addition, documents must be provided for each matter requiring a "Yes" answer that show:

- the allegations; and
- the final disposition.

The documents may be provided electronically using the upload function in the DMP Filing System or by sending them to NFA (See Instructions).

Answer the following question.

J.* Has the firm ever been the subject of an adversary action brought by a U.S. bankruptcy trustee?

Yes No

Applicants with a "No" answer above answer this question.
Even though you answered "No" to the question above, would you like to provide a Financial DMP?*

Yes No

Applicants with a "Yes" answer above answer this question
Will you be filing a Financial DMP with respect to a new matter?*

Yes No

CONTACT INFORMATION
Enter the individual to whom all registration inquiries are to be directed.

Registration Contact

First Name*
Last Name*
Title
Street Address1*
Street Address2
Street Address3
City**
State* (US Only)
Province
Zip/Postal Code**
Country*
Phone Number*
Fax Number
E-Mail*

*Required to file application

**Required to file application for United States address

Enter the individual to whom all enforcement and compliance communications and inquiries from the CFTC are to be directed. NFA may also send communications to this individual. Firms may list multiple enforcement/compliance contacts. If the firm would like to list more than one individual, please add in another document and attach it to this document.

Enforcement/Compliance Contact

First Name*
Last Name*
Title
Street Address1*
Street Address2
Street Address3
City**
State* (US Only)
Province
Zip/Postal Code**
Country*
Phone Number*
Fax Number
E-Mail*
Confirm E-Mail*

*Required to file application
**Required to file application for United States address

PAPERWORK REDUCTION ACT NOTICE

OMB Numbers 3038-0023 and 3038-0072

You are not required to provide the information requested on a form subject to the Paperwork Reduction Act unless the form displays a valid OMB Control Number.

The time needed to complete and file Form 7-R, Form 7-W, Form 8-R and Form 8-T may vary depending upon individual circumstances. The estimated average times are:

Form 7-R

FCM	0.6 hours	IB	0.5 hours	Form 7-W	0.1 hours
SD	1.1 hours	CPO	0.5 hours	Form 8-R	1.0 hour
MSP	1.1 hours	CTA	0.5 hours	Form 8-T	0.2 hours
RFED	0.6 hours		FT	0.6 hours	

PRIVACY ACT NOTICE

The information in Forms 7-R, 7-W, 8-R and 8-T and on the fingerprint card is being collected pursuant to authority granted in Sections 2(c), 4f, 4k, 4n, 4s, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. §§ 2(c), 6f, 6k, 6n, 6s, 12a and 23. Under Section 2(c), it is unlawful for anyone to engage in off-exchange foreign currency futures transactions or off-exchange foreign currency leveraged, margined or financed transactions with persons who are not eligible contract participants without registration, or exemption from registration, as a retail foreign exchange dealer, futures commission merchant, introducing broker, commodity pool operator or commodity trading advisor, as appropriate. Under Section 4d of the Commodity Exchange Act, 7 U.S.C. §6d, it is unlawful for anyone to act as a futures commission merchant or introducing broker without being registered in that capacity under the Act. Under Section 4m of the Commodity Exchange Act, 7 U.S.C. §6m, it is unlawful for a commodity trading advisor or commodity pool operator to make use of the mails or any means or instrumentality of interstate commerce in connection with his business as a commodity trading advisor or commodity pool operator without being registered in the appropriate capacity under the Act, except that a commodity trading advisor who, during the course of the preceding 12 months, has not furnished commodity trading advice to more than 15 persons and does not hold himself out generally to the public as a commodity trading advisor, need not register. Under Section 4s of the Commodity Exchange Act, 7 U.S.C. §6s, it is unlawful for anyone to act as a swap dealer or major swap participant without being registered in that capacity under the Act. Under Section 19 of the Commodity Exchange Act, 7 U.S.C. §23, and Section 31.5 of the CFTC's regulations, it is unlawful for anyone to act as a leverage transaction merchant without being registered in that capacity under the Act.

The information requested in Form 7-R is designed to assist NFA and the CFTC, as appropriate, in determining whether the application for registration should be granted or denied and to maintain the accuracy of registration files. The information in Form 7-W is designed to assist NFA and the CFTC in determining whether it would be contrary to the requirements of the Commodity Exchange Act, or any rule, regulation or order thereunder, or the public interest to permit withdrawal from registration.

The information requested in Form 8-R and on the fingerprint card will be used by the CFTC or NFA, as appropriate, as a basis for conducting an inquiry into the individual's fitness to be an associated person, floor broker or floor trader or to be a principal of a futures commission merchant, swap dealer, major swap participant, retail foreign exchange dealer, introducing broker, commodity trading advisor, commodity pool operator, leverage transaction merchant or non-natural person floor trader. Portions of the information requested in Form 8-R will be used by the CFTC and, in appropriate cases, by NFA, to confirm the registration of certain associated persons. The information requested in Form 8-T will be used by the CFTC, and, in appropriate cases, by NFA, to record the registration status of the individual and, in appropriate cases, as a basis for further inquiry into the individual's fitness to remain in business subject to the CFTC's jurisdiction.

With the exception of the social security number and Federal employer identification number, all information in Forms 8-R and 8-T must be furnished. Disclosure of the social security number and Federal employer identification number is voluntary. The social security number and the Federal employer identification number are sought pursuant to the Debt Collection Improvement Act of 1996, which allows the CFTC to use the social security number or taxpayer identifying number furnished to the CFTC as part of the registration process for purposes of collecting and reporting on any debt owed to the U.S. Government, including civil monetary penalties. Although voluntary, the furnishing of a social security number or Federal employer identification number assists the CFTC and NFA in identifying individuals and firms, and therefore expedites the processing of those forms.

The failure by an applicant, registrant or principal to timely file a properly completed Form 7-R and all other related required filings may result in the denial of an application for registration or withdrawal thereof or, in the case of an annual records maintenance fee, treating the registrant as having petitioned for withdrawal. Failure by an applicant, registrant or principal to timely file or cause to be filed a properly completed Form 8-R or 8-T, any other required related filings, or a fingerprint card may result in the lapse, denial, suspension or revocation of registration, withdrawal of the application or other enforcement or disciplinary action by the CFTC or NFA.

NFA makes available to the public on NFA website(s), including the Background Affiliation Status Information Center (BASIC), firm directories, business addresses, telephone numbers, registration categories, effective dates of registration, registration status, and disciplinary action taken concerning futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors, swap dealers, major swap participants and retail foreign exchange dealers and their associated persons and principals; non-natural person floor traders and their principals; and floor trader order enterers.

Additional information on Forms 7-R, 7-W, 8-R and 8-T is publicly available, and may be accessed by contacting the National Futures Association, Registration Department, Suite 1800, 300 S. Riverside Plaza, Chicago, IL 60606-6615, except for the following information, which is generally not available for public release unless required under the Freedom of Information Act (FOIA) :

the fingerprint card, including its demographic information;
social security number;
date of birth;
location of birth;
current residential address; and
any supplementary information filed in response to the Form 8-R "Personal Information," "Disciplinary Information," "Matter Information," or "Disclosure Matter" sections, Form 8-T "Withdrawal Reasons," "Disciplinary Information," or "Matter Information" sections, and Form 7-W, "Additional Customer Information" sections.

The CFTC, or NFA acting in accordance with rules approved by the CFTC, may disclose to third parties any information provided on Forms 7-R, 7-W, 8-R and 8-T pursuant to the Commodity Exchange Act, 7 U.S.C. § 1 et. seq., Privacy Act of 1974, 5 U.S.C. § 552a (Privacy Act), and the Commission's Privacy Act routine uses published in the Federal Register, which may include, but is not limited to, disclosure to Federal, state, local, or foreign law enforcement or regulatory authorities acting within the scope of their jurisdiction or for their use in meeting responsibilities assigned to them by law. The information will be maintained and disclosures will be made in accordance with CFTC Privacy Act System of Records Notice CFTC-12, National Futures Association (NFA) Applications Suite System (Exempted), CFTC-10, Investigatory Records (Exempted), or another relevant System of Records Notice, available from the CFTC "Privacy Program" page, http://www.cftc.gov/Transparency/ PrivacyOffice.

If an individual believes that information on the forms is confidential, the individual may petition the CFTC, pursuant to 17 CFR 145.9, to treat such information as confidential in response to requests under FOIA. 5 U.S.C. §552. The filing of a petition for confidential treatment, however, does not guarantee that the information will be treated confidentially in response to a FOIA request. The CFTC will make no determination as to confidential treatment of information submitted unless and until the information is the subject of an FOIA request.

This notice is provided in accordance with the requirements of the Privacy Act, 5 U.S.C. §552a(e)(3), and summarizes some of an individual's rights under the Privacy Act, 5 U.S.C. §552a. Individuals desiring further information should consult the CFTC's regulations under the Privacy Act, 17 CFR Part 146, and under the Freedom of Information Act, 17 CFR Part 145, and the CFTC's published System of Records Notices, which describe the existence and character of each system of records maintained by the CFTC, available at the CFTC "Privacy Program" page.

Forms which have not been prepared and executed in compliance with applicable requirements may not be acceptable for filing. Acceptance of this form shall not constitute any finding that the information is true, current or complete. Misstatements or omissions of fact may constitute federal criminal violations [7 U.S.C. §13 and 18 U.S.C. §1001] or grounds for disqualification from registration.

APPLICANT AGREEMENT

The applicant certifies that:

the answers and the information provided in the Form 7-R are true, complete and accurate and that in light of the circumstances under which the applicant has given them, the answers and statements in the Form 7-R are not misleading in any material respect;

the person who electronically files the Form 7-R on behalf of the applicant is authorized by the applicant to file the Form 7-R and to make the certifications, requests, acknowledgements, authorizations and agreements contained in this agreement;

if the applicant is an applicant for registration as an SD or MSP, the applicant undertakes that, no later than ninety (90) days following the date this Form 7-R is filed, it will be and shall remain in compliance with the requirement of Section 4s(b)(6) of the Commodity Exchange Act, 7 U.S.C. §6s(b)(6), that, except to the extent otherwise specifically provided by rule, regulation or order, the applicant may not permit any person associated with it who is subject to a statutory disqualification to effect or be involved in effecting swaps on behalf of the applicant, if the applicant knows, or in the exercise of reasonable care should know, of the statutory disqualification. For the purpose of this certification, "statutory disqualification" refers to the matters addressed in Sections 8a(2) and 8a(3) of the Act and "person" means an "associated person of a swap dealer or major swap participant" as defined in Section 1a(4) of the Act and CFTC regulations thereunder; and

if the applicant is an applicant for exemption from registration as an IB, CPO or CTA pursuant to CFTC Regulation 30.5:

> the applicant does not act as an IB, CPO or CTA, respectively, in connection with trading on or subject to the rules of a designated contract market in the United States by, for or on behalf of any U.S. customer, client or pool;

the applicant irrevocably agrees to the jurisdiction of the Commission and state and federal courts located in the U.S. with respect to activities and transactions subject to Part 30 of the CFTC's regulations; and

the applicant would not be statutorily disqualified from registration under §8a(2) or §8a(3) of the Act and is not disqualified from registration pursuant to the laws or regulations of its home country.

The applicant acknowledges that:

the applicant is subject to the imposition of criminal penalties under Section 9(a) of the Commodity Exchange Act, 7 U.S.C. §13(a), and 18 U.S.C. §1001 for any false statements or omissions made in the Form 7-R;

the applicant is responsible at all times for maintaining the information in the Form 7-R in a complete, accurate and current manner by electronically filing updates to the information contained therein; and

the applicant may not act:

in the case of an FCM, RFED,CPO,CTA or FT until registration has been granted;

in the case of an IB, until registration or a temporary license has been granted; or

in the case of an SD or MSP, until registration or provisional registration has been granted; or

until confirmation of exemption from registration as an IB, CPO or CTA pursuant to CFTC Regulation 30.5 is granted.

The applicant authorizes that:

NFA may conduct an investigation to determine the applicant's fitness for registration or for confirmation of exemption from registration as an IB, CPO and CTA pursuant to CFTC Regulation 30.5; and

and request that any person, including but not limited to contract markets, or non-U.S. regulatory or law enforcement agencies, furnish upon request to NFA or any agent acting on behalf of NFA any information requested by NFA in connection with any investigation conducted by NFA to determine the applicant's fitness for registration or for confirmation of exemption from registration as an IB, CPO and CTA pursuant to CFTC Regulation 30.5;

The applicant agrees that:

the applicant will cooperate promptly and fully, consistent with applicable Federal law, in any investigation to determine the applicant's fitness for registration or for confirmation of exemption from registration as an IB, CPO and CTA pursuant to CFTC Regulation 30.5, which investigation may include contacting non-U.S. regulatory and law enforcement authorities, including the submission of documents and information to NFA that NFA, in its discretion, may require in connection with the applicant's application for registration or confirmation of exemption from registration as an IB, CPO and CTA pursuant to CFTC Regulation 30.5;

any person furnishing information to NFA or any agent acting on behalf of NFA in connection with the investigation so authorized is released from any and all liability of whatever nature by reason of furnishing such information to NFA or any agent acting on behalf of NFA; and

if the applicant is a non-U.S. applicant:

subject to any applicable blocking, privacy or secrecy laws, the applicant's books and records will be available for inspection by the CFTC, the U.S. Department of Justice ("DOJ") and NFA for purposes of determining compliance with the Act, CFTC Regulations and NFA Requirements;

subject to any applicable blocking, privacy or secrecy laws, such books and records will be produced on 72-hours notice at the location in the United States stated in the Form 7-R or, in the case of an IB, CPO or CTA confirmed as exempt from registration pursuant to CFTC Regulation 30.5, at the location specified by the CFTC or DOJ, provided, however, if the applicant is applying for registration as an FCM, SD, MSP or RFED, upon specific request, such books and records will be produced on 24-hours notice except for good cause shown; the applicant will immediately notify NFA of any changes to the location in the United States where such books and records will be produced;

except as the applicant has otherwise informed NFA or the CFTC in writing, the applicant is not subject to any blocking, privacy or secrecy laws which would interfere with or create an obstacle to full inspection of the applicant's books and records by the CFTC, DOJ and NFA;

subject to any applicable blocking, privacy or secrecy laws, the failure to provide the CFTC, DOJ or NFA with access to its books and records in accordance with this agreement may be grounds for enforcement and disciplinary sanctions, denial, suspension or revocation of registration, withdrawal of confirmation of exemption from registration as an IB, CPO or CTA pursuant to CFTC Regulation 30.5; and

subject to any applicable blocking, privacy or secrecy laws, the applicant for registration shall provide to NFA copies of any audit or disciplinary report related to the applicant for registration issued by any non-U.S. regulatory authority or non-U.S. self-regulatory organization and any required notice that the applicant for registration provides to any non-U.S. regulatory authority or non-U.S. self-regulatory organization and shall provide these copies both as part of this

application and thereafter immediately upon the applicant for registration's receipt of any such report or provision of any such notice.

AGREE

[FR Doc. 2019–04297 Filed 3–8–19; 8:45 am]
BILLING CODE 6351–01–C

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend and Revise Collections 3038–0023 and 3038–0072; Adoption of Revised Registration Form 7–R

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or the ''Commission'') is announcing an opportunity for public comment on the proposed extension and revision to the collection of certain information by the Commission. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **FEDERAL REGISTER** concerning each proposed collection of information and to allow 60 days for public comment. The Commission revised its Form 7–R, the application form that entities that engage in certain specified business activities in the derivatives markets regulated by the Commission must use to register with the Commission. This notice solicits comments on the PRA implications of the revisions to Form 7–R, including comments that address the burdens associated with the modified information collection requirements of the revised Form 7–R.

DATES: Comments must be submitted on or before May 10, 2019.

ADDRESSES: You may submit comments, identified by ''OMB control numbers 3038–0023 and 3038–0072; Adoption of Revised Registration Form 7–R,'' by any of the following methods:

- The Agency's website, via its Comments Online process at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Matthew Kulkin, Director, 202–418–5213, *mkulkin@cftc.gov;* or Christopher Cummings, Special Counsel, 202–418–5445, *ccummings@cftc.gov,* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* 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 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 before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed revision to the collections of information listed below. 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 number.

Titles: Registration Under the Commodity Exchange Act (OMB control number 3038–0023); Registration of Swap Dealers and Major Swap Participants (OMB control number 3038–0072). This is a request for extension and revision of these currently approved information collections.

Abstract: The Commission is revising its Form 7–R,[1] the application form that entities must use to register with the Commission as a commodity pool operator, commodity trading advisor, introducing broker, floor trader firm, retail foreign exchange dealer, futures commission merchant, leverage transaction merchant, swap dealer, or major swap participant. The collections of information related to Form 7–R were previously approved by OMB in accordance with the PRA and assigned OMB control numbers 3038–0023 and 3038–0072.

1. Form 7–R Revision

The revised Form 7–R contains several changes that, when considered together in aggregate, result in no net change to the existing information collection burden associated with Form 7–R. That burden varies by registration category and is currently 0.5 hour for futures commission merchants, 0.4 hour for introducing brokers, 0.4 hour for commodity pool operators, 0.4 hour for commodity trading advisors, 0.5 hour for floor trader firms, 0.5 hour for retail foreign exchange dealers, 1 hour for swap dealers, and 1 hour for major swap participants. Discussion of the noteworthy changes follows.

In the section titled ''Location of Business Records,'' Form 7–R no longer separately requests that non-U.S. applicants identify the non-U.S. address where their business records are located. Instead, both U.S. and non-U.S. applicants are required to comply only with the existing requirements of Form 7–R to identify the location of their business records, which remain unchanged, and, for non-U.S. applicants, to indicate that such records will be produced for inspection at NFA's offices, or at another physical location (not a post office box) within the U.S that the applicant identifies.

In the section titled ''Holding Company Information,'' the revised Form 7–R requests additional information about any entity that is a principal (as defined in Form 7–R) of the applicant. Form 7–R previously required applicants to identify by name any entity that was a principal of the applicant. The revised Form 7–R requires, for each entity that is identified as a principal of the applicant, then the applicant also must provide the entity's Federal EIN and the location where the entity is incorporated, organized, or established. This additional information is intended to ensure accurate identification of the entity, given that firms sometimes can have the same or similar names.

In the section titled ''Disciplinary Information—Regulatory Disclosures,'' a new question was added to existing Question E. The new question directs the applicant to disclose whether it has ever been found to have failed to supervise another person's activities under any investment-related statute or regulation. The new question is intended to ensure complete disclosure of conduct that may result in a refusal or limitation on registration.

Items that pertain only to NFA membership have been removed from the form. In the past, Form 7–R functioned as a registration form for the Commission and NFA, and as an application for NFA membership. To the extent that questions ask for information that is necessary for NFA

[1] *See, Adoption of Revised Registration Form 7–R,* published in the **FEDERAL REGISTER** concurrently with this Notice that contains the revised version of Form 7–R, incorporating the changes discussed in this notice.

membership but is not necessary for registration, those questions have been removed from the form and will appear in a separate application for NFA membership. Specifically, revised Form 7–R no longer contains: a series of questions that inquire whether the applicant will transact in retail off-exchange foreign currency, swap, futures, or options; a question that is directed to applicants that are registering in multiple capacities that asks them to select the capacity in which they intend to vote on NFA membership matters; a question that asks applicants that are applying to register as a futures commission merchant to indicate whether the applicant has applied for membership at any United States commodity exchange; a question that asks an applicant that is applying for registration as a swap dealer or major swap participant to indicate whether the applicant is currently regulated by other U.S. regulators and to identify those regulators; and lastly, contact information for the applicant's Membership Contact, Accounting Contact, Assessment Fee Contact, Arbitration Contact, Compliance Contact, or Chief Compliance Officer Contact.

Additionally, NFA is simplifying the process by which it requests supplemental information and documentation regarding the applicant's criminal, regulatory or financial disclosures. The prior version of Form 7–R requested that applicants provide a written explanation of the facts and circumstances regarding any such disclosures. Applicants were also separately requested to provide NFA with copies of pertinent documents associated with each disclosure. To consolidate and modernize this process, the revised Form 7–R allows applicants to complete electronically a separate ''Disclosure Matter Page'' for each matter, instance or event requiring disclosure and to simultaneously upload all pertinent documents associated with each disclosure. The Disclosure Matter Page provides applicants with an efficient and effective method of supplying the supplemental information and documentation that NFA requests in the normal course whenever an applicant responds affirmatively to any of the questions regarding criminal, regulatory or financial disclosures.

Lastly, revised Form 7–R contains several changes that do not alter the information collection burdens associated with Form 7–R. The revised Form 7–R incorporates new functionality throughout the form, consisting of hyperlinks to the text of the applicable provisions of the Commodity Exchange Act, Commission Regulations, and NFA Rules, whenever those authorities are referenced in the form. Additionally, revised Form 7–R incorporates certain clarifying language where appropriate. For example, the term ''futures'' has been replaced with the term ''derivatives'' in several locations to more accurately reflect the full scope of the Commission's jurisdiction. Similarly, the reference to a failure to pay an award issued in a futures-related arbitration was replaced with the phrase failure to pay an award related to a CFTC-related product. The revised Form 7–R contains other changes to the language, formatting and organization of Form 7–R, all of which—individually and collectively—do not alter the information collection burdens associated with Form 7–R. The only changes to Form 7–R that could affect the information collection burdens associated with the form are those discussed above.

2. Invitation to Comment

With respect to the information collections discussed above, the CFTC invites comments on:

- Whether the proposed revision to the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed revision to the collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the further use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* further enhancing electronic submission of responses.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in Regulation 145.9.[2]

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

Burden Statement: As explained above, the Commission believes that the revisions to Form 7–R will result in no net change to the information collection burdens associated with that Form under OMB control numbers 3038–0023 and 3038–0072.[3]

- The Commission estimates the burden of this collection of information under OMB control number 3038–0023 to be:

Respondents/Affected Entities: Users of Form 7–R that are futures commission merchants, retail foreign exchange dealers, introducing brokers, commodity trading advisors, commodity pool operators, floor trader firms, and leverage transaction merchants.

Estimated number of respondents: 78.055.

Estimated total annual burden on respondents: 7,735 hours.

Frequency of collection: Periodically. There are no capital costs or operating and maintenance costs associated with this collection.

- The Commission estimates the burden of this collection of information under OMB control number 3038–0072 to be:

Respondents/Affected Entities: Users of Form 7–R that are swap dealers and major swap participants. The following estimates are based on the average annual number of swap dealer and major swap participant Form 7–R filers for the past three years.

Estimated number of respondents: 772.

Estimated total annual burden on respondents: 672 hours.

Frequency of collection: Periodically. There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

[2] 17 CFR 145.9.

[3] The revisions to Form 7–R do not change the existing estimated number of respondents under OMB control numbers 3038–0023 and 3038–0072. This estimate includes the collection burdens associated with Forms 7–R, 7–W, 8–R and 8–T, based on the historical practice of the Commission of addressing the burden estimates in aggregate, rather than separately on a form-by-form basis, for all of the registration forms: Forms 7–R, 7–W, 8–R, and 8–W.

Dated: March 5, 2019.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2019–04296 Filed 3–8–19; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Termination of the Government-Industry Advisory Panel

AGENCY: Department of Defense.

ACTION: Termination of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is terminating the Government-Industry Advisory Panel (''the Panel''), effective March 4, 2019.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Panel is being terminated under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix) and 41 CFR 102–3.55, and the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), effective March 4, 2019.

Dated: March 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2019–04382 Filed 3–8–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2019–OS–0022]

Privacy Act of 1974; System of Records

AGENCY: Office of Secretary of Defense, DoD.

ACTION: Notice of a Modified System of Records Notice.

SUMMARY: The Department of Defense proposes to add a new routine use to facilitate a computer matching agreement which allows participating State Public Assistance Agencies to identify individuals receiving both federal compensation and pension benefits and public assistance benefits under federal programs administered by the states and to verify public assistance clients' income declarations. The system of records contains personnel, employment, and pay data on current and former military and civilian personnel and survivors and dependents of military personnel. System data is used to conduct computer matches with various agencies in accordance with the Computer Matching and Privacy Protection Act of 1988. This proposed routine use will enable the conducting of a match with state public assistance agencies to continue.

DATES: Comments will be accepted on or before April 10, 2019. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate of Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Luz D. Ortiz, Chief, Records, Privacy and Declassification Division (RPDD), 1155 Defense Pentagon, Washington, DC 20311–1155, or by phone at (571) 372–0478.

SUPPLEMENTARY INFORMATION: An additional routine use needs to be added to the system of records notice due to a change in the process of transferring data in the execution of the Computer Matching Agreement (CMA #86) also known as the PARIS Agreement. CMA #86 helps identify individuals receiving both federal compensation and pension benefits and public assistance benefits under federal programs administered by the states and to verify public assistance clients' income declarations. This agreement is in accordance with the amended section 1903(r) of the Social Security Act which requires states to maintain eligibility determination systems which provide data matching through the Public Assistance Reporting Information System (PARIS) or a successor system.

The Computer Matching Agreement is between DoD (recipient/matching agency), the Department of Health and Human Services (HHS—facilitating agency) and the state public assistance agencies (SPAAs—source agencies). HHS no longer facilitates the transfer of data; the data transfer is made directly from the SPAAs to DoD. For this reason, the routine use of sharing this information with the SPAAs must be added to the system of records notice.

Dated: March 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER

Defense Manpower Data Center Data Base, DMDC 01

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

SYSTEM MANAGER(S):

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955–6771.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

16. To State public assistance agencies to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the Public Assistance Reporting Information System (PARIS) for the purpose of determining continued eligibility and help eliminate fraud and abuse in benefit programs by identifying individuals who are receiving Federal compensation or pension payments and also are receiving payments pursuant to Federal benefit programs being administered by the States.

* * * * *

HISTORY:

November 23, 2011, 76 FR 72391; February 27, 2019, 84 FR 6383.

[FR Doc. 2019–04372 Filed 3–8–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2018–HA–0102]

Submission for OMB Review; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: 30-day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 10, 2019.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Mr. Josh Brammer, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Comparing Hospital Hand Hygiene in Liberia: Soap, Alcohol, and Hypochlorite; OMB Control Number 0720–XXXX.

Type of Request: New collection.

Affected Public: Individuals or households.

Phase 1 Interview:

Annual Burden Hours: 84.

Number of Respondents: 84.

Responses per Respondent: 1.

Annual Responses: 84.

Average Burden per Response: 1 hour.

Frequency: As required.

Phase 2 Interview:

Annual Burden Hours: 90.

Number of Respondents: 36.

Responses per Respondent: 2.5.[1]

Annual Responses: 90.

Average Burden per Response: 1 hour.

Frequency: As required.

Phase 3 Interview:

Annual Burden Hours: 36.

Number of Respondents: 36.

Responses per Respondent: 1.

Annual Responses: 36.

Average Burden per Response: 1 hour.

Frequency: As required.

Phase 4 Interview:

Annual Burden Hours: 48.

Number of Respondents: 48.

Responses per Respondent: 1.

Annual Responses: 48.

Average Burden per Response: 1 hour.

Frequency: As required.

Total Annual Burden Hours: 258.[2]

Total Number of Respondents: 84 total.

Total Average Burden per Response: 1 hour.

Total Annual Responses: 258.

Needs and Uses: This information collection is necessary to conduct research as part of a U.S.-Liberia collaboration funded by the U.S. Department of Defense Center for Global Health Engagement. The study objectives are to determine the most appropriate cleansing material (soap, alcohol, or hypochlorite/chlorine solution) for routine hand hygiene in Liberian healthcare facilities and to determine how best to implement hand hygiene programs in these facilities. Results of this study may inform Liberian Government strategies to expand and implement best hospital hand hygiene intervention(s) across the nation, and also help shape hand hygiene program implementation in the U.S. DoD global humanitarian assistance, disaster relief, and health system strengthening.

Affected Public: Individuals or households.

Frequency: As required.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Josh Brammer.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

[1] Respondents may complete a follow up to their original response during Phase 2, via a focus group.

[2] Some respondents are the same throughout the collection's phases.

Dated: March 6, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–04345 Filed 3–8–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS TRIPOLI (LHA 7)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of Issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS TRIPOLI (LHA 7). Due to the special construction and purpose of this vessel, the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the certain provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special functions as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective March 11, 2019 and is applicable beginning March 4, 2019.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Bradley L. Davis, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Maritime Law Division (Code 11), 1322 Patterson Ave SE, Suite 3000, Washington Navy Yard, DC 20374–5066, telephone number: 202–685–5040, or *admiralty@navy.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose. Executive Order 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the 72 COLREGS, as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate

Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, hereby finds and certifies that USS TRIPOLI (LHA 7) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Annex I, paragraph 3(a), pertaining to the location of the forward masthead light; Annex I, paragraph 3(a), pertaining to the horizontal separation of the forward and aft masthead lights; Rule 21(a), pertaining to the position of the masthead lights in relation to the centerline of the ship; Annex I, paragraph 2(g), pertaining to the position of the side lights; and Annex I, paragraph 3(b), pertaining to the location of the side lights in relation to the forward masthead light.

The DAJAG (Admiralty and Maritime Law) further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

Authority: 33 U.S.C. 1605(c), E.O. 11964.

Dated: March 5, 2019.

M.S. Werner,

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

[FR Doc. 2019–04351 Filed 3–8–19; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

[FE Docket No. 13–69–LNG; FE Docket No. 14–88–LNG; FE Docket No. 15–25–LNG]

Venture Global Calcasieu Pass, LLC; Opinion and Order Granting Long-Term Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Record of decision.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of a Record of Decision (ROD) published under the National Environmental Policy Act of 1969 (NEPA) and implementing regulations. As discussed, this ROD supports DOE/FE's decision in DOE/FE Order No. 4346, an opinion and order authorizing Venture Global Calcasieu Pass, LLC to export domestically produced liquefied natural gas to non-free trade agreement countries under section 3(a) of the Natural Gas Act (NGA).

FOR FURTHER INFORMATION CONTACT:

Amy Sweeney, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–2627, *Amy.Sweeney@hq.doe.gov*.

Cassandra Bernstein, U.S. Department of Energy (GC–76)m Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793, *Cassandra.Bernstein@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: On March 5, 2019, DOE/FE issued Order No. 4346 to Venture Global Calcasieu Pass, LLC (Calcasieu Pass) under NGA section 3(a), 15 U.S.C. 717b(a). This Order authorizes Calcasieu Pass to export domestically produced LNG to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries). Calcasieu Pass is authorized to export the LNG in a volume equivalent to 620 billion cubic feet (Bcf) per year of natural gas (1.7 Bcf/day) from the proposed Venture Global Calcasieu Pass Project (Project), to be located in Cameron Parish, Louisiana.

DOE/FE participated as a cooperating agency with the Federal Energy Regulatory Commission in preparing an environmental impact statement (EIS) analyzing the potential environmental impacts of the proposed Project that would be used to support the export authorization sought from DOE/FE. DOE adopted the EIS and prepared the ROD, which is attached as an appendix to the Order. The ROD can be found here: *https://energy.gov/fe/downloads/venture-global-calcasieu-pass-llc-calcasieu-pass*.

Signed in Washington, DC, on March 5, 2019.

Amy Sweeney,

Director, Division of Natural Gas Regulation, Office of Fossil Energy.

[FR Doc. 2019–04299 Filed 3–8–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–97–000]

Guthrie Natural Gas Utility; Notice of Application

Take notice that on February 21, 2019, Guthrie Natural Gas Utility (Guthrie), P.O. Box 632, Guthrie, Kentucky 42234, filed in Docket No. CP19–97–000 an application pursuant to section 7(f) of the Natural Gas Act (NGA) requesting a service area determination so that it may expand or enlarge its facilities with or without further Commission authorization. Guthrie is a public utility providing natural gas service to customers in Kentucky that is regulated by the Kentucky Public Service Commission. Guthrie is seeking a service area determination to operate approximately 25 feet of pipeline across the Kentucky/Tennessee border in order to interconnect with the City of Clarksville, Tennessee's Gas and Water Department pipeline facilities, through which Guthrie receives its natural gas supply. Guthrie states this interconnect is required to serve a new customer in Guthrie, Kentucky, and that Guthrie does not now or in the future intend to serve customers in Tennessee. Guthrie also requests that the Commission determine that Guthrie qualifies as a local distribution company for the purposes of transportation under section 311 of the Natural Gas Policy Act of 1978 and that it be granted waiver of all reporting and accounting requirements, as well as other rules and regulations that are normally applicable to natural gas companies subject to the Commission's jurisdiction, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Dwight Luton, Kentucky Energy Systems, LLC, P.O. Box 632, Guthrie, Kentucky 42234, by telephone at (931) 624–3677, or by email *dluton@d2energyllc.net;* or James Covington, Mayor of the City of Guthrie, Kentucky, 110 Kendall Street, Guthrie,

Kentucky 42234, by telephone at (270) 483–2511.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made in the proceeding with the Commission and must provide a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to show good cause why the time limitation should be waived, and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on March 20, 2019.

Dated: February 27, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04321 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC 61,167 at 50 (2018).

[2] 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–100–000]

Tennessee Gas Pipeline Company, LLC; Notice of Request Under Blanket Authorization

Take notice that on February 28, 2019, Tennessee Gas Pipeline Company, L.L.C. (Tennessee), 1001 Louisiana Street, Houston, Texas 77002, filed in the above referenced docket a prior notice request pursuant to sections 157.205 and 157.211(a)(2) of the Commission's regulations under the Natural Gas Act (NGA) and its blanket certificate issued in Docket No. CP82–413–000 for authorization to construct and operate a new delivery point to serve the Hanscom Air Force Base (Hanscom) in Middlesex County, Massachusetts. Tennessee has already installed a three-inch-diameter hot tap assembly pursuant to the authority granted in Docket No. CP14–483–000. Once Hanscom completes the associated meter station on its property, Tennessee proposes to install electronic gas measurement equipment, a flow computer, power communications equipment, and measurement appurtenances, all located at the meter station site. Tennessee states that the facilities will be able to delivery up to 9.5 million cubic feet of natural gas per day at an estimated cost of approximately $65,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed Ben J. Carranza, Director—Regulatory, Tennessee Gas Pipeline Company, L.L.C., 1001 Louisiana Street, Houston, Texas 77002, by telephone at (713) 420–5535, or by email at *ben_carranza@kindermorgan.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice

of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04331 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1179–000]

AES ES Gilbert, 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 Innovative AES ES Gilbert, 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 25, 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: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04314 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD19–8–000]

Notice of Workshop: America's Water Infrastructure Act of 2018

The Federal Energy Regulatory Commission (FERC or Commission) staff will hold a workshop on April 4, 2019, from 1:00 p.m. (EDT) to 4:45 p.m. (EDT) in the Commission Meeting Room at 888 First Street NE, Washington, DC 20426. The workshop will be open to the public, and all interested parties are invited to attend and participate. The workshop will be led by Commission staff, and may be attended by one or more Commissioners. The workshop will involve roundtable discussions by a number of panelists and moderated by Commission staff.

The purpose of the workshop is to explore potential opportunities for development of closed-loop pumped storage projects at abandoned mine sites in compliance with section 3004 of the America's Water Infrastructure Act of 2018. An agenda for the workshop is attached to this notice. There will be time for audience questions and comments following each agenda discussion topic.

A free webcast of this event will be available through *www.ferc.gov.* Anyone with internet access who wants to view this event can do so by navigating to the Calendar of Events at *www.ferc.gov* and locating this event in the Calendar. The Capitol Connection provides technical support for webcasts and offers the option of listening to the workshop via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call (703) 993–3100.

Those interested in attending the workshop or viewing the webcast are encouraged to register at *https://*

www.ferc.gov/whats-new/registration/04-04-19-form.asp.

Commission workshops are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov,* call (866) 208–3372 (toll free) or (202) 208–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For more information about this workshop, please contact: Monir Chowdhury (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6736, *monir.chowdhury@ferc.gov.*

Sarah McKinley (Logistical Information), Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Dated: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04325 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR19–18–000]

Notice of Request for Temporary Waiver: Sequitur Permian, LLC

Take notice that on February 15, 2019, Sequitur Permian, LLC (Sequitur Permian) filed a petition seeking a temporary waiver of the tariff filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act and parts 341 and 357 of the Commission's regulations. This request pertains to certain oil pipeline facilities and associated appurtenances to be operated by Sequitur Permian within the State of Texas, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on March 8, 2019.

Dated: February 27, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04326 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR19–44–000.
Applicants: Enable Oklahoma Intrastate Transmission, LLC.
Description: Tariff filing per 284.123(b),(e)+(g): Enable Revised Fuel Percentages April 1, 2019 through March 31, 2020 to be effective 4/1/2019.
Filed Date: 2/28/19.
Accession Number: 201902285128.
Comments Due: 5 p.m. ET 3/21/19.
284.123(g) Protests Due: 5 p.m. ET 4/29/19.

Docket Number: PR19–45–000.
Applicants: EnLink LIG, LLC.
Description: Tariff filing per 284.123(b)(2)+(g): Petition for Rate Approval and Amended Statement of Operating Conditions to be effective 3/1/2019.
Filed Date: 3/1/19.
Accession Number: 201903015283.
Comments Due: 5 p.m. ET 3/22/19.
284.123(g) Protests Due: 5 p.m. ET 4/30/19.

Docket Numbers: RP18–1126–002.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Compliance filing Compliance Filing to Update Suspended Tariff Records in Docket No. RP18–1126 to be effective 3/1/2019.
Filed Date: 2/28/19.
Accession Number: 20190228–5276.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: RP19–700–001.
Applicants: Natural Gas Pipeline Company of America.
Description: Tariff Amendment: Corrected Negotiated Rate Agreement Filing-Macquarie Energy LLC to be effective 4/1/2019.
Filed Date: 2/28/19.
Accession Number: 20190228–5203.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: RP19–746–001.
Applicants: Columbia Gas Transmission, LLC.
Description: Tariff Amendment: TCO Neg Rate and NC Agreement Clean-Up (Part 2) to be effective 4/1/2019.
Filed Date: 2/28/19.
Accession Number: 20190228–5250.
Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: RP19–757–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: § 4(d) Rate Filing: Fuel Filing on 3–1–19 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5006.
Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–758–000.
Applicants: Trunkline Gas Company, LLC.
Description: § 4(d) Rate Filing: Fuel Filing on 3–1–19 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5007.
Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–759–000.
Applicants: Southwest Gas Storage Company.
Description: § 4(d) Rate Filing: Fuel Filing on 3–1–19 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5008.
Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–760–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: § 4(d) Rate Filing: Fuel Filing on 3–1–19 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5009.
Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–761–000.
Applicants: Rover Pipeline LLC.

Description: § 4(d) Rate Filing: Fuel Filing on 3–1–19 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5010.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–762–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: EPCA 2019 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5011.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–763–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: TCRA 2019 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5012.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–764–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: RAM 2019 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5013.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–765–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: § 4(d) Rate Filing: Quarterly Fuel Adjustment Filing to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5014.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–766–000.
Applicants: ANR Pipeline Company.
Description: § 4(d) Rate Filing: ANR WISE NC and NR Agmts to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5015.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–767–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2019 Annual Fuel & Electric Power Reimbursement Adjustment to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5016.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–768–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (EM Energy OH 35451 to COMA 37838) to be effective 3/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5017.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–769–000.
Applicants: ANR Pipeline Company.
Description: § 4(d) Rate Filing: ANR WPS Non-Conforming Agmt to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5018.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–770–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Capacity Release Agreements—3/1/2019 to be effective 3/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5019.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–771–000.
Applicants: Dauphin Island Gathering Partners.
Description: § 4(d) Rate Filing: Storm Surcharge 2019 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5021.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–772–000.
Applicants: Crossroads Pipeline Company.
Description: § 4(d) Rate Filing: TRA 2019 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5023.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–773–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: § 4(d) Rate Filing: Fuel Filing—Eff. April 1, 2019 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5024.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–774–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2019 Negotiated Service Agreement—ONEOK to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5025.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–775–000.
Applicants: KPC Pipeline, LLC.
Description: § 4(d) Rate Filing: Fuel Reimbursement Adjustment to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5026.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–776–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: EPCR Semi-Annual Adjustment—Spring 2019 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5067.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–777–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2019 Daggett Surcharge to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5090.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–778–000.
Applicants: Central Kentucky Transmission Company.
Description: § 4(d) Rate Filing: RAM 2019 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5096.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–779–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Volume No. 2—Freepoint Commodities SP345229 & SP 345231 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5106.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–780–000.
Applicants: Midwestern Gas Transmission Company.
Description: § 4(d) Rate Filing: Annual Fuel Retention Percentage Adjustment—2019 Rate to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5125.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–781–000.
Applicants: Cimarron River Pipeline, LLC.
Description: § 4(d) Rate Filing: Fuel Tracker 2019—Summer Season Rates to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5120.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–782–000.
Applicants: Viking Gas Transmission Company.
Description: § 4(d) Rate Filing: Annual LMCRA—Spring 2019 to be effective 4/1/2019.
Filed Date: 3/1/19.
Accession Number: 20190301–5124.
Comments Due: 5 p.m. ET 3/13/19.
Docket Numbers: RP19–783–000.
Applicants: Cheniere Corpus Christi Pipeline L.P.
Description: Transportation Retainage Adjustment Informational Filing of Cheniere Corpus Christi Pipeline, L.P. under RP19–783.
Filed Date: 2/28/19.
Accession Number: 20190228–5334.
Comments Due: 5 p.m. ET 3/12/19.
Docket Numbers: RP19–784–000.
Applicants: Arlington Storage Company, LLC.
Description: § 4(d) Rate Filing: Arlington Storage Company, LLC—

Filing of Tariff Modifications to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5126.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–785–000.

Applicants: Viking Gas Transmission Company.

Description: § 4(d) Rate Filing: Semi-Annual Fuel and Losses Retention Adjustment—Summer 2019 Rate to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5132.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–786–000.

Applicants: Rockies Express Pipeline LLC.

Description: Annual Fuel and Lost & Unaccounted Reimbursement Percentages and Power Cost Charges of Rockies Express Pipeline LLC.

Filed Date: 2/28/19.

Accession Number: 20190228–5343.

Comments Due: 5 p.m. ET 3/12/19.

Docket Numbers: RP19–787–000.

Applicants: Columbia Gulf Transmission, LLC.

Description: § 4(d) Rate Filing: TRA 2019 to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5181.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–788–000.

Applicants: KO Transmission Company.

Description: § 4(d) Rate Filing: 2019 Transportation Retainage Adjustment Filing to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5199.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–789–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Yankee to Direct Energy 798806 eff 3–2–2019 to be effective 3/2/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5207.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–790–000.

Applicants: UGI Storage Company.

Description: § 4(d) Rate Filing: Modify Storage Withdrawal Ratchet Levels to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5231.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–791–000.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (Total 167–3) to be effective 3/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5244.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–792–000.

Applicants: Empire Pipeline, Inc.

Description: § 4(d) Rate Filing: GT&C 12.6 and Housekeeping Changes to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5264.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–793–000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Filing—March 2019—Continental 1011192 to be effective 3/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5265.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–794–000.

Applicants: Transwestern Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Housekeeping Filing on 3–1–19 to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5292.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–795–000.

Applicants: Transwestern Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Housekeeping Filing—Orig. Vol. 1–A filed 3–1–19 to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5295.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–796–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Non-Conforming—Atlantic Sunrise—Pacific Summit Energy to be effective 3/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5300.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–797–000.

Applicants: North Baja Pipeline, LLC.

Description: § 4(d) Rate Filing: Sempra Negotiated Rate Agreement to be effective 3/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5308.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–798–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Transco 2019 Annual Fuel Tracker to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5313.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–799–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Conoco Mar 2019) to be effective 3/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5328.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–800–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) Rate Filing: Annual Electric Power Tracker Filing Effective April 1, 2019 to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5352.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–801–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Fuel Tracker—2019 to be effective 4/1/2019.

Filed Date: 3/1/19.

Accession Number: 20190301–5353.

Comments Due: 5 p.m. ET 3/13/19.

Docket Numbers: RP19–802–000.

Applicants: UGI Mt. Bethel Pipeline Company, LLC.

Description: Annual Retainage Adjustment Filing of UGI Mt. Bethel Pipeline Company, LLC under RP19–802.

Filed Date: 3/1/19.

Accession Number: 20190301–5362.

Comments Due: 5 p.m. ET 3/13/19.

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 date(s). 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: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04330 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. PF17–10–000 and PF19–1–000]

Notice of Intent To Prepare an Environmental Assessment for the Planned FM100 Project and Leidy South Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Session: National Fuel Gas Supply Company and Transcontinental Gas Pipe Line Company, LLC

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the FM100 Project involving construction, operation, and abandonment of facilities by National Fuel Gas Supply Corporation (National Fuel) in Cameron, Clearfield, Clinton, Elk, McKean, and Potter Counties, Pennsylvania; and the Leidy South Project involving construction and operation of facilities by Transcontinental Gas Pipe Line Company, LLC (Transco), in Clinton, Columbia, Lycoming, Luzerne, Schuylkill, and Wyoming Counties, Pennsylvania. The Commission will use this EA in its decision-making process to determine whether the FM100 Project and Leidy South Project (collectively referred to as ''the projects'') are in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the projects. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on April 4, 2019.

You can make a difference by submitting your specific comments or concerns about the projects. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on these projects to the Commission before the opening of their respective dockets (*i.e.,* September 14, 2017, for the FM100 Project and November 5, 2018, for the Leidy South Project), you will need to file those comments in Docket Nos. PF17–10–000 for the FM100 Project or PF19–1–000 for the Leidy South Project to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for these projects. State and local government representatives should notify their constituents of these planned projects and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities, or to abandon existing facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the projects, that approval conveys with it the right of eminent domain. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

A fact sheet prepared by the FERC entitled An Interstate Natural Gas Facility On My Land? What Do I Need To Know? is available for viewing on the FERC website (*www.ferc.gov*) at *https://www.ferc.gov/resources/guides/gas/gas.pdf.* This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up go to *www.ferc.gov/docs-filing/esubscription.asp.*

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister.* You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the projects docket numbers (PF17–10–000 for the FM100 Project; PF19–1–000 for the Leidy South Project) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

(4) In lieu of sending written comments, the Commission invites you to attend one of the public scoping sessions its staff will conduct in the projects' area, scheduled as follows:

Date and time	Location
Monday, March 18, 2019, 5:00–7:30 p.m	Dallas Middle School, 2020 Conyngham Avenue, Dallas, PA 18612, 570–674–7222.
Tuesday, March 19, 2019, 5:00–7:30 p.m	Tri-Valley High School, 155 East Main Street, Heggins, PA 17938, 570–682–3125.

Date and time	Location
Wednesday, March 20, 2019, 5:00–7:30 p.m	Port Allegany High School, 20 Oak Street, Port Allegany, PA 16743, 814–642–2544.
Thursday, March 21, 2019, 5:00–7:30 p.m	Bucktail Area High School, 1300 Bucktail Avenue, Renovo, PA 17764, 570–923–1166.

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the EA. Individual verbal comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of verbal comments, in a convenient way during the timeframe allotted.

Each scoping session is scheduled from 5:00 p.m. to 7:30 p.m. eastern daylight time. You may arrive at any time after 5:00 p.m. There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival. Comments will be taken until 7:30 p.m. However, if no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 7:00 p.m. Please see appendix 1 for additional information on the session format and conduct.[1]

Your scoping comments will be recorded by a court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see the last page of this notice for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 3 minutes may be implemented for each commentor.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided verbally at a scoping session. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process. Representatives from Transco and National Fuel will also be present to answer project-specific questions.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

Summary of the Planned Projects

National Fuel and Transco are planning to construct and operate interdependent natural gas infrastructure projects. The FM100 Project would modernize a portion of National Fuel's existing pipeline system and create 330,000 Dth/day of incremental transportation capacity. This additional transportation capacity is fully subscribed to Transco under a proposed capacity lease which would provide gas supply from the Marcellus and Utica Shale production areas of Pennsylvania to Transco's Leidy South Project. The Leidy South Project would provide 582,400 Dth/d of incremental firm transportation capacity to Transco's River Road regulating station in Lancaster, Pennsylvania.

The FM100 Project would consist of the following facilities, all in Pennsylvania:

- Installation of 29.5 miles of new 20-inch-diameter pipeline (Line YM58) in McKean and Potter Counties;
- installation of approximately 1.4 miles of 24-inch-diameter pipeline loop [2] (YM224 Loop) in Potter County;
- installation of 0.4 mile of 12-inch-diameter pipeline (Line KL Extension) in McKean County;
- installation of the new Marvindale Compressor Station (up to 15,165 horsepower [hp]) in McKean County;
- installation of the new Tamarack Compressor Station (up to 22,220 hp) in Clinton County;
- abandonment in place of approximately 50.0 miles of 12-inch-diameter pipeline (Line FM100) and appurtenances in Clearfield, Elk, and Potter Counties;
- abandonment by removal of the existing Costello Compressor Station in Potter County;
- abandonment by removal of the existing Station WHP–MS–4317X in Potter County;
- installation of the Marvindale Interconnect in McKean County;
- installation of the Carpenter Hollow over-pressurization protection Station in Potter County; and
- installation of associated facilities such as mainline valves and other appurtenant facilities.

The Leidy South Project would consist of the following facilities, all in Pennsylvania:

- Installation of approximately 3.6 miles of 42-inch-diameter pipeline loop (Benton Loop) in Lycoming County;
- installation of approximately 2.5 miles of 36-inch-diameter pipeline loop (Hilltop Loop) in Clinton County;
- replacement of approximately 6.1 miles of existing 23.375-inch-diameter pipeline with 36-inch-diameter pipeline (Hensel Replacement) in Clinton County;
- installation of a new Compressor Station 607 (up to 46,930 hp) in Luzerne County;
- installation of a new Compressor Station 620 (up to 31,871 hp) in Schuylkill County;
- uprate of two electric motor-driven compressors (up to an additional 12,000 hp total) at the existing Compressor Station 605 in Wyoming County;
- installation of one new gas turbine driven compressor unit (up to 31,871 hp) and cooling unit, and the uprating and re-wheeling of two existing electric motor driven compressors (up to an additional 2,000 hp total) at the existing Compressor Station 610 in Columbia County; and
- installation of associated facilities such as mainline valves, communication facilities, and pig [3] launchers and receivers.

The general locations of the projects' facilities are shown in appendix 2.

Land Requirements for Construction

Construction of the planned FM100 Project facilities would disturb approximately 540.0 acres of land for the aboveground facilities, construction of the pipelines, and the abandonment of Line FM100 and aboveground facilities. Following construction, National Fuel would maintain approximately 300.0 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. The majority of the planned pipeline routes parallel existing pipeline, utility, or road rights-of-way.

Construction of the planned Leidy South Project facilities would disturb about 459.0 acres of land for construction of the aboveground and pipeline facilities. Following construction, Transco would maintain

[2] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[3] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

about 75.4 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. The majority of the planned pipeline routes parallel existing pipeline, utility, or road rights-of-way.

The EA Process

The EA will discuss impacts that could occur as a result of the construction and operation of the planned projects under these general headings:

- Geology and soils;
- water resources, fisheries, and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- socioeconomics;
- air quality and noise;
- public safety; and
- cumulative impacts.

Commission staff will also evaluate possible alternatives to the planned projects or portions of the projects, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal applications have been filed, Commission staff has already initiated a NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the Commission receives an application. As part of the pre-filing review, Commission staff will contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present Commission staff's independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary [4] and the Commission's website (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff has the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to these projects to formally cooperate in the preparation of the EA.[5] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers has expressed their intention to participate as a cooperating agency in the preparation of the EA to satisfy their NEPA responsibilities related to these projects.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the Pennsylvania State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the projects' potential effects on historic properties.[6] The EA for the planned projects will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

Commission staff has already identified several issues that deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Transco and National Fuel. This preliminary list of issues may change based on your comments and our analysis.

- Water resources and wetlands;
- construction in areas of steep slopes;
- forested land;
- residences;
- agricultural land;
- air quality;
- alternative new compressor station sites and configurations; and
- noise.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, who own homes within certain distances of aboveground facilities, or landowners who are affected by abandonments, and anyone who submits comments on the projects. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned projects.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (*www.ferc.gov*). If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached Mailing List Update Form (appendix 3).

Becoming an Intervenor

Once National Fuel and Transco file their applications with the Commission, you may want to become an intervenor, which is an official party to the Commission's proceeding. Only intervenors have the right to seek rehearing of the Commission's decision and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the projects, after which the Commission will issue a public notice that establishes an intervention deadline.

[4] For instructions on connecting to eLibrary, refer to the last page of this notice.

[5] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[6] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Additional Information

Additional information about the projects are available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search and enter the docket number(s) in the Docket Number field, excluding the last three digits (*i.e.,* PF17–10 for the FM100 Project; PF19–1 for the Leidy South Project). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04318 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2388–000]

Notice of Authorization for Continued Project Operation: City of Holyoke Gas and Electric Department

On August 31, 2016, City of Holyoke Gas and Electric Department, licensee for the Holyoke No. 3 Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Holyoke No. 3 Hydroelectric Project is located between the first and second canals adjacent to the Connecticut River, in the City of Holyoke in Hampton County, Massachusetts.

The license for Project No. 2388 was issued for a period ending February 20, 2019. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2388 is issued to the licensee for a period effective February 21, 2019 through February 20, 2020, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 20, 2020, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, City of Holyoke Gas and Electric Department, Inc., is authorized to continue operation of the Holyoke No. 3 Hydroelectric Project until such time as the Commission acts on its application for a subsequent license.

Dated: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04316 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2788–000]

Notice of Authorization for Continued Project Operation: Goodyear Lake Hydro, LLC

On February 27, 2017, Goodyear Lake Hydro, LLC, licensee for the Colliersville Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Colliersville Hydroelectric Project is located on the North Branch of the Susquehanna River, in the Town of Milford, Otsego County, New York.

The license for Project No. 2788 was issued for a period ending February 28, 2019. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2788 is issued to the licensee for a period effective March 1, 2019 through February 28, 2020, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 28, 2020, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Goodyear Lake Hydro, LLC., is authorized to continue operation of the Colliersville Hydroelectric Project until such time as the Commission acts on its application for a subsequent license.

Dated: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04317 Filed 3–8–19; 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 exempt wholesale generator filings:

Docket Numbers: EG19–64–000.

Applicants: Canal 3 Generating LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Canal 3 Generating LLC.

Filed Date: 3/5/19.

Accession Number: 20190305–5197.

Comments Due: 5 p.m. ET 3/26/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–2030–001.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Request for Deferral of Effective Date—Revisions to RNU Rounding Process to be effective N/A.

Filed Date: 3/5/19.

Accession Number: 20190305–5198.

Comments Due: 5 p.m. ET 3/26/19.

Docket Numbers: ER19–836–001.

Applicants: El Paso Electric Company.

Description: Tariff Amendment: Service Agreement No. 315, EDF PTP to be effective 5/18/2019.

Filed Date: 3/5/19.

Accession Number: 20190305–5133.

Comments Due: 5 p.m. ET 3/26/19.

Docket Numbers: ER19–1188–000.

Applicants: RC Cape May Holdings, LLC.

Description: Tariff Cancellation: Notice of Cancellation of Reliability Must-Run Agreement to be effective 5/1/2019.

Filed Date: 3/5/19.

Accession Number: 20190305–5129.

Comments Due: 5 p.m. ET 3/26/19.

Docket Numbers: ER19–1189–000.

Applicants: RC Cape May Holdings, LLC.

Description: Tariff Cancellation: RC Cape May Notice of Cancellation MBR Tariff to be effective 5/1/2019.

Filed Date: 3/5/19.

Accession Number: 20190305–5132.

Comments Due: 5 p.m. ET 3/26/19.

Docket Numbers: ER19–1190–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to 5 WMPAs; SA No. 3147, 3318, 3524, 4083, 3094 re: Marina to GRSP to be effective 10/11/2011.

Filed Date: 3/5/19.

Accession Number: 20190305–5153.

Comments Due: 5 p.m. ET 3/26/19.

Docket Numbers: ER19–1191–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: Brother Solar LGIA Filing to be effective 2/21/2019.

Filed Date: 3/5/19.

Accession Number: 20190305–5155.

Comments Due: 5 p.m. ET 3/26/19.

Docket Numbers: ER19–1193–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: Kruger Energy North Sumter Solar LGIA Filing to be effective 2/25/2019.

Filed Date: 3/5/19.

Accession Number: 20190305–5157.

Comments Due: 5 p.m. ET 3/26/19.

Docket Numbers: ER19–1194–000.

Applicants: Canal 3 Generating LLC.

Description: Baseline eTariff Filing: Baseline New to be effective 3/6/2019.

Filed Date: 3/5/19.

Accession Number: 20190305–5191.

Comments Due: 5 p.m. ET 3/26/19.

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: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04329 Filed 3–8–19; 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: EC19–65–000.

Applicants: Imperial Valley Solar, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Imperial Valley Solar, LLC.

Filed Date: 3/4/19.

Accession Number: 20190304–5169.

Comments Due: 5 p.m. ET 3/25/19.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG19–63–000.

Applicants: AES ES Gilbert, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of AES ES Gilbert, LLC.

Filed Date: 3/4/19.

Accession Number: 20190304–5207.

Comments Due: 5 p.m. ET 3/25/19.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1338–003.

Applicants: Southern Indiana Gas and Electric Company.

Description: Notice of Change in Status of Southern Indiana Gas and Electric Company.

Filed Date: 3/4/19.

Accession Number: 20190304–5198.

Comments Due: 5 p.m. ET 3/25/19.

Docket Numbers: ER10–1437–009.

Applicants: Tampa Electric Company.

Description: Notice of Change in Status of Tampa Electric Company.

Filed Date: 3/4/19.

Accession Number: 20190304–5203.

Comments Due: 5 p.m. ET 3/25/19.

Docket Numbers: ER10–2732–016; ER10–2733–016; ER10–2734–016; ER10–2736–016; ER10–2737–016; ER10–2741–016; ER10–2749–016; ER10–2752–016; ER12–2492–012; ER12–2493–012; ER12–2494–012; ER12–2495–012; ER12–2496–012; ER16–2455–006; ER16–2456–006; ER16–2457–006; ER16–2458–006; ER16–2459–006; ER18–1404–002.

Applicants: Emera Energy U.S. Subsidiary No. 1, Inc, Emera Energy U.S. Subsidiary No. 2, Inc., Emera Energy Services Subsidiary No. 1 LLC, Emera Energy Services Subsidiary No. 2 LLC, Emera Energy Services Subsidiary No. 3 LLC, Emera Energy Services

Subsidiary No. 4 LLC, Emera Energy Services Subsidiary No. 5 LLC, Emera Energy Services Subsidiary No. 6 LLC, Emera Energy Services Subsidiary No. 7 LLC, Emera Energy Services Subsidiary No. 8 LLC, Emera Energy Services Subsidiary No. 9 LLC, Emera Energy Services Subsidiary No. 10 LLC, Emera Energy Services Subsidiary No. 11 LLC, Emera Energy Services Subsidiary No. 12 LLC, Emera Energy Services Subsidiary No. 13 LLC, Emera Energy Services Subsidiary No. 14 LLC, Emera Energy Services Subsidiary No. 15 LLC, Emera Energy Services, Inc., NS Power Energy Marketing Inc.

Description: Notice of Change in Status of the Emera Entities under.

Filed Date: 3/4/19.

Accession Number: 20190304–5168.

Comments Due: 5 p.m. ET 3/25/19.

Docket Numbers: ER17–259–003.

Applicants: Darby Power, LLC.

Description: Report Filing: Darby Power, LLC—Reactive Refund Report to be effective N/A.

Filed Date: 3/4/19.

Accession Number: 20190304–5161.

Comments Due: 5 p.m. ET 3/25/19.

Docket Numbers: ER17–260–003.

Applicants: Gavin Power, LLC.

Description: Report Filing: Gavin Power, LLC—Reactive Refund Report to be effective N/A.

Filed Date: 3/4/19.

Accession Number: 20190304–5162.

Comments Due: 5 p.m. ET 3/25/19.

Docket Numbers: ER17–261–003.

Applicants: Lawrenceburg Power, LLC.

Description: Report Filing: Lawrenceburg Power, LLC—Reactive Refund Report to be effective N/A.

Filed Date: 3/4/19.

Accession Number: 20190304–5164.

Comments Due: 5 p.m. ET 3/25/19.

Docket Numbers: ER17–262–003.

Applicants: Waterford Power, LLC.

Description: Report Filing: Waterford Power, LLC—Reactive Refund Report to be effective N/A.

Filed Date: 3/4/19.

Accession Number: 20190304–5165.

Comments Due: 5 p.m. ET 3/25/19.

Docket Numbers: ER19–1183–000.

Applicants: Brickyard Hills Project, LLC.

Description: Baseline eTariff Filing: Brickyard Hills Initial Market-Based Rate Application Filing and Waiver Request to be effective 4/30/2019.

Filed Date: 3/4/19.

Accession Number: 20190304–5163.

Comments Due: 5 p.m. ET 3/25/19.

Docket Numbers: ER19–1184–000.

Applicants: Interstate Power and Light Company.

Description: Compliance filing: Market-Based Rate Tariff to be effective 2/5/2019.

Filed Date: 3/5/19.

Accession Number: 20190305–5034.

Comments Due: 5 p.m. ET 3/26/19.

Docket Numbers: ER19–1186–000.

Applicants: Wisconsin Power and Light Company.

Description: Compliance filing: Market-Based Rate Tariff to be effective 2/5/2019.

Filed Date: 3/5/19.

Accession Number: 20190305–5061.

Comments Due: 5 p.m. ET 3/26/19.

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: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04328 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Public Notice: Records Governing Off-the-Record Communications

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202)502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
CP18–46–000	2/21/19	Richland Township.

Docket No.	File date	Presenter or requester
P–1267–000	2/21/19	Robert H. Brewer.
P–2082–000	2/26/19	Ursula Bendix.
Exempt:		
P–2305–000	2/21/19	State Representative James White. Senator John Cornyn. Senator Ted Cruz. Congressman Brian Babin.
CP16–480–000	2/26/19	State Representative Alex Dominguez. Lieutenant Governor Dan Patrick.
CP18–102–000	2/28/19	FERC Staff.
CP18–103–000		

Dated: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04320 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD18–7–000]

Commission Information Collection Activities (Ferc–725r); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

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–725R (Mandatory Reliability Standards: BAL Reliability Standards) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. On October 9, 2018, the Commission published a Notice in the **Federal Register** in Docket No. RD18–7–000 requesting public comments. The Commission received no comments.

DATES: Comments on the collection of information are due April 10, 2019.

ADDRESSES: Comments filed with OMB, identified by OMB Control No. 1902–0268, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer.

A copy of the comments should also be sent to the Commission, in Docket No. RD18–7–000, 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–725R, Mandatory Reliability Standards: BAL Reliability Standards.

OMB Control No.: 1902–0268.

Type of Request: Revision to FERC–725R information collection requirements, as discussed in Docket No. RD18–7–000.

Abstract: On August 17, 2018, the North American Electric Reliability Corporation (NERC) filed a petition seeking approval of proposed Reliability Standard BAL–002–3 (Disturbance Control Standard—Contingency Reserve for Recovery from a Balancing Contingency Event) and the retirement of currently-effective Reliability Standard BAL–002–2. NERC submitted proposed Reliability Standard BAL–002–3 in response to the Commission's directive in Order No. 835 to develop modifications to Reliability Standard BAL–002–2, Requirement R1 to require balancing authorities or reserve sharing groups: (1) To notify the reliability coordinator of the conditions set forth in Requirement R1, Part 1.3.1 preventing it from complying with the 15-minute ACE recovery period; and (2) to provide the reliability coordinator with its ACE recovery plan, including a target recovery time.[1] The NERC petition states ''the proposed modifications to Reliability Standard BAL–002–3 also intend to clarify that communication with the reliability coordinator (RC) should proceed in accordance with Energy Emergency Alert procedures within the EOP Reliability Standards.[2] This communication is performed under the currently-effective Reliability Standard BAL–002–2 (as part of the operating procedures and processes). The communications (and related burden) are already covered under FERC–725R, and the additional information is de minimis. Therefore the Commission is not modifying the burden estimate for each response and is submitting this to OMB as a non-material or non-substantive change to a currently approved collection.

The Office of Electric Reliability approved the NERC proposal in a Delegated Order on September 25, 2018.

Type of Respondents: Balancing authorities and reserve sharing groups

Estimate of Annual Burden:[3] According to the NERC Compliance Registry as of 8/24/2018, there are 99 balancing authorities in the United States. The Commission bases individual burden estimates on the time needed for balancing authorities to develop tools needed to facilitate reporting that are required in the Reliability Standard. The communications (and related burden)

[1] Disturbance Control Standard—Contingency Reserve for Recovery from a Balancing Contigency Event Reliability Standard, Order No. 835, 158 FERC 61,030, at P 37 (2017).

[2] NERC Petition at 3.

[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 information collection burden, refer to 5 Code of Federal Regulations 1320.3.

are already covered under FERC–725R, so the Commission is not modifying the burden estimate for each response. However, to reflect normal fluctuations in industry, we are adjusting the number of respondents (to 99, rather than 105) for Reliability Standard BAL–002–3, as shown below.

FERC–725R, ESTIMATE FOR RELIABILITY STANDARD BAL–002–3, AS APPROVED IN DOCKET NO. RD18–7 [4] [5]

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per response ($) (4)	Total annual burden hours & total annual cost ($) (rounded) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
BA/RSG: [6] Develop and Maintain annually, Operating Process and Operating Plans.	99	1	99	8 [7] hrs.; $842.32	792 hrs.; $83,390	842.32
BA/RSG: Record Retention.	99	1	99	4 hrs.; $158.72	396 hrs.; $15,713	158.72
Total	.....	.....	198	.....	1,188 hrs.; $99,103.	

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; (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.

[4] Reliability Standard BAL–002–3 applies to balancing authorities and reserve sharing groups. However, the burden associated with the balancing authorities complying with Requirements R1and R3 is not included in this table because that burden doesn't change and the Commission already accounted for it under Commission-approved Reliability Standard BAL–002–1.

Other components of FERC–725R which are not affected by Docket No. RD18–7 are not addressed in the table.

[5] The estimated hourly cost (wages plus benefits) is based on Bureau of Labor Statistics (BLS) information (available at *http://www.bls.gov/oes/current/naics2_22.htm* and, for benefits, *https://www.bls.gov/news.release/ecec.nr0.htm*).

The hourly cost (wages plus benefits) for developing and maintaining operating process and plans is $105.29 and is an average for an electrical engineer (Occupation code 17–2071, $66.90/hour) and Legal (Occupation code 23–0000, $ $143.68).

The hourly cost (wages plus benefits) for record retention is $39.68 for information and record clerks (Occupation code 43–4199).

[6] BA = Balancing Authority; RSG = Reserve Sharing Group.

[7] This figure of 8 hours/response is an average of the hourly burden per response for Years 1–3. Year 1 burden: 12 hours per response; Years 2–3, each: 6 hours/response. The average annual burden for Years 1–3 is 8 hours/response (or [12 hours + 6 hours + 6 hours] ÷ 3).

Dated: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04319 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1183–000]

Brickyard Hills Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Brickyard Hills Project, 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 25, 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: March 5, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04315 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ19–4–000]

City of Riverside, California; Notice of Filing

Take notice that on December 10, 2018, the City of Riverside, California submitted its tariff filing: City of Riverside 2019 TRBAA & ETC Update to be effective 1/1/2019.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 11, 2019.

Dated: February 27, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04322 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2299–082; Project No. 14581–002]

Turlock Irrigation District; Modesto Irrigation District; Notice of Environmental Site Review

The Federal Energy Regulatory Commission and Turlock and Modesto Irrigation Districts will conduct an environmental site review of the Don Pedro and La Grange Projects. The projects are located on the Tuolumne River, in Stanislaus and Tuolumne Counties, California.

Date and Time: Wednesday, March 27, 2019, 10:00 a.m.–about 4 p.m. (PDT).

Location: Meet at Don Pedro Recreation Agency Parking Lot, 10200 Bonds Flat Road, La Grange, California 95329.

The site visit is open to the public and resource agencies.

If you plan to attend, please notify Jim Hastreiter, at (503) 552–2760 or *james.hastreiter@ferc.gov,* no later than March 20, 2019.

Dated: February 27, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–04327 Filed 3–8–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Fiscal Year 2019 Boulder Canyon Project base charge and rates for electric service.

SUMMARY: The Deputy Secretary of Energy approves, on a final basis, the Boulder Canyon Project (BCP) base charge and rates for Fiscal Year (FY) 2019 under Rate Schedule BCP–F10. Under Rate Schedule BCP–F10, the BCP base charge and rates are calculated annually.

DATES: The FY 2019 base charge and rates will be effective April 1, 2019 and will remain in effect through September 30, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald E. Moulton, Senior Vice President and Regional Manager, or Ms. Tina Ramsey, Rates Manager, Desert Southwest Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, (602) 605–2525, or *dswpwrmrk@wapa.gov.*

SUPPLEMENTARY INFORMATION: Hoover Dam, authorized by the Boulder Canyon Project Act of 1928, as amended (43 U.S.C. 617 *et seq.*), sits on the Colorado River along the Arizona-Nevada border. Hoover Dam's power plant has 19 generating units (two for plant use) and an installed capacity of 2,078.8 megawatts (4,800 kilowatts for plant use). In collaboration with the Bureau of Reclamation (Reclamation), the Western Area Power Administration (WAPA) markets and delivers hydropower from Hoover Dam's power plant through high-voltage transmission lines and substations to Arizona, Southern California, and Southern Nevada.

The rate-setting methodology for BCP calculates an annual base charge rather than a unit rate for Hoover Dam hydropower. The base charge recovers an annual revenue requirement that includes projected costs from investment repayment, interest, operations, maintenance and replacements, payments to States, and Hoover Dam visitor services. Non-power revenue projections such as water sales, Hoover Dam visitor services, ancillary services, and late fees help offset these projected costs. Customers are billed a percentage of the base charge in proportion to their Hoover power allocation. A unit rate is calculated for comparative purposes but is not used to determine charges for service.

On June 6, 2018, the Federal Energy Regulatory Commission (FERC) confirmed and approved Rate Schedule BCP–F10 for a five-year period ending September 30, 2022.[1] Rate Schedule BCP–F10 and the BCP Electric Service Agreement require WAPA to determine the annual base charge and rates for the next fiscal year before October 1 of each year. The FY 2018 BCP base charge and rates expired on September 30, 2018. Therefore, the Administrator of the WAPA approved rates for short-term sales of BCP electric service until the Deputy Secretary of Energy approved the final base charge and rates.

[1] Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF18–1–000, 163 FERC ¶ 62,154 (2018).

COMPARISON OF BASE CHARGE AND RATES

	FY 2018	FY 2019	Amount change	Percent change
Base Charge ($)	$76,910,193	$69,741,657	−$7,168,536	−9.3
Composite Rate (mills/kWh)	19.98	18.92	−1.06	−5.3
Energy Rate (mills/kWh)	9.99	9.46	−0.53	−5.3
Capacity Rate ($/kW-Mo)	$1.99	$1.88	−$0.11	−5.4

The FY 2019 base charge for BCP electric service decreased by $7.2 million to $69.7 million; a 9.3% reduction. This FY 2019 decrease follows a one-time increase to the FY 2018 base charge due to Reclamation's collection of $15 million in working capital in FY 2018. There is no need to collect working capital in the FY 2019 base charge, but other factors—namely, a $5.1 million decrease in non-power revenue and Reclamation's deferment of $2.7 million in BCP operations and maintenance costs from FY 2018 to FY 2019—placed upward pressure on the base charge. This necessitated a $7.8 million offset against the $15 million decrease in the FY 2019 base charge, resulting in an overall decrease of $7.2 million in the FY 2019 base charge compared to the FY 2018 base charge. WAPA's costs remain relatively flat and do not result in a measurable effect on the base charge.

The notice of the proposed FY 2019 base charge and rates for electric service was published consistent with procedures set forth in 10 CFR part 903 and 18 CFR part 300. WAPA took the following steps to involve the public in the rate adjustment process:

1. WAPA published a **Federal Register** [2] notice announcing the proposed formula rates, initiating the 90-day public consultation and comment period, setting forth the date and location of public information and public comment forums, and outlining the procedures for public participation.

2. On August 29, 2018, WAPA held a public information forum in Phoenix, Arizona. WAPA's representatives explained the proposed changes to the formula rates, answered questions, and provided handouts.

3. On September 28, 2018, WAPA held a public comment forum in Phoenix, Arizona, to provide attendees an opportunity to comment and ask questions for the record.

4. WAPA posted information about this public process at *https://www.wapa.gov/regions/DSW/Rates/Pages/boulder-canyon-rates.aspx.*

5. The consultation and comment period ended on October 29, 2018, and WAPA received one comment. The comment appears below, paraphrased where appropriate without compromising its meaning.

Comment: A commenter requested that the rate process administered by WAPA be accomplished in a timely manner and prior to October 1.

Response: WAPA experienced delays in implementing the BCP rate process due, in part, to the beginning of a new BCP marketing period on October 1, 2018. The true-up of financial balances between the previous and current BCP contractors, for example, took longer than anticipated. WAPA notes that required administrative actions associated with the new marketing period have been implemented.

Following DOE's review of WAPA's proposal, I hereby approve on a final basis the FY 2019 base charge and rates for BCP electric service under Rate Schedule BCP–F10 through September 30, 2019.

Dated: March 1, 2019.

Mark W. Menezes,

Under Secretary of Energy.

[FR Doc. 2019–04343 Filed 3–8–19; 8:45 am]

BILLING CODE 6450–01–P

[2] 83 FR 36,586 (July 30, 2018).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2014–0738 and EPA–HQ–OAR–2010–0682; FRL–9990–25–OAR]

Notice of Request for Approval of Alternative Means of Emission Limitation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments.

SUMMARY: This action provides public notice and solicits comment on the alternative means of emission limitation (AMEL) request from Shell Oil Products U.S. Martinez Refinery (Shell Martinez) under the Clean Air Act, to operate a multi-point ground flare (MPGF) at a refinery in Martinez, California. In this action, the U.S. Environmental Protection Agency (EPA) is soliciting comment on all aspects of this AMEL request and the corresponding operating conditions that would demonstrate that the requested AMEL will achieve a reduction in emissions of hazardous air pollutants (HAP) at least equivalent to the reduction in emissions required by the National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries (''Petroleum Refinery Maximum Achievable Control Technology (MACT)''). The Shell Martinez delayed coking unit (DCU) MPGF cannot meet the flare tip velocity limits in the Petroleum Refinery MACT. Based on our review of this request and supporting information, we conclude that, by following the conditions specified in this notice, the Shell Martinez DCU MPGF will achieve at least equivalent emissions reductions as flares complying with the Petroleum Refinery MACT requirements.

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

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2014–0738, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. See **SUPPLEMENTARY INFORMATION** for detail about how the EPA treats submitted comments. *Regulations.gov* is our preferred method of receiving comments. However, the following other submission methods are also accepted:

- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2014–0738 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2014–0738.
- *Mail:* To ship or send mail via the United States Postal Service, use the following address: U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2014–0738, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* Use the following Docket Center address if you are using express mail, commercial delivery, hand delivery, or courier: EPA Docket Center, EPA WJC West Building, Room 3334, 1301 Constitution Avenue

NW, Washington, DC 20004. Delivery verification signatures will be available only during regular business hours.

FOR FURTHER INFORMATION CONTACT: For questions about this action, contact Ms. Angie Carey, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards (OAQPS), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2187; fax number: (919) 541–0516; and email address: *carey.angela@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–EPA–HQ–OAR–2014–0738. All documents in the docket are listed in *Regulations.gov*. Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *Regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2014–0738. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. This type of information should be submitted by mail as discussed below.

The EPA may publish any comment received to its public docket. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

The *https://www.regulations.gov* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in *Instructions* above. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2014–0738.

Acronyms and Abbreviations. We use multiple acronyms and terms in this notice. While this list may not be exhaustive, to ease the reading of this notice and for reference purposes, the EPA defines the following terms and acronyms here:

AMEL alternative means of emission limitation
BTU/scf British thermal units per standard cubic foot
CBI Confidential Business Information
CFR Code of Federal Regulations
DCU delayed coking unit
EPA Environmental Protection Agency
Eqn equation
FGR flare gas recovery
HAP hazardous air pollutants
MACT maximum achievable control technology
MPGF multi-point ground flare
NESHAP national emission standards for hazardous air pollutants
NHV_{cz} net heating value of combustion zone gas
OAQPS Office of Air Quality Planning and Standards

Organization of This Document. The information in this notice is organized as follows:

I. Background

Regulatory Flare Requirements and AMEL Requests

The provisions in the Petroleum Refinery MACT, at 40 Code of Federal Regulations (CFR) 63.670 (d) specify operating requirements for flares used for emission points subject to the Petroleum Refinery MACT to ensure that the applicable standards for those emission points are met. The MACT, at 40 CFR 63.670 (r) allows the EPA to approve a site-specific AMEL for a given flare if, after notice and opportunity for comment, it is established to the Administrator's satisfaction that the flare achieves 96.5-percent combustion efficiency (and 98-percent destruction efficiency) using the requested AMEL.

AMEL requests have been submitted to the EPA for an MPGF that cannot comply with the applicable flare tip velocity requirements in the Petroleum Refinery MACT, 40 CFR 63.670(d). These maximum flare tip velocity requirements ensure that the flame does not ''lift off'' or separate from the flare tip, which could cause flame instability

and/or potentially result in a portion of the flare gas being released without proper combustion. Proper combustion for flares is considered to be 98-percent destruction efficiency or greater for organic HAP and volatile organic compounds. Shell Martinez submitted an AMEL request to operate a flare with tip exit velocities greater than those allowed in 40 CFR 63.670 (d) while achieving ≥ 96.5-percent combustion efficiency and 98-percent destruction efficiency.

Specifically, this request from Shell Martinez, which was submitted to the EPA on June 1, 2018, seeks an AMEL to operate an MPGF for its DCU at its Martinez Refinery during upset emergency conditions. This DCU is subject to the Petroleum Refinery MACT, 40 CFR part 63, subpart CC; accordingly, the request followed the AMEL framework specified in 40 CFR part 63, subpart CC at 40 CFR 63.670(r). The DCU MPGF design in this request is a multi-point tip design which employs large numbers of tips close to ground level (these are termed multi-point ground flares [MPGF]). The EPA has reviewed this request and has deemed it to be complete.

As mentioned above, Shell Martinez submitted this AMEL request to operate its DCU MPGF above the applicable maximum permitted velocity requirements at 40 CFR 63.670(d). Shell Martinez provided information to demonstrate that the DCU MPGF design achieves 96.5-percent combustion efficiency and 98-percent destruction efficiency using the requested AMEL, as required at 40 CFR 63.670(r). For further information on Shell Martinez's AMEL request, see supporting materials from Shell Martinez at Docket ID No. EPA–HQ–OAR–2010–0682 and EPA–HQ–OAR–2014–0738.

II. Requests for AMEL Shell Martinez DCU MPGF

The Shell Martinez DCU includes an MPGF used to safely combust large volumes of high pressure, non-condensable, flammable vapor streams during upset or emergency conditions. The Martinez Refinery requested a minimum net heating value of the combustion zone (NHV_{cz}) limit of 800 British thermal units per standard cubic feet (BTU/scf) that has been granted to other similarly designed MPGFs in the past. Specifically, the MPFG for which an AMEL was granted to Occidental Chemical Corporation, ''Occidental'' (81 FR 23480), utilizes the same Callidus MP–4 burner design that is employed at the Shell Martinez MPGF. The Callidus MPGF design uses cycling high pressure burners to maintain the required kinetic energy to ensure smokeless combustion. The Shell DCU MPGF contains 30 pilots, supplied with natural gas, that are installed to provide the source of ignition to ensure that emergency relief of process streams will be combusted. Shell Martinez uses flare gas recovery (FGR) compressors and manages the rate of gases vented to the flare system during startup, shutdown, and maintenance activities to limit flaring events only during emergencies. The three major causes of flaring at the DCU MPGF historically have been loss of FGR compressors, loss of DCU wet gas compressor, and distillate hydrotreater depressuring.

Information Supporting Shell's AMEL Requests

As mentioned above, Shell Martinez provided the information specified in the flare AMEL framework at 40 CFR 63.670(r) to support their AMEL request. The information specified in the framework includes, but is not limited to: (1) Details on the project scope and background; (2) information on regulatory applicability; (3) flare test data on destruction efficiency/combustion efficiency; (4) flare stability testing data; (5) flare cross-light testing data; (6) information on flare reduction considerations; and (7) information on appropriate flare monitoring and operating conditions. For further information on the supporting materials provided, see Docket ID No. EPA–HQ–OAR–2010–0682 and EPA–HQ–OAR–2014–0738.

Information supplied indicates that the DCU MPGF can achieve 96.5-percent combustion efficiency and 98-percent destruction efficiency if operated under certain conditions, as specified in section III below. Generally, testing of burners for the vent gas mixture determined to be representative of the flare operation was used to set the appropriate NHV_{cz} minimum limit. In this case, Shell Martinez's burner design (*i.e.,* Callidus MP–4) is the same design as that in the AMEL EPA approved for Occidental (81 FR 23480). Shell Martinez submitted the Callidus MP–4 burner testing information that Occidental previously submitted to the EPA for its AMEL request. Shell Martinez is requesting an NHV_{cz} limit of 800 BTU/scf, the same limit that was requested and approved in that prior Occidental AMEL request. This MP–4 burner model was shown to achieve the required combustion and destruction efficiency at a minimum NHV_{cz} of 800 BTU/scf for gases produced in olefins manufacturing, which are considered the worst case for combustion and stability. Since in that prior action we approved an AMEL at 800 BTU/scf for olefins gas, which is more likely than other types of waste gas to have issues with stability and tendency to smoke, and since Shell's reported waste gas composition contains relatively fewer olefinic compounds, we would expect better combustion efficiency/destruction efficiency at the same NHV_{cz}. Therefore, we concur that achieving a minimum NHV_{cz} of 800 BTU/scf in this case will ensure adequate combustion and destruction efficiency.

III. AMEL for the DCU MPGF

The Agency is seeking the public's input on the request that the EPA approve the AMEL for this DCU MPGF. Specifically, the EPA seeks the public's input on the following proposed conditions of $NHV_{cz} \geq 800$ BTU/scf for the Shell Martinez's DCU's MPGF.

(1) The MPGF must be operated according to the requirements of the Petroleum Refinery MACT, including 40 CFR 63.670 and 63.671, except that all references to a combustion zone heating value of 270 BTU/scf are replaced with a value of 800 BTU/scf and the flare tip velocity requirements of 40 CFR 63.670(d) do not apply.

(2) Each stage that cross-lights must have at least two pilots with a continuously lit pilot flame.

(3) The operator of the DCU MPGF system shall install and operate pressure monitor(s) on the main flare header, as well as a valve position indicator monitoring system capable of monitoring and recording the position for each staging valve to ensure that the flare operates at normal maximum operating pressure of 15 pounds per square inch gauge as described in the AMEL application. The pressure monitor shall meet the requirements in Table 13 of 40 CFR 63, subpart CC.

(a) The owner or operator of the Shell Martinez DCU MPGF shall meet the reporting requirements in the Petroleum Refinery MACT in 40 CFR 63.655(g)(11)(i)–(iii). In addition, the Shell Martinez MPGF notification shall also include records specified in section (i)–(ii) below.

(i) Records of when the pressure monitor(s) on the main flare header show the flare burners are operating outside the range of tested conditions or outside the range of the manufacturer's specifications. Indicate the date and time for each period, the pressure measurement, the stage(s) and number of flare burners affected, and the range of tested conditions or manufacturer's specifications.

(ii) Records of when the staging valve position indicator monitoring system indicates that a stage of the flare should

not be in operation and is, or that a stage of the flare should be in operation and is not. Indicate the date and time for each such period, whether the stage was supposed to be open but was closed, or vice versa, and the stage(s) and number of flare burners affected.

IV. Request for Comments

The EPA is soliciting comments on all aspects of the Shell Martinez request for approval of an AMEL for a DCU MPGF to be used to comply with the standards. The EPA specifically seeks comment regarding whether or not the alternative operating conditions of $NHV_{cz} \geq 800$ BTU/scf discussed in section III above will achieve the combustion efficiency and/or destruction efficiency required at 40 CFR 63.670(r).

Dated: March 6, 2019.

Panagiotis Tsirigotis,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2019–04349 Filed 3–8–19; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2019–6006]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. This collection of information is necessary to determine eligibility of the export sales for insurance coverage. The Report of Premiums Payable for Financial Institutions Only is used to determine the eligibility of the shipment(s) and to calculate the premium due to EXIM for its support of the shipment(s) under its insurance program.

DATES: Comments must be received on or before May 10, 2019 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB 92–30) or by email to *Mia.Johnson@exim.gov* or by mail to Mia L. Johnson, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. The information collection tool can be reviewed at: *https://www.exim.gov/sites/default/files/pub/pending/eib92-30.pdf.*

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–30 Report of Premiums Payable for Financial Institutions Only.

OMB Number: 3048–0021.

Type of Review: Renewal.

Need and Use: This collection of information is necessary to determine eligibility of the applicant for EXIM assistance. The information collected enables EXIM to determine the eligibility of the shipment(s) for insurance and to calculate the premium due to EXIM for its support of the shipment(s) under its insurance program.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 215.

Estimated Time per Respondent: 30 minutes.

Annual Burden Hours: 1,290 hours.

Frequency of Reporting of Use: Monthly.

Government Expenses:

Reviewing time per year: 860 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $36,550 (time*wages).

Benefits and Overhead: 20%.

Total Government Cost: $43,860.

Bassam Doughman,

IT Specialist.

[FR Doc. 2019–04364 Filed 3–8–19; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (''Act'') (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 26, 2019.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Jessica M. Becker, Eden Prairie, Minnesota; Cordelia A. Cosgrove, Cedar Rapids, Iowa; Amy C. Cox, Doylestown, Pennsylvania; Andrew J. Erusha, Sheridan, Wyoming; Angela C. Erusha, Solon, Iowa; Bruce A. Erusha, Cedar Rapids, Iowa; Daniel M. Erusha, Portland, Oregon; James R. Erusha, Cedar Rapids, Iowa; Julie A. Erusha Trust, Julie A. Erusha, Sheridan, Wyoming, as trustee; Kimberly S. Erusha, Basking Ridge, New Jersey; Michael D. Erusha Trust, Michael D. Erusha, Sheridan, Wyoming, as trustee; The Owen N. Erusha Trust, D. Neil Erusha, Solon, Iowa, as Trustee; Patricia M. Erusha, Solon, Iowa; Robert C. Erusha II, Ellisville, Missouri; Gary L. Fattig, Chelsea, Iowa; Kathryn M. Fattig, Chelsea, Iowa; Robert L. Fattig, Searsboro, Iowa; Vicky K. Garnsey, Eagle, Colorado; Anne E. Juelsgaard, West Des Moines, Iowa; Dolores M. Kaiden, Cedar Rapids, Iowa; Karlene M. Lindseth, Eden Prairie, Minnesota; Krista M. Lindseth, Eden Prairie, Minnesota; Michael J. Lindseth, Eden Prairie, Minnesota; Nicole M. Lindseth, Eden Prairie, Minnesota; Gail M. Scott, Cambridge, Iowa; and Carolyn M. Tinkham, Cedar Rapids, Iowa;* to join the Erusha Family Control Group and acquire voting shares of Solon Financial, Inc. and thereby indirectly acquire Solon State Bank, both of Solon, Iowa.

Board of Governors of the Federal Reserve System, March 6, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–04306 Filed 3–8–19; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to implement the New Hire Information Collection (FR 27; OMB No. 7100–new).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202)

452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final approval under OMB delegated authority of the implementation of the following information collection:

Report title: New Hire Information Collection.

Agency form number: FR 27.

OMB control number: 7100–new.

Frequency: As needed.

Respondents: Individuals.

Estimated number of respondents: Regular Hires: 312; Intern Hires: 122; Federal Transfers: 10.

Estimated average hours per response: Regular Hires: 1; Intern Hires: 0.75; Federal Transfers: 1.08.

Estimated annual burden hours: 414.3.

General description of report: This information collection would provide for the electronic collection of certain personnel information from new hires using a secure web-based portal, the ''New Hire Portal,'' before the first day of employment of a new hire. In this way, the Board is proposing to streamline the collection of personnel information from new hires so that much of the information previously collected in hardcopy format from new employees on their first day of employment would be submitted electronically by new hires through the secure web-based New Hire Portal before they become employees of the Board.

Currently, information is collected from new employees during the Board's New Employee Orientation (NEO) in order to complete certain employee on-boarding tasks, such as set up direct deposit, conduct security/background checks, set up computer log-in profiles, establish applicable tax withholdings, determine benefits, and identify dependents, as well as related purposes. Such personnel information currently is submitted by new employees on hardcopy forms during or after NEO. Accordingly, the information collected under the Board's current process is not subject to the PRA, 44 U.S.C. 3501 *et seq.,* because information is only provided to the Board after the respondent has become a Board employee. However, under the proposal, such personnel information predominantly would be collected electronically from new hires through the New Hire Portal before the new hire becomes an employee of the Board. Therefore, the requirements of the PRA would apply to the information collection.

As part of the onboarding process for new hires, a Human Resources professional at the Board would identify the necessary information that must be collected from the new hire, which is dependent upon whether the person will be starting as an intern or starting as a full- or part-time employee, including as a Governor or Board officer, and whether the new hire is transferring from another federal agency. The new hire would then be sent an email asking him or her to provide the personnel information, described below, through the New Hire Portal prior to their official start date.

Legal authorization and confidentiality: The information collected as part of the New Hire Information Collection is authorized pursuant to sections 10(3), 10(4), 11(l), and 11(q) of the Federal Reserve Act, which provides the Board broad authority over employment of staff and security of its building, as well as the authority to determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid (12 U.S.C. 243, 244, 248(l), and 248(q)). In addition, Executive Order 9397 (November 22, 1943) authorizes Federal agencies to use an individual's social security number to identify individuals in agency records.

Providing the information collected as part of the New Hire Information Collection is voluntary. However, if certain information requested as part of the New Hire Information Collection is not provided, then the Board cannot complete the hiring process.

Generally, information collected as part of the New Hire Information Collection will be kept confidential from the public under exemption 6 of the Freedom of Information Act (FOIA) to the extent that the disclosure of the information ''would constitute a clearly unwarranted invasion of personal privacy'' (5 U.S.C. 552(b)(6)). For example, the release of information such as the new hire's date of birth, home address, home telephone number, or social security number to the public would likely constitute a clearly unwarranted invasion of personal privacy and be kept confidential. However, the release of information such as the educational history of the new hire or the start date of employment would not likely constitute a clearly unwarranted invasion of personal privacy and may be disclosed under the FOIA.

Determinations regarding disclosure to third parties of any confidential portions of the information collection that are considered exempt under the FOIA will be made in accordance with the Privacy Act (5 U.S.C. 552a(b)). Relevant Privacy Act statements are provided when a respondent logs in to the portal and before the respondent is asked to provide any information. The Board may make disclosures in accordance with the Privacy Act's routine use disclosure provision (5 U.S.C. 552a(a)(7) and (b)(3)), which permits the disclosure of a record for a purpose which is compatible with the purpose for which the record was collected. Such routine uses are listed in the specific systems of records notices, which apply to this information collection and which can be found in: (1) The System of Records Notice for BGFRS–1, FRB-Recruiting and Placement Records, located here: *https://www.federalreserve.gov/files/BGFRS-1-recruiting-and-placement-records.pdf;* (2) the System of Records Notice for BGFRS–4, FRB-General Personnel Records, located here: *https://www.federalreserve.gov/files/BGFRS-4-general-personnel-records.pdf;* (3) the System of Records Notice for BGFRS–7, FRB—Payroll and Leave Records, located here: *https://www.federalreserve.gov/files/BGFRS-7-payroll-and-leave-records.pdf;* (4) the System of Records Notice for BGFRS–24, FRB—EEO General Files, located here: *https://www.federalreserve.gov/files/BGFRS-24-eeo-general-files.pdf;* and/or (5) the System of Records Notice for BGFRS–34, FRB–ESS Staff Identification Card File, located here: *https://*

www.federalreserve.gov/files/BGFRS-34-ess-staff-identification-card-file.pdf.

Current actions: On December 17, 2018, the Board published a notice in the **Federal Register** (83 FR 64573) requesting public comment for 60 days on the implementation of the FR 27. The comment period for this notice expired on February 15, 2019. The Board did not receive any comments. The collection will be implemented as proposed.

Board of Governors of the Federal Reserve System, March 6, 2019.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2019–04301 Filed 3–8–19; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Federal Tax Refund Offset, Administrative Offset, and Passport Denial.

OMB No.: 0970–0161.

Description: The Federal Tax Refund Offset and Administrative Offset (Federal Offset) programs collect past-due child and spousal support by intercepting certain federal payments, including federal tax refunds, of parents who have been ordered to pay support and are delinquent. The Federal Offset Program is a cooperative effort among the Department of the Treasury's Bureau of the Fiscal Service, the federal Office of Child Support Enforcement (OCSE), and state child support enforcement agencies.

The Passport Denial Program reports noncustodial parents who owe child and spousal support above a threshold to the Department of State, which will then deny passports to these individuals.

On an ongoing basis, child support enforcement agencies submit to OCSE the names, Social Security numbers, and the amount(s) of past-due child and spousal support of noncustodial parents who are delinquent in making payments.

The information collection activities pertaining to the Federal Tax Refund Offset, Administrative Offset, and Passport Denial programs are authorized by: (1) 42 U.S.C. 652(b), 42 U.S.C. 664, 26 U.S.C. 6402(c), 31 CFR 285.3, 45 CFR 302.60, and 45 CFR 303.72, which require state child support agencies to submit information pertaining to past-due support cases meeting specific criteria for the offset of the federal tax refund of the noncustodial parent; (2) 31 U.S.C. 3701 *et seq.,* 31 U.S.C. 3716(h), and 31 CFR 285.1, which require state child support agencies to submit information pertaining to past-due support cases meeting specific criteria for the administrative offset of federal payments other than federal tax refunds of the noncustodial parent; (3) 42 U.S.C. 652(k), 42 U.S.C. 654(31), and 22 CFR 51.60, which require state child support agencies to submit information to OCSE pertaining to past-due support cases meeting specific criteria for the denial, revocation, restriction, or limitation of the passport of the noncustodial parent; and (4) 42 U.S.C. 654(31), 42 U.S.C. 664, 31 CFR 285.1, and 31 CFR 285.3, which require state child support agencies to submit the Annual Certification Letter to OCSE asserting that each case submitted for the Federal Tax Refund Offset, Administrative Offset, and Passport Denial programs meets federal requirements.

Respondents: Child Support Enforcement Agencies.

ANNUAL BURDEN ESTIMATES

Information collection instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Input Record	54	52	.3	842.4
Output Record	54	52	.46	1291.7
Payment File	54	52	.135	379.1
Certification Letter	54	1	.4	21.6
Portal Processing Screens	173	280.65	.01	485.52

Estimated Total Burden Hours: 3,020.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–04367 Filed 3–8–19; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office on Trafficking in Persons; Notice of Charter Renewal and Meeting

AGENCY: Administration for Children and Families (ACF), Department of Health and Human Services.

ACTION: Announcement of charter renewal, meeting, and call for public comments on recommendations to improve the Nation's response to the sex trafficking of children and youth.

SUMMARY: Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act (FACA) and the Preventing Sex Trafficking and Strengthening Families

Act, that the charter for the of the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (Committee) was renewed on January 18, 2019. The renewal is available at *https://www.acf.hhs.gov/otip/resource/2019naccharter.*

Notice is also given that a meeting of the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (Committee) will be held on May 28, 2019. The purpose of the meeting is for the Committee to discuss its work on its interim report on recommended best practices for States to follow in combating the sex trafficking of children and youth based on multidisciplinary research and promising, evidence-based models and programs. The members will remain in Phoenix on May 29 to conduct subcommittee meetings and a fact finding site visit.

DATES: The meeting will be held on May 28, 2019. The members will remain in Phoenix on May 29 to conduct subcommittee meetings and a fact finding site visit.

ADDRESSES: The meeting will be held in Phoenix, Arizona at the invitation of Governor Ducey. Space is limited. Identification will be required at the entrance of the facility (*e.g.,* passport, state ID, or federal ID).

To attend the meeting virtually, please register for this event online: *https://www.acf.hhs.gov/otip/resource/nacagenda0519.*

FOR FURTHER INFORMATION CONTACT: Katherine Chon (Designated Federal Officer) at *EndTrafficking@acf.hhs.gov* or (202) 205–4554 or 330 C Street SW, Washington, DC, 20201. Additional information is available at *https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee.*

SUPPLEMENTARY INFORMATION: The formation and operation of the Committee are governed by the provisions of Public Law 92–463, as amended (5 U.S.C. App. 2), which sets forth standards for the formation and use of federal advisory committees.

Purpose of the Committee: The purpose of the Committee is to advise the Secretary and the Attorney General on practical and general policies concerning improvements to the nation's response to the sex trafficking of children and youth in the United States. HHS established the Committee pursuant to Section 121 of the Preventing Sex Trafficking and Strengthening Families Act of 2014 (Pub. L. 113–183).

Tentative Agenda: The agenda can be found at *https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee.* The Committee requests public comments in response to their first outline of recommendations available at *https://www.acf.hhs.gov/otip/resource/nacprelim.*

To submit written statements or RSVP to attend in-person or make verbal statements, email *Ava.Donald@acf.hhs.gov* by May 10, 2019. Please include your name, organization, and phone number. More details on these options are below.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Security screening and a photo ID are required. Space and parking is limited. The building is fully accessible to individuals with disabilities.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public may submit written statements in response to the stated agenda of the meeting or to the committee's mission in general. Organizations with recommendations on best practices are encouraged to submit their comments or resources (hyperlinks preferred). Written comments or statements received after April 10, 2019 may not be provided to the Committee until its next meeting.

Verbal Statements: Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public are invited to provide verbal statements during the Committee meeting only at the time and manner described in the agenda. The request to speak should include a brief statement of the subject matter to be addressed and should be relevant to the stated agenda of the meeting or the Committee's mission in general.

Minutes: The minutes of this meeting will be available for public review and copying within 90 days at: *https://www.acf.hhs.gov/otip/partnerships/the-national-advisory-committee.*

Dated: March 4, 2019.

Lynn A. Johnson,

Assistant Secretary for Children and Families.

[FR Doc. 2019–04403 Filed 3–8–19; 8:45 am]

BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0215]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Healthcare Professional Survey of Professional Prescription Drug Promotion

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 10, 2019.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910-New and title, ''Healthcare Professional Survey of Professional Prescription Drug Promotion.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Healthcare Professional Survey of Professional Prescription Drug Promotion

OMB Control Number 0910–New

I. Background

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes

FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

The FD&C Act prohibits the dissemination of false or misleading information about medications in consumer-directed and professional prescription drug promotion. As part of its Federal mandate, FDA regulates whether advertising of prescription drug products is truthful, balanced, and accurately communicated (see 21 U.S.C. 352(n)). FDA's regulatory policies are aligned with the principles of free speech and due process in the U.S. Constitution. To inform current and future policies, and to seek to enhance audience comprehension, the Office of Prescription Drug Promotion conducts research focusing on (1) advertising features including content and format, (2) target populations, and (3) research quality. This proposed research focuses on healthcare professionals (HCPs). In 2002 (Ref. 1) and again in 2013 (Refs. 2 and 3), FDA surveyed HCPs about their attitudes toward direct-to-consumer (DTC) advertising and its role in their relationships with their patients. The 2013 survey included multiple types of HCPs: Primary care physicians and specialists, as well as nurse practitioners and physician assistants. Whereas the focus of both previous FDA surveys was on DTC advertising and promotion, the current study is designed to address issues related to professional prescription drug promotion. The goal is to query a representative sample of HCPs about their opinions of promotional materials and procedures targeted at HCPs, clinical trial design and knowledge, and FDA approval status. We will also take this opportunity to ask HCPs briefly about their knowledge of abuse-deterrent formulations for opioid products.

To educate themselves about prescription drugs, HCPs sometimes rely on professionally directed promotional information (Refs. 4–8). In 2012, pharmaceutical companies spent more than $24 billion on marketing to physicians (Ref. 9). The industry exposes healthcare professionals to promotional materials through a variety of mechanisms, including communication with pharmaceutical representatives, journal ads, prescribing software, presentations at sponsored meetings, and direct mail ads (Ref. 10). Several studies indicate that data presented in promotional materials may not be fully comprehended and may even potentially be misleading due to a variety of causes, such as insufficient information, unsupported claims, or a failure to disclose limitations of the information presented (Refs. 11–15).

Although HCPs are learned intermediaries, like most people, they may rely on heuristics, or rules of thumb, in making decisions and may have cognitive biases in the type of information they attend to at any given time. They may be persuaded by strong statements and may not have the time to ascertain accuracy of such information (Ref. 16).

The proposed survey is designed to provide further insights about how professionally targeted prescription drug promotion might influence healthcare professionals' decision-making processes and practices and how information may be communicated more accurately. It is important to note that FDA does not regulate the practice of medicine. However, as previously mentioned, FDA does regulate prescription drug promotion. This survey is designed to inform FDA of various responses to and impacts of prescription drug promotion.

The general research questions in the survey are as follows:

1. What methods and/or channels are used to disseminate prescription drug promotional information to healthcare professionals/prescribers?

2. How knowledgeable and interested are HCPs in clinical trial data and design and its presence in prescription drug promotion?

3. How familiar are HCPs with the FDA approval of prescription drugs and how does this affect prescribing behavior?

In addition, given the critical problem with opioid abuse and addiction in the United States at this time, we plan to ask several questions about prescription drug promotion of opioid products.

HCPs who fall into one of four categories will be recruited online through WebMD's Medscape subscriber network. We propose to complete 700 primary care physician, 600 specialist, 350 nurse practitioner, and 350 physician assistant surveys. HCPs will be included if they see patients at least 50 percent of the time. Both Doctors of Medicine and Doctors of Osteopathy will be included. Primary care physicians will include those who indicate they work in general, family, or internal medicine. Specialties were chosen based on prevalence in the United States and prescription drug promotional activity. Specialists will include cardiologists, dermatologists, endocrinologists, neurologists, obstetrician/gynecologists, oncologists, ophthalmologists, psychiatrists, rheumatologists, and urologists. The data will be weighted to adjust for differential coverage of select characteristics such as region and respondent age and gender. Pretesting with 25 respondents will take place before the main study to evaluate the procedures and measures used in the main study.

In the **Federal Register** of March 15, 2018 (83 FR 11539), FDA published a 60-day notice requesting public comment on the proposed collection of information. Four comments were received. One comment was outside the scope of the research and is not addressed further. The remaining three comments are addressed below. For brevity, some public comments are paraphrased and therefore may not reflect the exact language used by the commenter. We assure commenters that the entirety of their comments was considered even if not fully captured by our paraphrasing in this document. The following acronyms are used here: DTC = direct-to-consumer; HCP = healthcare professional; FDA and ''The Agency'' = Food and Drug Administration; OPDP = FDA's Office of Prescription Drug Promotion.

The first public comment had 19 individual comments, to which we have responded.

(Comment 1a) The exact reach of the WebMD Medscape subscriber network among medical professionals is unclear. With this in mind, the study design could introduce bias by self-selecting physicians who do not accurately reflect the broader physician population. For example, they may be more reliant on internet-based information, have seen more web-based pharmaceutical advertisements, and be demographically different than physicians outside the Medscape network.

(Response 1a) It is true that Medscape is not an exhaustive listing of the entire universe of HCPs, but the evidence suggests that coverage is high. Table 1 below documents the number of providers subscribed to WebMD for the four major strata of HCPs included in the study and the estimated population totals. The coverage is particularly good for primary care physicians (over 80 percent), is reasonable for specialists and physicians assistants (between 60 and 70 percent), and not as good for nurse practitioners (about 45 percent).

TABLE 1—ESTIMATED COUNTS AND COVERAGE BY HEALTHCARE PROFESSIONAL GROUP

Healthcare professional group	WebMD [1]	Estimated population total	Estimated coverage %
Primary care physicians (PCPs)	197,980	[2] 242,800	81.5
Specialists (SPs)	465,020	[2] 724,249	64.2
Physicians assistants	62,874	[3] 92,000	68.3
Nurse practitioners	102,552	[4] 220,000	46.6

[1] WebMD estimated counts of Medscape subscribers by HCP group as of July 2017.
[2] American Medical Association (*https://www.mmslists.com/data/countspdf/AMA-SpecialtyByTOPS.pdf*).
[3] Kaiser Family Foundation (*https://www.kff.org/other/state-indicator/total-physician-assistants/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D*).
[4] American Association of Nurse Practitioners (*https://www.aanp.org/all-about-nps/np-fact-sheet*).

The Medscape frame has a smaller frequency of out-of-scope records (retirees, for example, who have not been dropped from the list), and much better contact information (including email addresses), compared to other possible frames. Potential frame competitors, such as the American Medical Association list of providers, have higher coverage of PCPs and SPs, but also many out-of-scope records. Sampling these records would lead to ineligibles in data collection. Considering both coverage and ineligibility rates, Medscape is of better quality than the alternatives. We are planning to calibrate the weights for the sample providers who answer the questionnaire, using the National Ambulatory Medical Care Survey (NAMCS) estimates as benchmarks, based on gender, age, year of graduation, and practice size. Use of these calibrated weights will guarantee that the percentages across provider type, gender, age, year of graduation, and practice size match the NAMCS percentages, which are our best unbiased estimates of the true population percentages. Thus, the under-coverage from the use of the Medscape frame will not lead to significant imbalances in the distribution of these characteristics which could lead to bias. Calibration eliminates bias-producing imbalances for cells defined by the calibration characteristics, but does not eliminate imbalances within these cells. It may be the case that within the provider type-gender-age-graduation year-practice size cells, the Medscape population differs from the universe because of their self-selection into Medscape. This will generate coverage biases of unknown magnitude, but we anticipate that the size of these biases will be small as a component of overall mean-squared-error in this study and will not materially affect the analyses.

(Comment 1b) If specialties are planned to be analyzed individually, the sample size should be at least 50 respondents from each specialty.

(Response 1b) Our analysis plan does not include a separate full-scale analysis for each specialty, though specialty will be included in the analyses as a covariate along with other provider characteristics. Thus, the 50-respondent minimum per specialty is not necessary given the goals of this study.

(Comment 1c) We did not have access to the full screening criteria and have several suggestions for the criteria: a mix of age, practice experience, practice setting, number of patients seen each month, and gender.

(Response 1c) Our screening instrument captures the suggested items, including age, gender, race/ethnicity, practice setting, percent of time seeing patients, and clinical specialty. The survey instrument collects information on the number of patients seen weekly and number of years in practice.

(Comment 1d) Q[uestion]2 currently asks how often physicians visit commercial prescription drug websites. This is a broad question, and we suggest adding followup questions to understand why the physician went to the website (*i.e.,* interested in getting specific product information, patient assistance program information, etc.), what specific information was sought (*i.e.,* promotional information, educational resources, patient support services, prescribing information) and how helpful was the information.

(Response 1d) Prescription drug websites are one of several information sources that are asked about in the survey. The primary goal of our questions about sources of information is to capture the amount of exposure or use of various information sources by HCPs. This may be a good avenue for further research.

(Comment 1e) Responses to Q3 could skew towards more frequent use than the average prescriber since the sample is being recruited from a network of physicians subscribing to a reference website (WebMD Medscape).

(Response 1e) We acknowledge there may be a coverage bias from the use of the WebMD Medscape as a frame, but do not know exactly the magnitudes of bias for particular items. We will document the nature of our frame and the potential implications of that. See response to comment 1a for more details on WebMD sample.

(Comment 1f) Q7a asks respondents to gauge the influence of various information sources on their colleagues' prescribing decisions. Q7b asks about the influence of various information sources on the respondent's prescribing decisions. Influence is subjective and respondent answers to these questions are inherently unreliable. We suggest asking about behavior to help understand influence. If these questions are retained, we suggest reordering the questions.

(Response 1f) We are interested in HCPs' perceptions of relative influence of different information sources. An assessment of the actual influence of these sources through prescribing data is beyond the scope of this project. This is a valuable avenue for future research. Moreover, this question is designed to build on research literature which suggests that HCPs typically rate promotional materials as being more influential on colleagues than on themselves (Refs. 17 and 18). Thus, we ask about the influence of promotional information for both colleagues and the respondent. We will randomize the presentation order of these two questions in the survey.

(Comment 1g) For Q9–Q10, questions and answer choices are overly broad to provide actionable insight. For example, respondents might define ''information about clinical trial designs or clinical trial outcomes'' differently, along with what ''Some'' versus ''Lots'' of information represent. We suggest revising Q9 to ''Do you need more clinical trial design information in order to understand or interpret the clinical

trial data and outcomes presented in promotional material?'' We suggest revising Q10 to ''Do you need more clinical trial outcomes information in order to make sound clinical decisions for your patients?''

(Response 1g) We have made some changes to these questions as a result of cognitive testing. For example, we replaced ''clinical trial design'' with ''clinical trial methodology'' and included examples of what is meant by methodology in parenthesis (*e.g.,* sample, study design). We also changed answer choices to make them more distinct. The choices are now: All information, a moderate amount, a minimal amount, and none.

(Comment 1h) We suggest revising Q14 into two separate questions. One question about the type of training (*e.g.* formal school, continuing medical education, peers) and a separate question on how much training in different aspects of clinical trial design the respondent completed.

(Response 1h) We are using the question about clinical trials training as a covariate to other questions in the survey about clinical trials. Training may influence the amount of clinical trials information HCPs want included in promotions or their level of comfort with clinical trials data. We have added the word ''formal'' to the question to indicate that we are referring to actual training rather than informal discussions with colleagues.

(Comment 1i) Q18 assumes the physician knows whether the drugs prescribed are approved or not approved. We suggest including a selection of ''Do not know.''

(Response 1i) We will add ''Do not know'' as a response option to this question.

(Comment 1j) We have concerns that Q21 fails to define what the Agency means by ''promotion.'' As a result, the question as phrased may suggest that the Agency has broader authority than delegated by Congress or as permitted under the First Amendment to regulate (*i.e.,* ''allow'') protected manufacturer speech that is truthful and non-misleading. We suggest revising Q21 to ask respondents if they value the ability of pharmaceutical companies to provide truthful and non-misleading information about their drugs for indications not approved by FDA.

(Response 1j) Q21 has been deleted.

(Comment 1k) We agree that having an option of ''not sure'' for Q22 is appropriate since many respondents might not be familiar with this approval pathway. However, this could reduce the amount of information this question could assess. We suggest modifying the question to incorporate the definition of accelerated approval and then ask the respondent about his/her comfort level with prescribing. This approach would allow the survey to collect responses from the most respondents possible. We also suggest adding a question prior to Q22 to ask about familiarity or experience with an accelerated approval drug that could be used to assess prior behavior as well as understand how experience with accelerated approval impacts comfort to use.

(Response 1k) We have purposefully not included a definition of accelerated approval, as we are interested in assessing comfort with accelerated approval based on their own understanding of the term. We have added an open-ended question prior to Q22 that asks respondents to describe what an accelerated approval drug is in their own words.

(Comment 1*l*) We recommend modifying the open-ended question (Q23) about scientific exchange and offering respondent components for consideration (*i.e.,* criteria for who is part of exchange of information, description for type of scientific information, description of context of scientific information, and the forum or setting where exchange of information occurs). We also recommend adding question(s) to understand how often respondents engage in settings where scientific exchange typically occurs, such as oral presentations/poster sessions at scientific congresses, review of articles in medical journals, data and clinical trial summaries on clinical trial registries.

(Response 1*l*) The goal of this open-ended question is to assess general awareness/understanding of the term ''scientific exchange.'' In cognitive testing, we found that several HCPs had never heard this term before. Therefore, we need to get a broader sense of general awareness, which may be low, before following up with more specific questions. We have added the option to check ''do not know'' for this question.

(Comment 1m) The open-ended question (Q24) seeking a description of biosimilars will likely result in an extremely wide range of answers with no ability to categorize responses based on the HCP's true knowledge of the term. We suggest framing the question along the lines of how comfortable the HCP is with prescribing biosimilars, therefore, the responses may help correlate knowledge of the term with a greater comfort level in prescribing.

(Response 1m) The goal of this open-ended question is to assess HCP general awareness/knowledge of biosimilars. We have added the option to check ''do not know'' for this question. We also plan to code open-ended responses to determine their level of closeness to the established definition: a biological product that is highly similar to and has no clinically meaningful differences from an existing FDA-approved reference product (42 U.S.C. 262(i)(2)). We have also added a close-ended question prior to Q24 to ask HCPs how comfortable they are prescribing biosimilars.

(Comment 1n) For Q25–26, we recommend including ''don't know'' or ''it depends'' as answer options for these two questions.

(Response 1n) While some cognitive effort is required, we believe the scenarios included in these questions provide sufficient information to allow respondents to make ratings. We also note that during cognitive testing, respondents did not have difficulty answering these questions.

(Comment 1*o*) For Q28, we recommend incorporating a description or definition of ''REMS'' materials.

(Response 1*o*) We have revised the question to spell out the term, Risk Evaluation or Mitigation Strategy (REMS) materials.

(Comment 1p) For Q28a, we recommend a small modification to the question in order to fully capture and connect to the list from the previous question. For example, How often do these materials or *events* mention abuse potential?

(Response 1p) We will revise the question to include ''events.''

(Comment 1q) We suggest adding a followup question to Q27 and Q28 to understand the impact of education/information about opioids on prescribing behaviors. For example, ''Is the number of patients you prescribed opioids for chronic pain in the last 3 months relative to 12 months ago: (1) the same, (2) less or (3) more?''

(Response 1q) We have added this question to the survey.

(Comment 1r) We suggest an additional followup question to Q27 and Q28 to capture how the discussion and information on opioids and abuse potential has changed over recent years, rather than focusing only on the previous 12 months. Asking a retrospective question might capture how the type of information physicians receive has changed as the critical opioid situation has gained more widespread recognition.

(Response 1r) The proposed followup question broadens the scope of the survey in a way that may prevent us from collecting the most relevant data. To capture the element of change in practice over time, as suggested, we

have added a question to ask HCPs whether in the last year the content of promotional materials for opioid products have contained more or less information on abuse potential.

The second public comment responder had 13 comments, to which we have responded.

(Comment 2a) The public comment responder expressed concern that they had difficulty obtaining the proposed survey questionnaire via email, but acknowledged that they were able to obtain it promptly once they contacted the telephone number provided in the 60-day notice. Among other suggestions, the commenter recommended that FDA specify a contact that can directly provide the survey in future notices.

(Response 2a) We appreciate the commenter bringing their experience to our attention. While other commenters that requested the survey did not report that they experienced difficulty promptly obtaining the survey, we take this concern very seriously. Moving forward, in addition to the contact information that has been provided, we will also include the email address of the research team, *DTCResearch@fda.hhs.gov,* in all notices to facilitate obtaining information collection instruments directly from the research team.

(Comment 2b) The proposed HCP survey is duplicative of other information already collected by FDA, such as the previous Healthcare Professional Survey of Prescription Drug Promotion (HCP I survey) and a project referenced on the OPDP website [1] entitled, ''Clinical Trial Data in Professional Prescription Drug Promotion.''

(Response 2b) The HCP I survey was conducted 5 years ago (summer 2013) and focused mainly on HCPs' attitudes toward DTC advertising and its role in their relationship with patients (Refs. 2, 3). The current HCP II survey focuses on promotions directed at healthcare professionals. The existence of some overlapping questions does not constitute in itself a duplicative effort, as there is often a need to compare responses at multiple time points for comprehensive analysis of the issues at hand. Many federally funded national surveys ask the same or similar questions at multiple time points to detect changes and identify trends over time.

We also note the study referenced on the OPDP website is qualitative research with a small non-representative sample, so the design differs considerably from this proposed study. Having multiple studies focusing on differing aspects of a phenomenon, using differing designs and modes, is in accordance with OMB standards to avoid unnecessary duplication of research efforts.

(Comment 2c) The commenter recommends that FDA ask questions about non-opioid analgesic options, medication-assisted treatment for opioid deterrence, and opioid overdose-reversal agents. By asking about this broader range of treatments, the survey would be consistent with the Administration's emphasis on the whole range of medical advances that can help address the opioid crisis.

(Response 2c) We have added a question to address references to these medical advances in prescription drug promotion.

(Comment 2d) We recommend that FDA amend Q1b to ask how closely HCPs read different types of advertisements (*e.g.,* advertisement for new products, or for products related to the HCPs practice).

(Response 2d) We have replaced Q1b with two questions to capture how closely HCPs read the suggested types of advertisements. One will ask about advertisements for new products and one will ask about advertisements for products related to the HCP's practice.

(Comment 2e) We recommend that FDA reword Q2 to avoid the ambiguous term ''commercial.'' Specifically, we recommend FDA revise the question to read as follows: ''How often do you visit product-specific or manufacturer-sponsored ~~commercial~~ prescription drug product websites, such as *lipitor.com*?''

(Response 2e*)* In cognitive testing conducted to develop this survey, the word ''commercial'' was easily understood by respondents and is needed in this question to differentiate it from ''reference'' websites in the subsequent question.

(Comment 2f) We recommend that FDA include a new question under Q2 (*i.e.,* 2a) that is similar to 3b (*i.e.,* that asks how closely the HCP usually reads the prescription drug websites it visits).

(Response 2f) We have added this question.

(Comment 2g) We recommend that FDA clarify whether Q5a applies only to in-person visits from pharmaceutical sales representatives.

(Response 2g*)* During cognitive interviews, respondents had no difficulty understanding that question 5a was asking only about in-person visits. However, we have revised the question to read, ''How often do pharmaceutical representatives bring promotional materials to your practice?'' to clarify that the question refers to in-person visits.

(Comment 2h) We recommend that FDA delete responses 2 (''Lunch for staff'') and 7 (''Personal use item'') from Q5b. It is not clear how these topics relate to FDA's jurisdiction. Other agencies of the Department of Health and Human Services, not FDA, regulate such practices. In addition, these responses do not seem to fall within the stated scope of the survey.

(Response 2h) We have made a minor change to this question by replacing ''lunch for staff'' with ''food and beverages.'' The survey includes questions about the various types of prescription drug promotions and promotional practices that HCPs might be exposed to. To fully understand promotional practices, we also need to know what pharmaceutical representatives provide HCPs during an in-person visit.

(Comment 2i) We recommend that FDA clarify what is meant by the term ''conference'' in Q6.

(Response 2i) We have revised the survey to ask separate questions about ''pharmaceutical dinner meetings'' and ''professional conferences.'' This distinction should make the meaning of professional conference clear.

(Comment 2j) We recommend deleting Q7, as it asks HCPs to speculate about colleagues' perception of promotional materials.

(Response 2j) This question is designed to build on research literature which suggests that HCPs typically rate promotional materials as being more influential on colleagues than on themselves (Refs. 17, 18). Thus, we ask about the influence of promotional information for both colleagues and the respondent. We will randomize the presentation order of these two questions in the survey.

(Comment 2k) We recommend that response 3 for Q8 be amended to identify both the number and type of trials: ''Number and type of trials conducted.''

(Response 2k) Including number and type of trials conducted as one response option will be confusing for respondents and we believe that type of trial is captured by the second response option: ''Study design (*e.g.,* blinded or not, cohort study, length of trial, etc.).''

(Comment 2*l*) We recommend adding the following language to Q18 to ensure consistent use throughout the survey: ''How often do you prescribe a drug for conditions for which it is not approved (*referred to as unapproved use below*)?'' We also recommend amending Q20 to use the term ''unapproved use'' instead of ''off-label use,'' to correspond with

[1] *https://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/ucm090276.htm*

question 19 and ensure consistent terminology throughout the survey.

(Response 2*l*) We determined through cognitive testing that HCPs are familiar with and use the term off-label use. The questions have been revised to use ''off-label use'' for all three questions.

(Comment 2m) We recommend deleting Q21, as HCPs perspectives on whether promotion of unapproved uses should be allowed presumes that HCPs know the existing regulatory framework. Moreover, the relevancy of this question is unclear given the stated research goals.

(Response 2m) We have deleted this question.

(Comment 2n) Q31 asks about the respondent's Secondary Specialty. However, it is not clear from the survey if and where Primary Specialty is recorded; we recommend amending the survey to clearly identify the respondent's Primary Specialty.

(Response 2n) Primary specialty is asked in the screener. We have removed the question about ''secondary specialty'' from the survey.

The third public comment responder had one comment, to which we have responded.

(Comment 3a) We suggest adding questions to the survey about how promotional materials and procedures address abuse deterrent formulations (ADF) for opioid products. Specifically, we suggest adding questions related to the following topic areas to assess HCPs' knowledge and understanding of these areas:

- That ADF products have not proven any less addictive than standard non-ADF formulations.
- That the potential for patient harm from dose-dependent misuse of ADF products (*e.g.,* adverse effects resulting from patients taking higher doses of the product than prescribed) or for patients that switch to non-prescribed drugs (*e.g.,* heroin) still remains.
- That potential methods for defeating the ''tamper-proof'' formulation still exist.
- That there are effective ways to protect against accidental ingestion of the drug or theft by others.

(Response 3a) We address the first bullet in question 28c. Various aspects of the remaining bullets are addressed in question 28d. Although the specific points mentioned in this comment are important public health messages, we think these questions are more appropriate for an indepth study of the topic, which is beyond the scope of this project. Please also see our responses to Comments 1r and 2c.

FDA estimates the burden of this collection of information as follows:

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pretest Study:					
HCP screener	63	1	63	0.08 (5 minutes)	5
Informed Consent	25	1	25	0.08 (5 minutes)	2
HCP Survey	25	1	25	0.33 (20 minutes)	8
Main Study:					
HCP screener	5,037	1	5,037	0.08 (5 minutes)	403
Informed Consent	2,000	1	2,000	0.08 (5 minutes)	160
HCP Survey	2,000	1	2,000	0.33 (20 minutes)	660
Total					1,238

[1] There are no capital costs and maintenance costs associated with this collection of information.

II. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff, OC/Office of Executive Secretariat, Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20857 and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restrictions. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

*1. Available at: *https://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/ucm090276.htm.* Last accessed February 6, 2019.

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Dated: March 5, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–04307 Filed 3–8–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0370]

Agency Information Collection Activities; Proposed Collection; Comment Request; Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Export of Medical Devices; Foreign Letters of Approval

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 reporting requirements for firms that intend to export certain unapproved medical devices.

DATES: Submit either electronic or written comments on the collection of information by May 10, 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 May 10, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 10, 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–0370 for ''Export of Medical Devices; Foreign Letters of Approval.'' 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: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *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.

Export of Medical Devices; Foreign Letters of Approval

OMB Control Number 0910–0264—Extension

Section 801(e)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 381(e)(2)) provides for the exportation of an unapproved device under certain circumstances if the exportation is not contrary to the public health and safety and it has the approval of the foreign country to which it is intended for export. Requesters communicate (either directly or through a business associate in the foreign country) with a representative of the foreign government to which they seek exportation, and written authorization must be obtained from the appropriate office within the foreign government approving the importation of the medical device. An alternative to obtaining written authorization from the foreign government is to accept a notarized certification from a responsible company official in the United States that the product is not in conflict with the foreign country's laws. This certification must include a statement acknowledging that the responsible company official making the certification is subject to the provisions of 18 U.S.C. 1001. This statutory provision makes it a criminal offense to knowingly and willingly make a false or fraudulent statement, or make or use a false document, in any manner within the jurisdiction of a department or Agency of the United States. The respondents to this collection of information are companies that seek to export medical devices. FDA's estimate of the reporting burden is based on the experience of FDA's medical device program personnel.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/FD&C Act section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
Foreign letter of approval—801(e)(2)	33	1	33	3	99	$8,250

[1] There are no capital costs associated with this collection of information.

We have adjusted our burden estimate by decreasing the number of respondents by 5, which has resulted in a corresponding decrease of 15 hours to the currently approved hour burden and $1,250 to the total operating and maintenance costs. This adjustment is based on a decrease in the number of submissions we received over the last few years.

Dated: March 5, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–04283 Filed 3–8–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–0299]

Nonprescription Naloxone Labeling Resources; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a model Drug Facts label (DFL) for nonprescription naloxone. Naloxone is a drug used to treat opioid overdose. FDA is making the DFL and supporting data available for use by applicants seeking approval of naloxone drug products that can be obtained without a prescription.

FOR FURTHER INFORMATION CONTACT: Sherry Stewart, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5494, Silver Spring, MD 20993–0002, 301–796–9618.

SUPPLEMENTARY INFORMATION:

I. Background

The increasing incidence of misuse and abuse of illicit and prescription opioids and the associated risks of addiction, overdose, and death have resulted in a public health crisis in the United States. Opioid overdose is characterized by life-threatening respiratory and central nervous system depression that, if not immediately

treated, may lead to significant morbidity and mortality. When administered quickly after an opioid overdose, naloxone, an opioid antagonist, can save lives. Naloxone is currently approved as a prescription drug, but it is not approved for nonprescription use. As part of a wide governmental effort to address the national crisis of opioid overdose deaths, the Agency has identified broader availability of naloxone, including potential nonprescription availability, as one means to help reduce overdose deaths.

To support approval of a drug for nonprescription use, the sponsor of the drug product typically (among other things) conducts one or more consumer behavior studies to demonstrate that consumers would be able to use the drug product safely and effectively in the nonprescription setting without the supervision of a healthcare professional. Some stakeholders have identified the need to perform these studies as a barrier to development of a nonprescription naloxone drug product. To help address this concern, FDA developed a model DFL for a potential nonprescription naloxone drug product. The model DFL is intended to contain adequate information (except for individual device-specific information, such as how to use a particular injector or spray device, which would be added by the product sponsor) that a consumer would need to administer naloxone safely and effectively for its intended use in the nonprescription setting. Consumer comprehension of the model DFL has been iteratively tested by an independent research contractor in a prespecified research design involving over 700 participants across a wide range of potential nonprescription naloxone users. These participants included people who use heroin, people who use prescription opioids, family and friends of people who use opioids, adolescents, and members of the general public.

After completion of the label comprehension study, an FDA review team that was not involved in the design or conduct of the study reviewed the study report and determined that the comprehension results are adequate. FDA has determined that the model DFL can be made publicly available so that sponsors who wish to pursue development of a nonprescription naloxone product can use the model DFL in their development program. A sponsor would need to add its device-specific information to the model DFL and retest that information to demonstrate that consumers understand the information within the context of the overall DFL. The model DFL comes in two versions (one for use with a nasal spray and one for use with an injector), but the device-specific instructions in each version are placeholders that have not been tested for comprehension or human factors performance, and sponsors will need to replace these placeholders with their own device-specific information and retest it appropriately.

FDA strongly encourages sponsors of potential nonprescription naloxone drug products to request a meeting to discuss their development program with the Division of Nonprescription Drug Products. For information on sponsor meetings with FDA, sponsors can refer to the draft guidance for industry ''Formal Meetings Between the FDA and Sponsors or Applicants of PDUFA Products'' at *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm590547.pdf.*

II. Electronic Access

Persons with access to the internet may obtain the model DFLs at *https://www.fda.gov/downloads/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/UCM629320.pdf* and *https://www.fda.gov/downloads/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/UCM629321.pdf.*

Dated: March 6, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–04357 Filed 3–8–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

''Low-Income Levels'' Used for Various Health Professions and Nursing Programs Authorized in the Public Health Service Act

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is updating income levels used to identify a ''low-income family'' for the purpose of determining eligibility for programs that provide health professions and nursing training to individuals from disadvantaged backgrounds. These various programs are authorized in Titles III, VII, and VIII of the Public Health Service Act.

SUPPLEMENTARY INFORMATION: HHS periodically publishes in the **Federal Register** low-income levels to be used by institutions receiving grants and cooperative agreements to determine eligibility for programs providing training for (1) disadvantaged individuals, (2) individuals from disadvantaged backgrounds, or (3) individuals from low-income families.

Many health professions and nursing grant and cooperative agreement awardees use the low-income levels to determine whether potential program participants are from an economically disadvantaged background and would be eligible to participate in the program, as well as to determine the amount of funding the individual receives. Awards are generally made to accredited schools of allopathic medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, podiatric medicine, nursing, and chiropractic; public or private nonprofit schools, which offer graduate programs in behavioral health and mental health practice; and other public or private nonprofit health or education entities to assist the disadvantaged to enter and graduate from health professions and nursing schools. Some programs provide for the repayment of health professions or nursing education loans for disadvantaged students.

A ''low-income family/household'' for programs included in Titles III, VII, and VIII of the Public Health Service Act is defined as having an annual income that does not exceed 200 percent of the Department's poverty guidelines. A family is a group of two or more individuals related by birth, marriage, or adoption who live together.

Most HRSA programs use the income of a student's parents to compute low-income status. However, a ''household'' may potentially be only one person. Other HRSA programs, depending upon the legislative intent of the program, the programmatic purpose related to income level, as well as the age and circumstances of the participant, will apply these low-income standards to the individual student to determine eligibility, as long as he or she is not listed as a dependent on the tax form of his or her parent(s). Each program announces the rationale and choice of methodology for determining low-income levels in program guidance.

Low-income levels are adjusted annually based on HHS' poverty guidelines. HHS' poverty guidelines are based on poverty thresholds published by the U.S. Census Bureau, adjusted annually for changes in the Consumer Price Index. The income figures below

have been updated to reflect the Department's 2019 poverty guidelines as published in 84 FR 1167 (February 1, 2019).

LOW-INCOME LEVELS BASED ON THE 2019 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Persons in family/household *	Income Level **
1	$24,980
2	33,820
3	42,660
4	51,500
5	60,340
6	69,180
7	78,020
8	86,860

For families with more than 8 persons, add $8,840 for each additional person.

LOW-INCOME LEVELS BASED ON THE 2019 POVERTY GUIDELINES FOR ALASKA

Persons in family/household *	Income Level **
1	$31,200
2	42,260
3	53,320
4	64,380
5	75,440
6	86,500
7	97,560
8	108,620

For families with more than 8 persons, add $11,060 for each additional person.

LOW-INCOME LEVELS BASED ON THE 2019 POVERTY GUIDELINES FOR HAWAII

Persons in family/household *	Income Level **
1	$28,760
2	38,920
3	49,080
4	59,240
5	69,400
6	79,560
7	89,720
8	99,880

For families with more than 8 persons, add $10,160 for each additional person.

* Includes only dependents listed on federal income tax forms.

** Adjusted gross income for calendar year 2018.

Separate poverty guidelines figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period since the U.S. Census Bureau poverty thresholds do not have separate figures for Alaska and Hawaii. The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. Puerto Rico and other outlying jurisdictions shall use income guidelines for the 48 Contiguous States and the District of Columbia.

Dated: March 4, 2019.

George Sigounas,

Administrator.

[FR Doc. 2019–04407 Filed 3–8–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that a meeting is scheduled to be held on April 8, 2019, for the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (Advisory Council). The meeting will be open to the public via teleconference. Pre-registration is required for members of the public who wish to attend the meeting via teleconference. Individuals who wish to send in their public comments should send an email to *CARB@hhs.gov.* Registration information is available on the website *http://www.hhs.gov/ash/carb/* and must be completed by April 2, 2019. Additional information about registering for the meeting and providing public comments can be obtained at *http://www.hhs.gov/ash/carb/* on the Meetings page.

DATES: The meeting is scheduled to be held on April 8, 2019, from 12:00 p.m. to 2:00 p.m. ET (times are tentative and subject to change). The confirmed times and agenda items for the meeting will be posted on the website for the Advisory Council at *http://www.hhs.gov/ash/carb/* when this information becomes available. Pre-registration for attending the meeting is required to be completed no later than April 2, 2019.

ADDRESSES: Instructions regarding attending this meeting virtually will be posted one week prior to the meeting at: *http://www.hhs.gov/ash/carb/.*

FOR FURTHER INFORMATION CONTACT: Jomana Musmar, Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services, Room L133, Switzer Building, 330 C. St. SW, Washington, DC 20201. Phone: (202) 690–5566; email: *CARB@hhs.gov.*

SUPPLEMENTARY INFORMATION: Under Executive Order 13676, dated September 18, 2014, authority was given to the Secretary of HHS to establish the Advisory Council, in consultation with the Secretaries of Defense and Agriculture. Activities of the Advisory Council are governed by the provisions of Public Law 92–463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of federal advisory committees.

The Advisory Council will provide advice, information, and recommendations to the Secretary of HHS regarding programs and policies intended to support and evaluate the implementation of Executive Order 13676, including the National Strategy for Combating Antibiotic-Resistant Bacteria and the National Action Plan for Combating Antibiotic-Resistant Bacteria. The Advisory Council shall function solely for advisory purposes.

In carrying out its mission, the Advisory Council will provide advice, information, and recommendations to the Secretary regarding programs and policies intended to preserve the effectiveness of antibiotics by optimizing their use; advance research to develop improved methods for combating antibiotic resistance and conducting antibiotic stewardship; strengthen surveillance of antibiotic-resistant bacterial infections; prevent the transmission of antibiotic-resistant bacterial infections; advance the development of rapid point-of-care and agricultural diagnostics; further research on new treatments for bacterial infections; develop alternatives to antibiotics for agricultural purposes; maximize the dissemination of up-to-date information on the appropriate and proper use of antibiotics to the general public and human and animal healthcare providers; and improve international coordination of efforts to combat antibiotic resistance.

The public meeting will be dedicated to deliberation and vote of the report with recommendation from the Immediate Action Subcommittee of the Advisory Council. The meeting agenda will be posted on the Advisory Council website at *http://www.hhs.gov/ash/carb/* when it has been finalized. All agenda items are tentative and subject to change.

Instructions regarding attending this meeting virtually will be posted one

week prior to the meeting at: *http://www.hhs.gov/ash/carb/.*

Members of the public will have the opportunity to provide comments prior to the Advisory Council meeting by emailing *CARB@hhs.gov.* Public comments should be sent in by midnight April 2, 2019, and should be limited to no more than one page. All public comments received prior to April 2, 2019, will be provided to Advisory Council members and will be acknowledged during the public teleconference.

Dated: February 26, 2019.

Jomana F. Musmar,

Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Committee Manager.

[FR Doc. 2019–04404 Filed 3–8–19; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier 4040–0002]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before May 10, 2019.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0002–60D and project title for reference., to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: The SF–424 Mandatory Form.

Type of Collection: Reinstatement without change.

OMB No. 4040–0002.

Abstract: The SF–424 Mandatory Form provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use the SF–424 Mandatory Form for grant programs not required to collect all the data that is required on the SF–424 core data set and form.

Type of respondent: The SF–424 Mandatory form is used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
SF–424 Mandatory	Grant applicants	5761	1	1	5761
Total		5761	1	1	5761

Dated: March 5, 2019.

Terry Clark,

Assistant Information Collection Clearance Officer.

[FR Doc. 2019–04288 Filed 3–8–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Committee on Blood and Tissue Safety and Availability

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services is hereby giving notice that the Advisory Committee on Blood and Tissue Safety and Availability (ACBTSA) will hold a meeting. The meeting will be open to the public.

DATES: The meeting will take place Monday, April 15, 2019, from 8:00 a.m.–4:30 p.m. and Tuesday, April 16, 2019, from 8:30 a.m.–4:00 p.m.

ADDRESSES: U.S. Department of Health & Human Services, Hubert H. Humphrey Building, (Conference Room 800), 200 Independence Ave. SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Mr. James Berger, Designated Federal Officer for the ACBTSA, Senior Advisor for Blood and Tissue Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services, Mary E. Switzer Building, 330 C Street SW, Suite L100, Washington, DC 20024. Phone: (202) 795–7697; Fax: (202) 691–2102; Email: *ACBTSA@hhs.gov.*

SUPPLEMENTARY INFORMATION: The ACBTSA provides advice to the Secretary through the Assistant Secretary for Health. The Committee advises on a range of policy issues to include: (1) Identification of public health issues through surveillance of blood and tissue safety issues with national survey and data tools; (2) identification of public health issues that affect availability of blood, blood products, and tissues; (3) broad public health, ethical, and legal issues related to the safety of blood, blood products, and tissues; (4) the impact of various economic factors (*e.g.,* product cost and supply) on safety and availability of blood, blood products, and tissues; (5) risk communications related to blood transfusion and tissue transplantation; and (6) identification of infectious disease transmission issues for blood, organs, blood stem cells and tissues. The Committee has met regularly since its establishment in 1997.

In 2013, updates were made to the original 1994 *Public Health Service Guidelines on Reducing HIV, HBV, and HCV through Organ Transplantation* (''PHS Guidelines''). Public and private-sector stakeholders in organ transplantation are now seeking to explore potential important updates to the *PHS Guidelines* in order to maintain accordance with current health sector circumstances.

The Committee will meet on April 15–16, 2019 to receive presentations from various public and private sector stakeholders and to listen to public comments regarding the *PHS Guidelines.* The Committee will explore important questions to consider as the PHS Guidelines are examined for any such necessary updates. Finally, the Committee will discuss and develop appropriate recommendations for HHS consideration. Additional topics that are pertinent to the mission of the Committee may be added to the agenda.

The public will have an opportunity to present their views to the Committee during public comment sessions scheduled for the second day of the meeting. Comments will be limited to five minutes per speaker and must be pertinent to the discussion. Pre-registration is required for participation in the public comment session. Any member of the public who would like to participate in this session is required to submit their name, email, and comment summary prior to close of business on April 8, 2019. If it is not possible to provide 30 copies of the material to be distributed at the meeting, then individuals are requested to provide a minimum of one (1) copy of the document(s) to be distributed prior to the close of business on April 8, 2019. It is also requested that any member of the public who wishes to provide comments to the Committee utilizing electronic data projection submit the necessary material to the Designated Federal Officer prior to the close of business on April 8, 2019.

Dated: *February 26, 2019.*

James J. Berger,

Senior Advisor for Blood and Tissue Policy.

[FR Doc. 2019–04408 Filed 3–8–19; 8:45 am]

BILLING CODE 4150–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Secretary's Advisory Committee on Human Research Protections

AGENCY: Office of the Assistant Secretary for Health, Department of Health and Human Services, Office of the Secretary.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, U.S.C. Appendix 2, notice is hereby given that the Secretary's Advisory Committee on Human Research Protections (SACHRP) will hold a meeting that will be open to the public. Information about SACHRP and the full meeting agenda will be posted on the SACHRP website at: *http://www.dhhs.gov/ohrp/sachrp-committee/meetings/index.html.*

DATES: The meeting will be held on Wednesday, March 27, 2019, from 8:30 a.m. until 4:00 p.m., and Thursday, March 28, 2019, from 8:30 a.m. until 3:00 p.m.

ADDRESSES: 6700B Rockledge Drive, Bethesda, MD 20817.

FOR FURTHER INFORMATION CONTACT: Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; telephone: 240–453–8141; fax: 240–453–6909; email address: *SACHRP@hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services, through the Assistant Secretary for Health, on issues and topics pertaining to or associated with the protection of human research subjects.

The Subpart A Subcommittee (SAS) was established by SACHRP in October 2006 and is charged with developing recommendations for consideration by SACHRP regarding the application of subpart A of 45 CFR part 46 in the current research environment.

The Subcommittee on Harmonization (SOH) was established by SACHRP at its July 2009 meeting and charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS would benefit from harmonization, consistency, clarity, simplification and/or coordination.

The SACHRP meeting will open to the public at 8:30 a.m., on Wednesday, March 27, 2019, followed by opening remarks from Dr. Jerry Menikoff, Director of OHRP and Dr. Stephen Rosenfeld, SACHRP Chair.

The SAS subcommittee will present their revised recommendation on Subject Payment: Ethical and Regulatory Considerations. This will be followed by a discussion of implementation issues experienced to date regarding the newly effective revised Common Rule. The afternoon will conclude with a discussion of questions newly posed to SACHRP regarding Deceased Donor Intervention Research (DDIR), with a particular focus on recipient informed consent. There will be a panel presentations from leading experts in the field of DDIR, followed by SACHRP discussion. The meeting is scheduled to end at approximately 4:00 p.m.

The meeting will begin at 8:30 a.m. on Thursday, March 28th. The SAS subcommittee will present and discuss draft recommendations regarding charging subjects to participate in clinical trials. Additional time is reserved for emerging topics and continuing the previous day's discussions. The meeting will adjourn at approximately 3:00 p.m.

Time will be allotted for public comment on both days. On-site registration is required for participation in the live public comment session. Note that public comment must be relevant to topics currently being addressed by SACHRP. Individuals submitting written statements as public comment should email or fax their comments to SACHRP at *SACHRP@hhs.gov* at least five business days prior to the meeting.

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify one of the designated SACHRP points of contact at the address/phone number listed above at least one week prior to the meeting.

Dated: February 26, 2019.

Julia G. Gorey, J.D.,

Executive Director, Secretary's Advisory Committee on Human Research Protections.

[FR Doc. 2019–04406 Filed 3–8–19; 8:45 am]

BILLING CODE 4150–36–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; Limited Competition Multidisciplinary Approach to Pelvic Pain Applications.

Date: March 27, 2019.

Time: 11:00 a.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: Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–4721, *ryan.morris@nih.gov.*

(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: March 6, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–04354 Filed 3–8–19; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Childhood Liver Diseases Research Network Review.

Date: March 28, 2019.

Time: 11:00 a.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: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7111, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Ancillary Studies.

Date: March 28, 2019.

Time: 12:00 p.m. to 1:30 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: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7351, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK–18–005: Mechanisms Underlying the Contribution of Type 1 Diabetes Disease-associated Variants (R01).

Date: April 17, 2019.

Time: 11:00 a.m. to 4:00 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: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7119, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

(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: March 6, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–04365 Filed 3–8–19; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Silvio O' Conte Digestive Diseases Research Core Centers.

Date: March 28–29, 2019.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7021, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, NIDDK Exploratory Clinical Trials for Small Business.

Date: April 2, 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: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7021, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

(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: March 6, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–04353 Filed 3–8–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0124]

Agency Information Collection Activities: Cargo Container and Road Vehicle Certification for Transport Under Customs Seal

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 May 10, 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 1651–0124 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: Cargo Container and Road Vehicle for Transport under Customs Seal.

OMB Number: 1651–0124.

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: The United States is a signatory to several international Customs conventions and is responsible for specifying the technical requirements that containers and road vehicles must meet to be acceptable for transport under Customs seal. Customs and Border Protection (CBP) has the responsibility of collecting information for the purpose of certifying containers and vehicles for international transport under Customs seal. A certification of compliance facilitates the movement of containers and road vehicles across international territories. The procedures for obtaining a certification of a container or vehicle are set forth in 19 CFR part 115.

Estimated Number of Respondents: 25.

Estimated Number of Annual Responses per Respondent: 120.

Estimated Number of Total Annual Responses: 3,000.

Estimated Time per Response: 3.5 hours.

Estimated Total Annual Burden Hours: 10,500.

Dated: February 27, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–03791 Filed 3–8–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0052]

Agency Information Collection Activities: User Fees

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 May 10, 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 1651–0052 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: User Fees.

OMB Number: 1651–0052.

Form Number: CBP Forms 339A, 339C and 339V.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Carriers.

Abstract: The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA– PL 99–272; 19 U.S.C. 58c) authorizes the collection of user fees by U.S. Customs and Border Protection (CBP). The collection of these fees requires submission of information from the party remitting the fees to CBP. This information is submitted on three forms including the CBP Form 339A for aircraft, CBP Form 339C for commercial vehicles, and CBP Form 339V for vessels. These forms can be found at: *https://www.cbp.gov/newsroom/publications/forms?title=339.*

The information on these forms may also be filed electronically at: *https://dtops.cbp.dhs.gov/.* This collection of information is provided for by 19 CFR 24.22.

In addition, CBP requires express consignment carrier facilities (ECCFs) to file lists of carriers or operators using the facility in accordance with 19 CFR 128.11. In cases of overpayments, carriers using the ECCFs may send a request to CBP for a refund in accordance with 19 CFR 24.23 (b). This request must specify the grounds for the refund. ECCFs are also required to file a quarterly report in accordance with 19 CFR 24.23(b)(4).

CBP Form 339A—Aircraft

Estimated Number of Respondents: 15,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Annual Responses: 15,000.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 4,000.

CBP Form 339C—Vehicles

Estimated Number of Respondents: 90,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Annual Responses: 90,000.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 29,997.

CBP Form 339V—Vessels

Estimated Number of Respondents: 10,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Annual Responses: 10,000.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 2,667.

ECCF Quarterly Report

Estimated Number of Respondents: 18.

Estimated Number of Annual Responses per Respondent: 4.

Estimated Number of Annual Responses: 72.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 144.

ECCF Application and List of Couriers

Estimated Number of Respondents: 3.

Estimated Number of Annual Responses per Respondent: 4.

Estimated Number of Annual Responses: 12.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 6.

Dated: February 27, 2019.

Seth D Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–03790 Filed 3–8–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0054]

Agency Information Collection Activities; Extension of an Existing Information Collection: Training Plan for Science, Technology, Engineering and Mathematics (STEM) Optional Practical Training (OPT) Students

AGENCY: Student Exchange Visitor Program (SEVP), U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS).

ACTION: 30-Day notice and request for comments.

SUMMARY: DHS ICE SEVP will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act (PRA) of 1995. DHS previously published this information collection request in the **Federal Register** on Thursday, November 1, 2018, for a 60-day public comment period. Two comments were received. The purpose of this notice is to allow an additional 30 days for public comments.

To provide greater transparency, ICE is providing clarification of the changes in the 30-day notice. The changes to the collection were to increase the burden estimates based on the anticipated increase in the number of students enrolled in STEM. There were no other changes to the collection or form.

This notice of update for the information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. You may access the updated Supporting Statement to this notice by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter ICEB–2018–0003–0001 in the search box.

DATES: Comments are encouraged and will be accepted until April 10, 2019.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be directed to OMB Desk Officer via electronic mail to *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1653–0054 in the subject line.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

SUPPLEMENTARY INFORMATION: The Form I–983, ''Training Plan'' is an information collection directed in the rulemaking, ''Improving and Expanding Training Opportunities for F–1 Nonimmigrant Students with STEM Degrees and Cap-Gap Relief for All Eligible F–1 Students,'' cited above. The final rule was published on March 11, 2016, and went into effect on May 10, 2016.

The Form I–983 serves as a planning document for those F–1 nonimmigrant students who are eligible for an extension of their optional practical training (OPT) benefit and who elect to do so. To be eligible for the extension, students must have completed a degree in a Science, Technology, Engineering or Mathematics (STEM) field approved by the Department of Homeland Security and must already be engaged in post-completion OPT. The information collection requires input from the student, the SEVP certified school that recommends the student, and the employer.

During the 60-day public commenting period, two comments were received. Both commenters requested clarification on the nature of the changes to the information collection. In response to these comments, ICE is providing an explanation of the changes in the 30-day notice. The changes to the collection were to increase the burden estimates based on the anticipated increase in the number of students enrolled in STEM. There were no other changes to the collection or form.

OMB is particularly interested in comments that:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of Updated Information Collection

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Training Plan for STEM OPT Students.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–983, U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The Form I–983 serves as a planning document for STEM OPT students, the SEVP-certified school, and the employer. The Training Plan for STEM OPT students serves as an evidentiary document for SEVP by setting forth the terms and conditions of the practical training, documenting the obligations of the three parties that are involved—the F student, the SEVP-certified school, and the employer—and by tracking the student's progress. The student and the employer must each complete and sign their part of the Form I–983. The SEVP-certified school will incorporate the completed and signed Form I–983, as part of the student's school file. The SEVP-certified school will make the student's Form I–983 available to DHS upon request.

(5) *An estimate of the total number of responses and the amount of time estimated for an average respondent (student, DSO, or employer) to respond:*

TABLE—CALCULATION OF ESTIMATED ANNUAL REPORTING BURDEN FOR TRAINING PLAN

Function	Average annual responses	Time per response (hours)	Average annual hour burden
Student Burden			
Initial Completion of Training Plan	166,406	2.17	361,101
12-month Evaluation Requirements	166,406	1.50	249,609
Sub-Total	.....	.....	610,710
DSO Burden			
Initial Review of Training Plan & Recordkeeping	166,406	1.33	221,320

TABLE—CALCULATION OF ESTIMATED ANNUAL REPORTING BURDEN FOR TRAINING PLAN—Continued

Function	Average annual responses	Time per response (hours)	Average annual hour burden
Review of Evaluation & Recordkeeping	166,406	1.33	221,320
Sub-Total			442,640
Employer Burden			
Initial completion of Training Plan	166,406	4.00	665,624
Evaluation Requirements	166,406	0.75	124,805
Sub-Total			790,429
Total Burden Hours			1,843,779

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,843,779 annual burden hours.

Note: SEVP saw an annual increase of 124,314 responses in each respondent group: Students, DSOs, and employers during this reporting cycle. This reflects an unanticipated industry growth. SEVP subject matter experts predict a one percent increase of STEM OPT participants during the next three years.

SEVP subject matter experts anticipate a reduction in DSO burden during the next three years as technical improvements, such as the new Portal, are more fully deployed. Table 3 shows the differences between the current estimates and the previous supporting statement.

TABLE 1—SUMMARY OF CURRENT ESTIMATES AND DIFFERENCES

	Nonimmigrant	DSO	Employer	Total
Respondents:				
Current	166,406	166,406	166,406	499,218
Last Supporting Statement	42,092	42,092	42,092	126,276
Difference	124,314	124,314	124,314	372,942
Burden Hours:				
Current	610,710	442,640	790,429	1,843,778
Last Supporting Statement	196,429	149,286	220,983	566,698
Difference	414,281	293,354	569,446	1,277,080

(7) *An estimate of the total public burden (in cost) associated with the collection:* $102,056,286.

Dated: March 6, 2019.

Scott Elmore,

PRA Clearance Officer, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2019–04335 Filed 3–8–19; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0058, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The information collection activity provides a means to gather qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with TSA's commitment to improving service delivery.

DATES: Send your comments by April 10, 2019. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on September 28, 2018 (83 FR 49119).

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information

collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Type of Request: Extension.

OMB Control Number: 1652–0058.

Form(s): NA.

Affected Public: Individuals, Households, Businesses, Organizations, and State, Local or Tribal Governments.

Abstract: The information collection activity provides a means to gather qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery.

From TSA's perspective, qualitative feedback from customers and stakeholders is information that provides useful insights on their perceptions, experiences, opinions, and expectations regarding TSA products or services, provides TSA with an early warning of issues with service, and focuses attention on areas where changes regarding communication, training, or operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between TSA and its customers and stakeholders. They will also allow feedback to contribute directly to the improvement of program management. The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered by TSA. If this information is not collected, vital feedback from customers and stakeholders on TSA's services will be unavailable.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature. Information gathered is intended to be used solely within TSA general service improvement and program management purposes and is not intended for release outside of TSA (if released, TSA will indicate the qualitative nature of the information). Feedback collected under this generic clearance provides useful qualitative information, but it does not yield data that can be generalized to the overall population. Qualitative information is not designed or expected to yield statistically reliable or actionable results; it will not be used for quantitative information collections. Depending on the degree of influence the results are likely to have, there may be future information collection submissions for other generic mechanisms that are designed to yield quantitative results.

Below we provide TSA's projected average estimates for the next three years:

Number of Respondents: 94,500.

Estimated Annual Burden Hours: An estimated 13,383 hours annually.

Dated: March 5, 2019.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2019–04294 Filed 3–8–19; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Pipeline System Operator Security Information

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0055, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. Specifically, the collection involves the submission of data concerning pipeline security incidents.

DATES: Send your comments by April 10, 2019. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer Information Technology (IT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment solicitation period, of the following collection of information on October 29, 2018, 83 FR 54368.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing

Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: Pipeline System Operator Security Information.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0055.

Forms(s): NA.

Affected Public: Pipeline system operators.

Abstract: In addition to TSA's broad responsibility and authority for ''security in all modes of transportation,'' *see* 49 U.S.C. 114(d), TSA is statutorily required to develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. *See* sec. 1557 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53 (121 Stat. 266; August 3, 2007), codified at 6 U.S.C. 1207. Consistent with these requirements, TSA produced Pipeline Security Guidelines in December 2010, with an update published in March 2018. Among the recommendations, TSA encouraged pipeline operators to notify TSA of all—

(1) Incidents that may indicate a deliberate attempt to disrupt pipeline operations; and

(2) Activities that could be precursors to such an attempt.

Number of Respondents: 32.

Estimated Annual Burden Hours: An estimated 16 hours annually.

Dated: March 5, 2019.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2019–04291 Filed 3–8–19; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–01]

30-Day Notice of Proposed Information Collection: Data Collection for EnVision Center Demonstration Sites

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* April 10, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on Wednesday, December 12, 2018 at 83 FR 63902.

A. Overview of Information Collection

Title of Information Collection: Data Collection for EnVision Center Demonstration Sites.

OMB Approval Number: 2528-New.

Type of Request: New collection.

Form Number: TBD.

Information collection	Number of respondents	Response frequency	Burden hours per response	Annual burden hours	Hourly cost per response	Total cost
Commitment Letter (Completed by the EnVision Center Navigator/EnVision Center Executive Sponsor/EnVision Center Director)	200	1	0.25	50.00	$68.19	$3,409.50
Action Plan (Completed by the EnVision Center Navigator/EnVision Center Executive Sponsor/EnVision Center Director)	200	1	8.00	1,600.00	22.45	35,920
Quarterly Report (Completed by the EnVision Center Navigator/EnVision Center Executive Sponsor/EnVision Center Director)	200	4	6.00	4,800.00	24.63	118,224
Customer Satisfaction Survey (Completed by the EnVision Center Participant)	40,000	1	0.05	2,000.00	7.25	14,500.00
Total	40,600			8,450.00		172,053.50

Description of the need for the information and proposed use: HUD seeks to collect data from the EnVision Center Demonstration sites to find out the effectiveness of collaborative efforts by government, industry, and nonprofit organizations to accelerate economic mobility of low-income households in communities that include HUD-assisted housing. The demonstration builds upon existing partnerships and continues collaborative work to improve the lives of residents housed with HUD assistance, by providing a forum by which cross-sector organizations can come together to design and implement local interventions to advance self-sufficiency and economic mobility

through a four-pillar approach to opportunity. The four pillars are: (1) Economic Empowerment, (2) Educational Advancement, (3) Health and Wellness, and (4) Character and Leadership. HUD believes that these four pillars can be the foundation for driving collaboration amongst communities, the private sector, and the federal government, intended to improve the quality of life of HUD-assisted and low-income households and to empower them to become self-sufficient.

Located in or near Public Housing Authorities (PHA), EnVision Centers are centralized hubs for supportive services focused on the four pillars listed above. The EnVision Centers demonstration is premised on the notion that financial support alone is insufficient to solve the problem of poverty. Intentional and collective efforts across a diverse set of organizations with an even more diverse set of supportive services expertise are needed to implement a holistic approach to long-lasting self-sufficiency. Envision Centers embody this concept, bringing together a diverse set of organizations and resources under one roof, alleviating barriers commonly faced by residents and other low-income individuals including access and transportation. An example of this includes the IRS offering free tax preparation services to residents in the EnVision Center, while simultaneously having the Department of Education provide coordinators to aide residents in gathering key tax and other pertinent information needed to apply for the Free Application for Federal Student Aid (FAFSA). Another example includes; CyberPatriots offering computer technical classes through Cybergenerations while the Small Business Administration (SBA) provides ''off the shelf'' entrepreneurship courses to educate residents, and other low-income individuals interested in launching their own businesses.

In its report released in January 2011, that focused on Temporary Assistance for Needy Families, Employment Services and Workforce Investment Act Adult employment programs funded by the U.S. Departments of Labor, Education, and Health and Human Services, the Government Accountability Office (GAO) found that efficiencies in offering government services could be achieved by co-locating services and consolidating administrative structures. EnVision Centers aim to help foster efficiencies through co-locating government services and consolidating administrative structures. Data collection is necessary to assess and determine eligibility for EnVision Center designation and identify other activities to be conducted at EnVision Centers.

Potential EnVision Center sites are required to submit letters of commitment and Action Plans that promote and expand economic mobility. These Action Plans will describe the goals of the community's participation in the demonstration and provide, to the extent as possible, objective goals regarding the number of partnerships established with state and local government, non-profits, faith-based organizations, and private and philanthropic organizations. Once designated as an EnVision Center, designees are required to keep records (*e.g.* Action Plans, etc.) that document how the Demonstration is being implemented, cooperate with the evaluation, and commit to providing quarterly progress reports. The Action plan serves as a vehicle for bringing together stakeholders and providing them with a tangible path for achieving the goals of the EnVision Center. These plans will specify and formalize the participation of community stakeholders, describe gaps in current service delivery models, describe the onsite arrangements for intake processing and referrals to network stakeholders, identify the physical location(s) which can act as a shared services site to house the EnVision Center, and/or outline specific benchmarks and goals for the EnVision Center. These plans could also capture the goals of the community's participation in the demonstration and provide, to the extent possible, objective indicators of success regarding the number of partnerships established with state and local government, non-profits, faith -based organizations, and private and philanthropic organizations. Progress reports will be required on a quarterly basis in order to track EnVision Center implementation, assess and address Technical Assistance (TA) needs, and monitor activities, outputs and outcomes. A Customer Satisfaction survey will be administered within 30-days to individuals who go through the EnVision Center's intake process. This will provide information about how participants are experiencing the supports, referrals, and placement processes.

Envision Center sponsors may include Public Housing Authorities (PHAs), state and local governments, Tribes, Tribally-Designated Housing Agencies, participating jurisdictions, housing counseling agencies, multifamily owners/operators, faith-based and nonprofit organizations, and Continuums of Care (CoC).

Respondents (i.e., affected public): Executive Sponsor, Center Coordinator, Navigator and Participants.

Respondent	Occupation	SOC Code	Median hourly wage rate
EnVision Center Executive Sponsor	Chief Executive	11–1011	$88.11
EnVision Center Director	General and Operations Managers	11–1021	48.27
EnVision Center Navigator	Social and Human Service Assistant	21–1093	15.92
EnVision Center Participant	Federal Minimum Wage Rate	N/A	7.25

Source: Bureau of Labor Statistics, Occupational Employment Statistics (May 2017), *https://www.bls.gov/oes/current/oes_stru.htm* and Department of Labor, Minimum Wage (2009), *https://www.dol.gov/general/topic/wages/minimumwage*.

The EnVision Center Executive Sponsor and Envision Center Director at the 200 EnVision Centers will complete the Commitment Letter. The EnVision Center Executive Sponsor, EnVision Center Director and the EnVision Center Navigator will complete the Action Plan and the Quarterly Report while the EnVision Center Participant will complete the Customer Satisfaction Survey.

For the Commitment Letter, it is assumed that the EnVision Center Executive Sponsor and the EnVision Center Director will need 0.25 hours to complete this a year. The total number of respondents would be 200 based on the 200 centers.

For the Action Plan, it is assumed that the EnVision Center Executive Sponsor and EnVision Center Director will need one hour to complete this and the EnVision Center Navigator will need seven hours to complete this for an average of 8 hours total.

For the Quarterly Reports, it is assumed that the EnVision Center Executive Sponsor and EnVision Center

Director will need one hour to complete the review and and the EnVision Center Navigator will need five hours to complete this task for an average of 6 hours total.

For the Customer Satisfaction Survey, we anticipate an average 200 Envision Center Participant visits a year from each of the 200 centers. This is a total of 40,000 respondents per year with each survey having a completion time of three minutes.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 28, 2019.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2019–04341 Filed 3–8–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–05]

30-Day Notice of Proposed Information Collection: Continuum of Care Program Assistance Grant Application

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* April 10, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on September 14, 2018 at 83 FR 46748.

A. Overview of Information Collection

Title of Information Collection: Continuum of Care Program Assistance Grant Application.

OMB Approval Number: 2506–0112.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–2991—Cert of Consistency with Consolidated Plan.

Description of the need for the information and proposed use: The regulatory authority to collect this information is contained in 24 CFR part 578, and is authorized by the McKinney-Vento Act, as amended by S. 896 The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 (42 U.S.C. 11371 *et seq.*) which states that ''The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.'' (SEC.422(a))

The Continuum of Care (CoC) Program Application (OMB 2506–0112) is the second phase of the information collection process to be used in HUD's CoC Program Competition authorized by the HEARTH Act. During this phase, HUD collects information from the state and local Continuum of Cares (CoCs) through the CoC Consolidated Application which is comprised of the CoC Application, and the Priority Listing which includes the individual project recipients' project applications.

The CoC Consolidated Grant Application is necessary for the selection of proposals submitted to HUD (by State and local governments, public housing authorities, and nonprofit organization) for the grant funds available through the Continuum of Care Program, in order to make decisions for the awarding CoC Program funds.

Respondents (*i.e.* affected public): Nonprofit organizations, states, local governments, and instrumentalities of state and local governments, and Public Housing Authorities.

Submission documents	Number of respondents	Frequency of responses	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
A	B	C	D	E	F	G	F
CoC Applications:							
CoC HIC Process (this row includes the Subpopulation Extrapolation Tool, Stratified Extrapolation Tool, Housing Inventory Chart, and a General Extrapolation Tool)	390.00	1.00	390.00	8.00	3,120.00	46.62	145,454.40
CoC PIT Process	390.00	1.00	390.00	8.00	3,120.00	46.62	145,454.40
CoC Application	390.00	1.00	390.00	50.00	19,500	46.62	90,090.00
CoC Priority Listing and Reallocation Forms	390.00	1.00	390.00	8.00	3,120.00	46.62	145,454.40
HUD–2991—Cert of Consistency with Consolidated Plan	.....	1.00	390.00	3.00	1,170.00	46.62	54,545.40
Subtotal CoC Application Submissions	390.00	1.00	390.00	77.00	3,030.00	46.62	1,399,998,60
Project applications:							
Renewal Project applications	7,200.00	1.00	7,200.00	0.50	3,600.00	46.62	167,832.00
New Project applications	850.00	1.00	850.00	1.50	1,275.00	46.62	59,54450.50
CoC Planning Applications	390.00	1.00	390.00	1.00	390.00	46.62	18,181.80
UFA Costs Applications	10.00	1.00	10.00	0.50	5.00	46.62	233.10
Subtotal of Project applications Submissions (Renewal, New, UFA and Planning)	8,450.00	1.00	8,450.00	3.50	5,270.00	46.62	245,687.40
Overall Total CoC Consolidated Application (Total Project applications plus CoC Applications)	8,840.00	1.00	8,840.00	80.80	35,300.00	46.62	1,645,686.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 1, 2019.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2019–04340 Filed 3–8–19; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Vehicle Security and Remote Convenience Systems and Components Thereof, DN 3370;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of DEI Holdings, Inc. and Directed Electronics Canada Inc. on March 5, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vehicle security and remote convenience systems and components thereof. The complaint names as respondents: Automotive Data Solutions, Inc. of Canada; Firstech, LLC of Kent, WA; and AAMP of Florida, Inc. of Clearwater, FL. The complainant requests that the Commission issue a limited exclusion order and a cease and desist order and impose a bond during the 60-day review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in

the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3370) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel [2], solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS [3].

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 5, 2019.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2019–04362 Filed 3–8–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov*

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Bone Cements, Components Thereof, and Products Containing the Same, DN 3371;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Haraeus Medical LLC and Heraeus Medical GmbH on March 5, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain bone cements, components thereof and products containing the same. The complaint names as respondents: Zimmer Biomet Holdings, Inc. of Warsaw, IN; Biomet,

Inc. of Warsaw, IN; Zimmer Orthopaedic Surgical Products, Inc. of Dover, OH; Zimmer Surgical, Inc. of Dover, OH; Biomet France S.A.R.L. of France; Biomet Deutschland GmbH of Germany; Zimmer Biomet Deutschland GmbH of Germany; Biomet Europe B.V. of Netherlands; Biomet Global Supply Chain Center B.V. of Netherlands; Zimmer Biomet Nederland B.V. of Netherlands; Biomet Orthopedics, LLC of Warsaw, IN; and Biomet Orthopaedics Switzerland GmbH of Switzerland. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3371'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 6, 2019.

Katherine Hine,

Acting Secretary to the Commission.

[FR Doc. 2019–04374 Filed 3–8–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov*

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Photovoltaic Cells and Products Containing Same, DN 3369;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information

System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Hanwha Q CELLS USA Inc. and Hanwha Q CELLS & Advanced Materials Corporation on March 4, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain photovoltaic cells and products containing same. The complaint names as respondents: JinkoSolar Holding Co., Ltd. c/o Conyers Trust Company (Cayman) Limited of Cayman Islands; JinkoSolar (U.S.) Inc. of San Francisco, CA; Jinko Solar (U.S.) Industries Inc. of San Francisco, CA; Jinko Solar Co., Ltd. of China; Zhejiang Jinko Solar Co., Ltd. of China; Jinko Solar Technology Sdn. Bhd. of Malaysia; LONGi Solar Technology Co., Ltd. of China; LONGi Green Energy Technology Co., Ltd. of China; LONGi (H.K.) Trading Ltd. of Hong Kong; LONGi (Kuching) Sdn. Bhd. of Malaysia; Taizhou LONGi Solar Technology Ltd. of China; Zhejiang LONGi Solar Technology Ltd. of China; Hefei LONGi Solar Technology Ltd. of China; LONGi Solar Technology (U.S.) Inc. of San Ramon, CA; REC Solar Holdings AS of Norway; REC Solar Pte. Ltd. of Singapore; and REC Americas, LLC of San Mateo, CA. The complainant requests that the Commission issue a limited exclusion order and a cease and desist order and impose a bond during the 60-day review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3369) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel [2], solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS [3].

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 5, 2019.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2019–04363 Filed 3–8–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Thales S.A. and Gemalto N.V.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation, and

Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *Thales S.A. and Gemalto N.V.,* Civil Action No. 1:19–cv–00569–BAH. On February 28, 2019, the United States filed a Complaint alleging that Thales S.A.'s proposed acquisition of Gemalto N.V. would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires Thales S.A. to divest to an acquirer, subject to the United States' approval, its General Purpose HSM Products business.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection on the Antitrust Division's website at *http://www.justice.gov/atr* and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's website, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be directed to Aaron Hoag, Chief, Technology and Financial Services Section, Antitrust Division, Department of Justice, 450 Fifth Street NW, Suite 7100, Washington, DC 20530 (telephone: 202–307–6153).

Patricia A. Brink,

Director of Civil Enforcement.

United States District Court for the District of Columbia

United States of America, United States Department of Justice Antitrust Division, 450 Fifth Street NW, Suite 7100, Washington, DC 20530, Plaintiff, v. *Thales S.A. Tour Carpe Diem, 31 Place des Corolles—CS 20001, 92098 Paris La Defense Cedex, France,* and *Gemalto N.V. Barbara Strozzilaan 382, Amsterdam, The Netherlands, 1083 HN* Defendants.

Case No.: 1:19-cv-00569-BAH
Judge: Beryl A. Howell

COMPLAINT

The United States of America, acting under the direction of the Attorney General of the United States, brings this civil action to enjoin the acquisition of Gemalto N.V. (Gemalto) by Thales S.A. (Thales) and to obtain other equitable relief. The United States alleges as follows:

I. NATURE OF THE ACTION

1. Thales intends to acquire all of the outstanding ordinary shares of Gemalto for approximately $5.64 billion. Thales and Gemalto are the world's leading providers of general purpose (GP) hardware security modules (HSMs) and are significant direct competitors in the United States.

2. Organizations, including corporations and governmental agencies, use GP HSMs to protect their most sensitive data. GP HSMs are hardened, tamper-resistant hardware devices that strengthen data security by, among other things, making encryption key generation and management, data encryption and decryption, and digital signature creation and verification more secure. GP HSMs are used to achieve higher levels of data security and to meet or exceed established and emerging industry and regulatory standards for cybersecurity.

3. Together, Thales and Gemalto dominate the U.S. market for GP HSMs and face limited competition from a few, much smaller rivals. Thales and Gemalto are each other's closest competitors. They compete head-to-head in the development, marketing, service, and sale of GP HSMs. Thales' proposed acquisition of Gemalto would eliminate this competition, resulting in higher prices; lower quality products, support, and service; and reduced innovation.

4. Accordingly, the transaction is likely to substantially lessen competition in the provision of GP HSMs in the United States, in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18, and should be enjoined.

II. DEFENDANTS AND THE PROPOSED ACQUISITION

5. Thales is an international company incorporated in France with its principal office in Paris. Thales is active globally in five main industries: (i) aeronautics; (ii) space; (iii) ground transportation; (iv) defense; and (v) security. In 2017, it had global revenue of approximately $19.6 billion, operations in fifty-six countries, and approximately 65,100 employees. Thales eSecurity is a business unit of Thales. Thales eSecurity primarily encompasses three legal entities: (1) Thales eSecurity Inc. (based in the United States with offices in Plantation, Florida; San Jose, California; and Boston, Massachusetts), (2) Thales UK Ltd. (based in the United Kingdom), and (3) Thales Transport & Security HK Ltd. (based in Hong Kong). Thales eSecurity specializes in developing, marketing, and selling data security products including but not limited to GP HSMs, payment HSMs, and encryption and key management software and hardware. Thales sells GP HSMs to customers worldwide, including government and commercial organizations throughout the United States, under the brand name nShield. In 2008, Thales acquired nCipher, a company that specialized in cryptographic security and sold, among other things, GP HSMs under the brand name nCipher. After that acquisition, Thales changed the brand name of those GP HSMs to nShield.

6. Pursuant to its commitments to the European Commission, entered into on November 7, 2018, Thales has agreed to divest its nShield business. As part of these commitments, Thales has separated the nShield business and related assets and personnel from the rest of its businesses and appointed a hold separate manager whose responsibility it is to manage the nShield business as a distinct and separate entity from the businesses retained by Thales until the divestiture is completed. This new business unit is operating under the name nCipher Security.

7. Gemalto is an international digital security company incorporated in the Netherlands with its principal office in Amsterdam. Gemalto is active globally in providing authentication and data protection technology, platforms, and services in five main areas: (i) banking and payment; (ii) enterprise and cybersecurity; (iii) government; (iv) mobile; and (v) machine-to-machine Internet of Things. In 2017, Gemalto had global revenue of approximately $3.7 billion, operations in forty-eight countries, and approximately 15,000 employees. Gemalto develops, markets, and sells GP HSMs, as well as other security solutions and services including but not limited to payment HSMs and encryption and key management software and hardware. In the United States, Gemalto sells its products and services primarily through SafeNet, Inc. (based in Belcamp, Maryland), SafeNet Assured Technologies, LLC (based in Abingdon, Maryland), and Gemalto Inc. (based in Austin, Texas). Gemalto sells GP HSMs to customers worldwide, including government and commercial organizations throughout the United States, under the brand name SafeNet Luna.

8. On December 17, 2017, Thales and Gemalto entered into an agreement on a recommended all-cash offer by Thales to acquire all of the issued and outstanding ordinary shares of Gemalto for approximately $5.64 billion.

III. JURISDICTION, VENUE, AND INTERSTATE COMMERCE

9. The United States brings this action under Section 15 of the Clayton Act, 15 U.S.C. § 25, to prevent and restrain Defendants from violating Section 7 of the Clayton Act, 15 U.S.C. § 18. This Court has subject-matter jurisdiction over this action under Section 15 of the Clayton Act, 15 U.S.C. § 25, and 28 U.S.C. §§ 1331, 1337(a), and 1345.

10. Defendants market, sell, and service their products, including their GP HSMs, throughout the United States and regularly and continuously transact business and transmit data in connection with these activities in the flow of interstate commerce, which has a substantial effect upon interstate commerce.

11. Defendants consent to personal jurisdiction and venue in this district. This Court has personal jurisdiction over each Defendant and venue is proper under Section 12 of the Clayton Act, 15 U.S.C. § 22, and 28 U.S.C. § 1391(b) and (c).

IV. THE RELEVANT MARKET

A. Industry Background

12. Many U.S. organizations, including commercial enterprises and government agencies, use, transmit, and maintain sensitive electronic data. The universe of sensitive electronic data has been expanding rapidly and relates to a wide range of subjects, such as personally identifiable information, classified information, health records, financial information, tax records, trade secrets and other confidential business information, software code, and other nonpublic information. Access to this data is often critical to an organization's ability to operate effectively and efficiently. Inappropriate use, theft, corruption, or disclosure of this data could result in significant harm to an organization's customers or constituents and the organization itself.

13. U.S. organizations increasingly rely on encryption as a crucial component of the security measures implemented to safeguard sensitive data from internal and external threats. Encryption is a process that converts readable data (plain text) into an unreadable format (cipher text) using an algorithm and an encryption key. Decryption is the reverse of encryption, converting cipher text back to plain text. Encryption algorithms are based on highly complex math and are often standardized and open source. Encryption keys consist of a randomly generated series of numbers or pairs of randomly generated prime numbers, expressed in bits. Because encryption algorithms are virtually impossible to decipher using today's technology, attackers who want unauthorized access to sensitive data generally focus their efforts on obtaining private encryption keys instead of trying to break the encryption algorithm directly. With the right key, an attacker can freely access an organization's sensitive data. Moreover, a lost or corrupted key could make encrypted data unrecoverable by the organization. Organizations therefore must implement processes and products that create, maintain, protect, and control their encryption keys in a manner that safeguards against improper access or use while simultaneously ensuring the keys are readily available when required for authorized use.

14. GP HSMs provide the most secure way for organizations to effectively manage and protect their encryption keys, and many U.S. organizations use them to protect their most sensitive data. GP HSMs are tamper-resistant hardware environments for secure encryption processing and key management. GP HSMs provide additional security as compared to software-based key management solutions because they are isolated from the host information technology (IT) environment and segregate encryption keys from encrypted data and encryption applications. GP HSMs also enable organizations to implement strong authentication regimes for key management administrators that prevent unauthorized access.

15. GP HSMs are typically independently validated to confirm they provide a level of security specified by various standards. Certifications of compliance with these standards provides assurance to customers that GP HSMs satisfy certain minimum security performance benchmarks. For example, U.S. GP HSM customers frequently rely on the Federal Information Processing Standard (FIPS) 140-2 to assess the level of security provided by a particular GP HSM. FIPS 140-2 is a standard defined by the U.S. National Institute of Standards, which is part of the U.S. Department of Commerce. The standard is mandatory for U.S. government IT security systems that use cryptographic modules to protect sensitive but unclassified information. Commercial enterprises also rely heavily on the standard to assess the security provided by cryptographic modules. FIPS 140-2 comprises four increasing, qualitative levels of security—Levels 1 through 4—for cryptographic modules used to protect sensitive information. Cryptographic modules go through an expensive and time consuming testing process in order to be validated at a particular FIPS 140-2 level. Although software-only modules can be validated under FIPS 140-2, due to increasingly stringent security requirements, organizations must use an HSM to attain Level 3 security. Thales and Gemalto both provide highly secure GP HSMs that have been validated at FIPS 140-2, Level 3.

16. Thales and Gemalto sell GP HSMs and related services directly to end-user organizations, to resellers who often combine the GP HSMs with additional security products or services, and to cloud service providers (CSPs) who then sell GP HSM services, or HSM-as-a-service (HSMaaS), to their cloud customers. The leading CSPs purchase GP HSMs from third-party suppliers, including Thales and Gemalto.

17. There are, however, many organizations that are reluctant to move their sensitive data to the cloud and use HSMaaS because of security concerns. These organizations continue to rely, to at least some degree, on purchasing and using their own GP HSMs to protect their sensitive data.

18. GP HSMs typically must be integrated into or configured to operate within an organization's existing IT environment. An organization needs assurance that a GP HSM will be an effective component of what may be an already complex data security infrastructure. Because of this, the GP HSM sales process typically includes a comprehensive exchange of information between the potential customer organization and GP HSM supplier.

19. Once an organization has installed a GP HSM into its IT environment and is using it to protect its keys and to provide a secure data encryption environment, any breakdowns or malfunctions in the GP HSM could not only compromise the sensitive data but also jeopardize the organization's ability to perform day-to-day tasks that are necessary for the organization to carry out its business. Post-sales customer support and service are therefore essential conduct carried out by successful GP HSM suppliers. Many customers will not even consider a potential GP HSM supplier who has not established a strong reputation for providing quality GP HSMs and continuous and effective post-sales service and support. Thales and Gemalto both have strong reputations for high-quality post-sales service and support. Thales and Gemalto provide this service and support to their direct customers and indirectly to other customers by assisting their resellers.

20. Thales and Gemalto both create and maintain confidential price lists for

their respective GP HSMs, additional GP HSM components and accessories, and services. Confidential discount rates are then applied to the price list to determine the prices that are applicable to resellers. Thales and Gemalto authorize, customer-by-customer, confidential discounts from the prices on the price list, and in the case of resellers, additional discounts to the discounted prices already available to the reseller. Thales and Gemalto regularly approve significant discounts on GP HSMs when competing against each other.

B. Relevant Market

21. GP HSMs are most frequently included as components of complex encryption solutions used by government and private organizations to safeguard their most sensitive data. Use of GP HSMs is often specified by regulations, industry standards, or an organization's auditors or security policies, or is otherwise deemed necessary to safeguard the organization's most sensitive data or provide the organization's customers or constituents with confidence that their sensitive data will be adequately protected. Organizations that use GP HSMs have determined that less expensive alternatives to GP HSMs, such as software-based key management solutions, provide inadequate security for their most sensitive data. Some organizations will not even use cloud-based GP HSMaaS, and, if they do, will require an on-premises GP HSM to provide an additional layer of encryption security for encryption keys stored in a cloud-based GP HSM. Many customers are unwilling to entrust the protection of their most sensitive data to HSMaaS provided by a CSP. In order to provide HSMaaS to those customers that are willing to outsource at least some their GP HSM needs, CSPs purchase GP HSMs from the Defendants and the Defendants' GP HSM competitors.

22. Defendants market, sell, and service GP HSMs for use by organizations across the United States. Because GP HSMs are used to protect an organization's most sensitive data, U.S. customers require GP HSM suppliers to possess the demonstrated ability to provide both high-quality GP HSMs and high-quality post-sales service and support in the United States.

23. A hypothetical GP HSM monopolist could profitably impose a small but significant and non-transitory increase in price on GP HSM customers in the United States. Accordingly, GP HSMs sold to U.S. customers is a relevant market for purposes of analyzing the likely competitive effects of the proposed acquisition under Section 7 of the Clayton Act, 15 U.S.C. § 18.

V. ANTICOMPETITIVE EFFECTS OF THE PROPOSED ACQUISITION

24. Together, Thales and Gemalto dominate the GP HSM market in the United States. Thales and Gemalto are the two leading providers of GP HSMs in the United States, with individual market shares of approximately 30% and 36%, respectively, and a combined market share of approximately 66%. Thales' proposed acquisition of Gemalto likely would substantially lessen competition and harm customers in the U.S. GP HSM market by eliminating head-to-head competition between the two leading suppliers in the United States. The acquisition likely would result in higher prices, lower quality, reduced choice, and reduced innovation. Thales' proposed acquisition of Gemalto would substantially increase market concentration in an already highly concentrated market. The proposed acquisition violates Section 7 of the Clayton Act.

25. Thales and Gemalto currently compete head-to-head and their respective GP HSMs are each other's closest substitutes. Thales and Gemalto regularly approve significant discounts on GP HSMs when competing against each other. Competition between the two companies has also spurred innovation in the past. Thales' proposed acquisition of Gemalto would eliminate this head-to-head competition and reduce innovation, in addition to significantly increasing concentration in a highly concentrated market. As a result, Thales would emerge as the clearly dominant provider of GP HSMs in the United States with the ability to exercise substantial market power, increasing the likelihood that Thales could unilaterally increase prices or reduce its efforts to improve the quality of its products and services.

VI. ABSENCE OF COUNTERVAILING FACTORS

26. It is unlikely that any firm would enter the relevant product and geographic markets alleged herein in a timely manner sufficient to defeat the likely anticompetitive effects of the proposed acquisition. Successful entry in the development, marketing, sale, and service of GP HSMs is difficult, time-consuming, and costly.

27. Any new entrant would be required to expend significant time and capital to design and develop a series of GP HSMs that are at least comparable to Defendants' GP HSM product lines in terms of functionality and ability to interoperate with a wide range of encryption solutions and IT resources. Moreover, a new entrant, as well as any existing GP HSM provider seeking to expand and become a viable competitor in the supply of GP HSMs for use by individual organizations in the United States in on-premises security solutions, would need to spend significant time and effort to demonstrate its ability to provide quality GP HSMs for such use and continuous, high-quality post-sales service in the United States. It is unlikely that any such entry or expansion effort would produce an economically viable alternative to the merged firm in time to counteract the competitive harm likely to result from the proposed transaction.

28. Defendants cannot demonstrate merger-specific, verifiable efficiencies sufficient to offset the proposed merger's likely anticompetitive effects.

VII. VIOLATION ALLEGED

29. The United States incorporates the allegations of paragraphs 1 through 28 above.

30. The proposed acquisition of Gemalto by Thales is likely to substantially lessen competition for the development and supply of GP HSMs in the United States in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18.

31. Unless enjoined, the proposed acquisition likely will have the following anticompetitive effects, among others:

(a) actual and potential competition between Thales and Gemalto in the development, sale, and service of GP HSMs in the United States will be eliminated;

(b) competition in the development, sale, and service of GP HSMs in the United States in general will be substantially lessened;

(c) prices of GP HSMs will increase;

(d) improvements or upgrades to the quality or functionality of GP HSMs will be less frequent and less substantial;

(e) the quality of service for GP HSMs will decline; and

(f) organizations in the United States that require GP HSMs for use in on-premises security solutions will be especially vulnerable to an exercise of market power by the merged firm.

VIII. REQUEST FOR RELIEF

32. The United States requests that this Court:

(a) adjudge and decree that Thales' proposed acquisition of Gemalto would be unlawful and would violate Section 7 of the Clayton Act, 15 U.S.C. § 18;

(b) permanently enjoin and restrain Defendants and all persons acting on

their behalf from carrying out the December 17, 2017, agreement on a recommended all-cash offer by Thales to acquire all of the issued and outstanding ordinary shares of Gemalto, or from entering into or carrying out any other contract, agreement, plan, or understanding, or taking any other action, to combine Thales and Gemalto;

(c) award the United States its costs for this action; and

(d) award the United States such other and further relief as this Court deems just and proper.

Dated: February 28, 2019

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

Makan Delrahim (D.C. Bar # 457795),
Assistant Attorney General for Antitrust.

Bernard A. Nigro, Jr. (D.C. Bar # 412357),
Deputy Assistant Attorney General.

Patricia A. Brink,
Director of Civil Enforcement.

Aaron D. Hoag,
Chief, Technology and Financial Services.

Danielle G. Hauck,
Adam T. Severt,
Assistant Chiefs, Technology and Financial Services Section.

Kelly M. Schoolmeester,
(D.C. Bar # 1008354),
Maureen T. Casey,
(D.C. Bar # 415893)
(D.C. Bar # 1019454),
Chinita M. Sinkler,
Bindi R. Bhagat,
Cory Brader Leuchten,
R. Cameron Gower,
Ryan T. Karr,
David J. Shaw, (D.C. Bar # 996525),
Aaron Comenetz, (D.C. Bar # 479572),
Kent Brown,
Attorneys for the United States, United States Department of Justice, Antitrust Division, 450 Fifth Street, NW, Suite 7100, Washington, D.C. 20530, Tel.: (202) 598-2693, Fax: (202) 616-8544, Email: kelly.schoolmeester@usdoj.gov.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. *Thales S.A.* and *Gemalto N.V.*, Defendants.

Case No.: 1:19-cv-00569-BAH
Judge: Beryl A. Howell

PROPOSED FINAL JUDGMENT

WHEREAS, Plaintiff, United States of America, filed its Complaint on February 28, 2019, the United States and Defendants, Thales S.A. and Gemalto N.V., by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

AND WHEREAS, Defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

AND WHEREAS, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by Defendants to assure that competition is not substantially lessened;

AND WHEREAS, the United States requires Defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

AND WHEREAS, Defendants have represented to the United States that the divestitures required below can and will be made and that Defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

NOW THEREFORE, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is ORDERED, ADJUDGED, AND DECREED:

I. JURISDICTION

This Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against Defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. § 18).

II. DEFINITIONS

As used in this Final Judgment:

A. ''*Acquirer*'' means the entity to whom Defendants divest the Divestiture Assets.

B. ''*Thales*'' means Defendant Thales S.A., a French corporation with its principal office in Paris, France; its successors and assigns; and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''*Gemalto*'' means Defendant Gemalto N.V., a Netherlands corporation with its headquarters in Amsterdam; its successors and assigns; and its subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures, and their directors, officers, managers, agents, and employees.

D. ''*Defendants*'' means Thales and Gemalto, acting individually or collectively.

E. ''*Transaction*'' means Thales' acquisition of Gemalto through a public offer by Thales for all issued and outstanding ordinary shares of Gemalto pursuant to the Merger Agreement between Thales and Gemalto dated December 17, 2017.

F. ''*Confidential Information*'' means non-public information related to the Divestiture Assets.

G. ''*Divestiture Assets*'' means Thales' GP HSM Products business, including:

(1) all tangible assets primarily related to the production, operation, research, development, sale, or support of any GP HSM Product, including but not limited to manufacturing equipment, tooling and fixed assets, computers, tapes, disks, other storage devices, other IT hardware, equipment used in research and development, testing equipment, tools used in design or simulation, personal property, inventory, office furniture, materials, supplies, and other tangible property;

(2) all Shared Intangible Assets; and

(3) all other intangible assets primarily related to the production, operation, research, development, sale, or support of any GP HSM Product, including but not limited to (i) licenses, permits, certifications, and authorizations issued by any governmental organization; contracts or portions of contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings, including supply agreements; customer lists, histories, contracts, accounts, and credit records; repair and performance records; documentation relating to software development and changes; manuals and technical information Defendants provide to their own employees, customers, suppliers, agents, or licensees; data and records relating to historic and current research and development efforts, including but not limited to designs of experiments and the results of successful and unsuccessful experiments; records relating to designs or simulations, safety procedures for the handling of materials and substances, and quality assurance and control procedures; and other records; and (ii) intellectual property rights, including but not limited to patents, licenses and sublicenses, copyrights, trademarks, trade names, service marks, service names, technical information, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, and specifications for parts and devices (but not including the name ''THALES'' in any trademark, domain name, trade name, or service).

The Divestiture Assets include but are not limited to: CodeSafe, nShield Remote Administration, nShield Bring Your Own Key, Key Authority (at the option of Acquirer), and Security World Architecture and monitoring tool nShield Monitor. The Divestiture Assets do not include any assets owned by Gemalto prior to the closing of the Transaction.

H. ''*Divestiture Closing Date*'' means the date on which Thales divests the Divestiture Assets to Acquirer.

I. ''*GP HSM Product*'' means a hardened, tamper-resistant general purpose hardware security module and includes all add-ons, value-added features, and accessories. ''GP HSM Product'' does not include the Vormetric Data Security Manager, but does include any GP HSM Product that is incorporated into or otherwise used with the Vormetric Data Security Manager.

J. ''*Regulatory Approvals*'' means any approvals or clearances pursuant to filings with the Committee on Foreign Investments in the United States (''CFIUS''), or under antitrust, competition, or other U.S. or international laws in connection with Acquirer's acquisition of the Divestiture Assets.

K. ''*Relevant Personnel*'' means all Thales employees who have supported or whose job related to the Divestiture Assets at any time between July 1, 2017 and the Divestiture Closing Date.

L. ''*Retained Solution*'' means any solution that is sold by Defendants, including but not limited to Vormetric Data Security Manager, Vormetric Transparent Encryption, CipherTrust Cloud Key Manager, SafeNet KeySecure, SafeNet Virtual KeySecure, SafeNet ProtectApp, and any upgrades, revisions, or new versions of any such solutions, in each case solely to the extent such solution has interfaced or interoperated with any of the Divestiture Assets at any time since January 1, 2017.

M. ''*Shared Intangible Assets*'' means intangible assets that are used, or have been under development for use as of January 7, 2019, in relation to (i) Thales' GP HSM Products business and (ii) Thales' business relating to products other than GP HSM Products.

III. APPLICABILITY

A. This Final Judgment applies to Thales and Gemalto, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. If, prior to complying with Section IV and Section V of this Final Judgment, Defendants sell or otherwise dispose of all or substantially all of their assets or of lesser business units that include the Divestiture Assets, Defendants shall require the purchaser to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from the acquirer of the assets divested pursuant to this Final Judgment.

IV. DIVESTITURES

A. Defendants are ordered and directed, within thirty-five (35) calendar days following the signing by the parties of the Stipulation and Order in this matter or five (5) calendar days after the notice of entry of this Final Judgment by the Court, whichever is later, to divest the Divestiture Assets to Acquirer in a manner consistent with this Final Judgment. The United States, in its sole discretion, may agree to one or more extensions of this time period and shall notify the Court in such circumstances. If Acquirer, and/or Defendants, as applicable, have initiated contact with any governmental unit to seek any Regulatory Approval within five (5) calendar days after the United States provides written notice pursuant to Paragraph VI(C) that it does not object to the proposed Acquirer, the period shall be extended (if necessary) until fifteen (15) calendar days after such Regulatory Approval is received. The extension allowed for Regulatory Approvals shall be no longer than ninety (90) calendar days, unless further extended by the United States, in its sole discretion. Nothing in this section shall require Defendants to divest the Divestiture Assets earlier than five (5) calendar days after the closing of the Transaction. Defendants agree to use their best efforts to divest the Divestiture Assets as expeditiously as possible.

B. For Divestiture Assets that are Shared Intangible Assets, the divestiture shall be completed in the following manner:

(1) For each Shared Intangible Asset listed on Schedule 1 and any other Shared Intangible Asset that has been used, or has been under development for use, primarily in relation to Thales' GP HSM Products business, Thales shall transfer or otherwise assign to Acquirer all of Thales' ownership interest or other rights in the Shared Intangible Asset, and (a) for any asset listed on Schedule 1, Acquirer shall provide Defendants a non-exclusive, perpetual, worldwide, fully paid-up license to use (or, at the Acquirer's option, a covenant not to sue Defendants for using) the asset in the manner specified on Schedule 1, and (b) for any other Shared Intangible Asset transferred to Acquirer under this paragraph, Acquirer shall provide Defendants a non-exclusive, perpetual, worldwide, fully paid-up license to use (or, at the Acquirer's option, a covenant not to sue Defendants for using) the asset in the manner in which it is currently used, or currently under development for use, in relation to any Thales product other than GP HSM Products.

(2) For each Shared Intangible Asset listed on Schedule 2 and any other Shared Intangible Asset that has been used, or has been under development for use, primarily in relation to Thales' business relating to products other than GP HSM Products, Defendants shall provide Acquirer a, perpetual, worldwide, fully paid-up license to use (or, at the Acquirer's option, a covenant not to sue Acquirer for use of) the asset. At the Acquirer's option, such licenses shall (i) be exclusive in relation to GP HSM Products and/or (ii) include non-exclusive rights in relation to products other than GP HSM products.

C. In accomplishing the divestiture ordered by this Final Judgment, Defendants promptly shall make known, by usual and customary means, the availability of the Divestiture Assets. Defendants shall inform any person making an inquiry regarding a possible purchase of the Divestiture Assets that they are being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets customarily provided in a due diligence process, except information or documents subject to the attorney-client privilege or work-product doctrine. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

D. Defendants shall permit prospective Acquirers of the Divestiture Assets to have reasonable access to personnel and to make inspections of the physical facilities included in the Divestiture Assets; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

E. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the Divestiture Assets.

F. Employees

(1) Within ten (10) business days following the filing of the Complaint in this matter, Thales shall provide to Acquirer, the United States, and the Monitoring Trustee organization charts including any Relevant Personnel for each year since July 1, 2017. Within ten (10) business days of receiving a request from Acquirer, Thales shall provide, subject to applicable law, to Acquirer, the United States, and the Monitoring Trustee, additional information related to identified Relevant Personnel, including name, job title, reporting relationships, past experience, and responsibilities from July 1, 2017 through the Divestiture Closing Date, training and educational history, relevant certifications, job performance evaluations, and current salary and benefits information to enable Acquirer to make offers of employment.

(2) Upon request by the Acquirer, Thales shall make Relevant Personnel available for interviews with Acquirer during normal business hours at a mutually agreeable location. Defendants will not interfere with any negotiations by Acquirer to employ any Relevant Personnel. Interference includes but is not limited to offering to increase the salary or benefits of Relevant Personnel other than as part of an increase in salary or benefits granted in the ordinary course of business.

(3) For any Relevant Personnel who elect employment with Acquirer as part of the divestiture required by this Final Judgment, or pursuant to Paragraph IV(F)(7) of this Final Judgment, Thales shall waive all non-compete and non-disclosure agreements (except as noted in Paragraph IV(F)(6)), vest all unvested pension and other equity rights, and provide all benefits which those Relevant Personnel would be provided if transferred to a buyer of an ongoing business.

(4) For a period of two (2) years from the Divestiture Closing Date, Thales may not solicit to hire Relevant Personnel who were hired by Acquirer as part of the divestiture required by this Final Judgment, or pursuant to Paragraph IV(F)(7) of this Final Judgment, unless (a) such individual is terminated or laid off by Acquirer or (b) Acquirer agrees in writing that Thales may solicit or hire that individual; provided, however, that nothing in this paragraph shall be construed as prohibiting Defendants from utilizing general solicitations or advertisements.

(5) For a period of one (1) year from the Divestiture Closing Date, Thales may not hire Relevant Personnel who were hired by Acquirer as part of the divestiture pursuant to this Final Judgment or pursuant to Paragraph IV(F)(7) of this Final Judgment, unless (a) such individual is terminated or laid off by Acquirer or (b) Acquirer agrees in writing that Thales may solicit or hire that individual.

(6) Nothing in Paragraph IV(F) shall prohibit Thales from maintaining any reasonable restrictions on the disclosure by any employee who accepts an offer of employment with Acquirer of Thales' proprietary non-public information that is (a) not otherwise required to be disclosed by this Final Judgment, (b) related solely to Thales' retained businesses and clients, and (c) unrelated to the Divestiture Assets.

(7) Acquirer's right to hire Relevant Personnel pursuant to Paragraph IV(F)(2) and Thales' obligations under Paragraph IV(F)(3) shall remain in effect for a period of ninety (90) days after the Divestiture Closing Date.

G. Asset Warranties

In addition to any other warranties in the divestiture-related agreements entered into by Defendants, Thales shall warrant to Acquirer (a) that each asset will be operational and without material defect as of the Divestiture Closing Date; (b) that there are no material defects in the environmental, zoning, or other permits pertaining to the operation of the Divestiture Assets; and (c) that, following the sale of the Divestiture Assets, Defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning, or other permits relating to the operation of the Divestiture Assets.

H. Additional Assets

In addition to any other remedial provisions in the divestiture-related agreements entered into by Defendants, for a period of up to one (1) year following the Divestiture Closing Date, if Acquirer determines that any assets not included in the Divestiture Assets were related to the GP HSM Products business and reasonably necessary for the continued competitiveness of the divested GP HSM Products business, it shall notify the United States, the Monitoring Trustee, and the Defendants in writing that it requires such assets. If, after taking into account Acquirer's assets and business and providing Defendants an opportunity to demonstrate that such assets were not related to, and/or not reasonably necessary for the continued competitiveness of the divested GP HSM Products business, the United States, in its sole discretion, determines that such assets should be transferred or licensed, Defendants and Acquirer will negotiate an agreement within thirty (30) calendar days providing for the transfer or licensing of such assets in a period to be determined by the United States in consultation with the Defendants. The terms of any such transfer or license agreement shall be commercially reasonable and must be acceptable to the United States, in its sole discretion.

I. Transition Services

At the option of Acquirer, on or before the Divestiture Closing Date, Thales shall enter into transition services or reverse transition services agreements to provide any transition services reasonably necessary to allow Acquirer to operate any Divestiture Assets or to facilitate the transfer of Thales facilities to Acquirer. Thales will provide transition services under any such agreement for an initial period of up to one (1) year, on terms and conditions reasonably related to market conditions for the provision of the relevant services, subject to the approval of the United States in its sole discretion. Upon Acquirer's request, the United States, in its sole discretion, may approve one or more extensions of any such agreement for a total of up to an additional one (1) year.

J. Third-Party Agreements

At Acquirer's option, on or before the Divestiture Closing Date, Thales shall use its best efforts to assign or otherwise transfer to Acquirer all transferable or assignable agreements, or any assignable portions thereof, included in the Divestiture Assets, including but not limited to customer contracts, licenses, and collaborations. If Thales is unable to assign or transfer any such agreements, Thales shall use best efforts to ensure that Acquirer is put in the same economic position as if such agreements were assigned or transferred to Acquirer on the Divestiture Closing Date. The terms and conditions of any contractual arrangement intended to satisfy this provision must be reasonably related to market conditions for the provision of such services.

K. Licenses, Registrations, and Permits

Thales will make best efforts to assist Acquirer with acquiring new licenses, registrations, and permits to support the Divestiture Assets and, until Acquirer has the necessary licenses, registrations, and permits, Thales will provide Acquirer with the benefit of Thales' licenses, registrations, and permits in Acquirer's operation of the Divestiture Assets to the extent permissible by law.

L. Interoperability

(1) In order for the Divestiture Assets to have the uninterrupted ability to interface and interoperate with any solution that is provided by Defendants, for two (2) years following the date of sale of the Divestiture Assets, Defendants shall continue to enable, at cost and on the same quality and terms, the interface and interoperation between any GP HSM Product offered by Acquirer using the Divested Assets and any Retained Solutions to the extent such interface or interoperation existed at any time since January 1, 2017 in the then-current release of that Retained Solution. Defendants shall, upon receiving a written request from Acquirer at least thirty (30) calendar days before expiration of the second year, continue to provide the capability covered by this Section for another one (1) year, if approved by the United States in its sole discretion.

(2) Defendants may impose, as a condition of enabling any interface and interoperation that is required by Paragraph IV(L)(1), conditions that are reasonably related to maintaining the security, integrity, and confidentiality of customer data or the composition or means of operation of the applicable Retained Solution, except that Defendants may not impose conditions that are materially less favorable than the conditions under which Defendants provide or would provide an interface and interoperation between any of Defendants' GP HSMs and any Retained Solution.

(3) Defendants shall not change, during the period of Defendants' obligations under Paragraph IV(L)(1), except for good cause, the format of any interface and interoperation that is required by Paragraph IV(L)(1). For any such change, Defendants shall provide adequate notice and information for Acquirer to modify its Divested Assets, including any such products that are already installed with customers, to use the new format without disruption.

(4) Defendants shall take all reasonable steps to cooperate with and assist Acquirer in obtaining any third-party license or permission that may be required for Defendants to convey, license, sublicense, assign, or otherwise transfer to Acquirer rights, any interface or interoperability required by Paragraph IV(L)(1), or the use of any data transmitted as a result of any such interface or interoperation.

M. Patents

Thales shall provide a worldwide, non-exclusive, irrevocable, perpetual covenant not to assert against Acquirer or its customers in the field of use of GP HSM Products all U.S. or international patents, patent applications, or rights related to a patent or patent application (e.g., continuation, continuation-in-part, divisional, counterpart foreign application, or related international patent application filed under the Patent Cooperation Treaty), with a priority date or invention date prior to the closing of the Transaction (a) related to the Divestiture Assets and (b) owned, controlled, licensed, or used by Thales prior to the closing of the Transaction.

N. Unless the United States otherwise consents in writing, the divestiture pursuant to Section IV or by the Divestiture Trustee appointed pursuant to Section V of this Final Judgment shall include the entire Divestiture Assets and shall be accomplished in such a way as to satisfy the United States, in its sole discretion, that the Divestiture Assets can and will be used by Acquirer (approval of which is in the United States' sole discretion) as part of a viable, ongoing business of the production, operation, research, development, sale, and support of the GP HSM Products. The divestitures, whether pursuant to Section IV or Section V of this Final Judgment,

(1) shall be made to an Acquirer that, in the United States' sole judgment, has the intent and capability (including the necessary managerial, operational, technical, and financial capability) of competing effectively in the business of producing, operating, researching, developing, selling, and supporting GP HSM Products; and

(2) shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer and Defendants give Defendants the ability unreasonably to raise the Acquirer's costs, to lower the Acquirer's efficiency, or otherwise to interfere in the ability of the Acquirer to compete effectively.

V. APPOINTMENT OF DIVESTITURE TRUSTEE

A. If Defendants have not divested the Divestiture Assets to Acquirer within the time period specified in Paragraph IV(A), Defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a Divestiture Trustee selected by the United States and approved by the Court to effect the divestiture of the Divestiture Assets.

B. After the appointment of a Divestiture Trustee becomes effective, only the Divestiture Trustee shall have the right to sell the Divestiture Assets. The Divestiture Trustee shall have the power and authority to accomplish the divestiture to an Acquirer acceptable to the United States, in its sole discretion, at such price and on such terms as are then obtainable upon reasonable effort by the Divestiture Trustee, subject to the provisions of Sections IV and V of this Final Judgment, and shall have such other powers as the Court deems appropriate. Subject to Paragraph V(D) of this Final Judgment, the Divestiture Trustee may hire at the cost and expense of Defendants any agents, investment bankers, attorneys, accountants, or consultants, who shall be solely accountable to the Divestiture Trustee, reasonably necessary in the Divestiture Trustee's judgment to assist in the divestiture. Any such agents or consultants shall serve on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications.

C. Defendants shall not object to a sale by the Divestiture Trustee on any ground other than the Divestiture Trustee's malfeasance. Any such objections by Defendants must be conveyed in writing to the United States and the Divestiture Trustee within ten (10) calendar days after the Divestiture Trustee has provided the notice required under Section VI.

D. The Divestiture Trustee shall serve at the cost and expense of Defendants pursuant to a written agreement, on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications. The Divestiture Trustee shall account for all monies derived from the sale of the assets sold by the Divestiture Trustee and all costs and expenses so incurred. After approval by the Court of the Divestiture Trustee's accounting, including fees for any of its services yet unpaid and those of any professionals and agents retained by the Divestiture Trustee, all remaining money shall be paid to Defendants and the trust shall then be terminated. The compensation of the Divestiture Trustee and any professionals and agents retained by the Divestiture Trustee shall be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement that provides the Divestiture Trustee with incentives based on the price and terms of the divestiture and the speed with which it is accomplished, but the timeliness of the divestiture is paramount. If the Divestiture Trustee and Defendants are unable to reach agreement on the Divestiture Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within fourteen (14) calendar days of the

appointment of the Divestiture Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Divestiture Trustee shall, within three (3) business days of hiring any other agents or consultants, provide written notice of such hiring and the rate of compensation to Defendants and the United States.

E. Defendants shall use their best efforts to assist the Divestiture Trustee in accomplishing the required divestiture. The Divestiture Trustee and any agents or consultants retained by the Divestiture Trustee shall have full and complete access to the personnel, books, records, and facilities of the business to be divested, and Defendants shall provide or develop financial and other information relevant to such business as the Divestiture Trustee may reasonably request, subject to reasonable protection for trade secrets; other confidential research, development, or commercial information; or any applicable privileges. Defendants shall take no action to interfere with or to impede the Divestiture Trustee's accomplishment of the divestiture.

F. After its appointment, the Divestiture Trustee shall file monthly reports with the United States and, as appropriate, the Court, setting forth the Divestiture Trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring any interest in the Divestiture Assets and shall describe in detail each contact with any such person. The Divestiture Trustee shall maintain full records of all efforts made to divest the Divestiture Assets.

G. If the Divestiture Trustee has not accomplished the divestiture ordered under this Final Judgment within six (6) months after its appointment, the Divestiture Trustee shall promptly file with the Court a report setting forth (1) the Divestiture Trustee's efforts to accomplish the required divestiture; (2) the reasons, in the Divestiture Trustee's judgment, why the required divestiture has not been accomplished; and (3) the Divestiture Trustee's recommendations. To the extent such reports contain information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. The Divestiture Trustee shall at the same time furnish such report to the United States, which shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of the Final Judgment, which may, if necessary, include extending the trust and the term of the Divestiture Trustee's appointment by a period requested by the United States.

H. If the United States determines that the Divestiture Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, the United States may recommend the Court appoint a substitute Divestiture Trustee.

VI. NOTICE OF PROPOSED DIVESTITURE

A. Within two (2) business days following execution of a definitive divestiture agreement, Defendants or the Divestiture Trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the United States of any proposed divestiture required by Section IV or Section V of this Final Judgment. If the Divestiture Trustee is responsible, it shall similarly notify Defendants. The notice shall set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from Defendants, the proposed Acquirer(s), any other third party, or the Divestiture Trustee, if applicable, additional information concerning the proposed divestiture, the proposed Acquirer(s), and any other potential Acquirer. Defendants and the Divestiture Trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from Defendants, the proposed Acquirer(s), any third party, and the Divestiture Trustee, whichever is later, the United States shall provide written notice to Defendants and the Divestiture Trustee, if there is one, stating whether or not, in its sole discretion, it objects to the Acquirer or any other aspect of the proposed divestiture. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to Defendants' limited right to object to the sale under Paragraph V(C) of this Final Judgment. Absent written notice that the United States does not object to the proposed Acquirer(s) or upon objection by the United States, a divestiture proposed under Section IV or Section V shall not be consummated. Upon objection by Defendants under Paragraph V(C), a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII. FINANCING

Neither Thales nor Gemalto shall finance all or any part of any purchase made pursuant to this Final Judgment.

VIII. HOLD SEPARATE AND ASSET PRESERVATION

Until the divestiture required by this Final Judgment has been accomplished, Defendants shall take all steps necessary to comply with the Stipulation and Order entered by the Court. Defendants shall take no action that would jeopardize the divestiture ordered by the Court.

IX. AFFIDAVITS

A. Within twenty (20) calendar days of the filing of the Complaint in this matter, and every thirty (30) calendar days thereafter until the divestiture has been completed under Section IV or Section V, Thales and Gemalto shall deliver to the United States an affidavit, signed by each defendant's Chief Financial Officer and General Counsel, which shall describe the fact and manner of Defendants' compliance with Section IV or Section V of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, during the preceding thirty (30) calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts Defendants have taken to solicit buyers for the Divestiture Assets, and to provide required information to prospective Acquirers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to

information provided by Thales and Gemalto, including limitation on information, shall be made within fourteen (14) calendar days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, Defendants shall deliver to the United States and the Monitoring Trustee an affidavit that describes in reasonable detail all actions Defendants have taken and all steps Defendants have implemented on an ongoing basis to comply with Section VIII of this Final Judgment. Each of the Defendants shall deliver to the United States and the Monitoring Trustee an affidavit describing any changes to the efforts and actions outlined in Defendants' earlier affidavits filed pursuant to this Section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Assets until one (1) year after such divestiture has been completed.

X. APPOINTMENT OF MONITORING TRUSTEE

A. Upon application of the United States, the Court shall appoint a Monitoring Trustee selected by the United States and approved by the Court.

B. The Monitoring Trustee shall have the power and authority to monitor Defendants' compliance with the terms of this Final Judgment and the Stipulation and Order entered by the Court and shall have such other powers as the Court deems appropriate. The Monitoring Trustee shall be required to investigate and report on the Defendants' compliance with this Final Judgment and the Stipulation and Order, and Defendants' progress toward effectuating the purposes of this Final Judgment, including but not limited to reviewing (1) the implementation and execution of the compliance plan required by Section XI, and (2) any applications by the Acquirer for additional employees or assets under Paragraphs IV(F) and IV(H) respectively.

C. Subject to Paragraph X(E) of this Final Judgment, the Monitoring Trustee may hire at the cost and expense of Defendants any agents, investment bankers, attorneys, accountants, or consultants, who shall be solely accountable to the Monitoring Trustee, reasonably necessary in the Monitoring Trustee's judgment. Any such agents or consultants shall serve on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications.

D. Defendants shall not object to actions taken by the Monitoring Trustee in fulfillment of the Monitoring Trustee's responsibilities under any Order of the Court on any ground other than the Monitoring Trustee's malfeasance. Any such objections by Defendants must be conveyed in writing to the United States and the Monitoring Trustee within ten (10) calendar days after the action taken by the Monitoring Trustee giving rise to Defendants' objection.

E. The Monitoring Trustee shall serve at the cost and expense of Defendants, pursuant to a written agreement with Defendants and on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications. The compensation of the Monitoring Trustee and any agents or consultants retained by the Monitoring Trustee shall be on reasonable and customary terms commensurate with the individuals' experience and responsibilities. If the Monitoring Trustee and Defendants are unable to reach agreement on the Monitoring Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within fourteen (14) calendar days of the appointment of the Monitoring Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Monitoring Trustee shall, within three (3) business days of hiring any agents or consultants, provide written notice of such hiring and the rate of compensation to Defendants and the United States.

F. The Monitoring Trustee shall have no responsibility or obligation for the operation of Defendants' businesses.

G. Defendants shall use their best efforts to assist the Monitoring Trustee in monitoring Defendants' compliance with their individual obligations under this Final Judgment and under the Stipulation and Order. The Monitoring Trustee and any agents or consultants retained by the Monitoring Trustee shall have full and complete access to the personnel, books, records, and facilities relating to compliance with this Final Judgment, subject to reasonable protection for trade secrets; other confidential research, development, or commercial information; or any applicable privileges. Defendants shall take no action to interfere with or to impede the Monitoring Trustee's accomplishment of its responsibilities.

H. After its appointment, the Monitoring Trustee shall file reports semiannually, or more frequently as needed, with the United States and, as appropriate, the Court setting forth Defendants' efforts to comply with Defendants' obligations under this Final Judgment and under the Stipulation and Order. To the extent such reports contain information that the Monitoring Trustee deems confidential, such reports shall not be filed in the public docket of the Court.

I. The Monitoring Trustee shall serve until the divestiture of all the Divestiture Assets is finalized pursuant to either Section IV or Section V of this Final Judgment, any agreement entered into pursuant to Paragraph IV(I) has expired, and until Thales' obligations pursuant to Paragraphs IV(F) and IV(H) have concluded, unless the United States, in its sole discretion, terminates earlier or extends this period.

J. If the United States determines that the Monitoring Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Monitoring Trustee.

XI. PROTECTION OF CONFIDENTIAL INFORMATION

A. Thales and Gemalto shall implement and maintain reasonable procedures to prevent the disclosure or use of Confidential Information for any purpose other than:

(1) in connection with complying with this Final Judgment;

(2) in connection with complying with regulatory, financial reporting, audit, legal, compliance, or similar administrative purposes; or

(3) Defendants' use of Shared Intangible Assets as permitted by this Final Judgment.

B. Any representative of Thales who possesses any Confidential Information shall disclose or use such information only to the extent necessary to perform activities authorized in Paragraph XI(A).

C. Defendants shall implement procedures to prevent Confidential Information from being used or accessed by representatives of Defendants other than those with a need for such information in connection with the permitted uses set forth in Paragraph XI(A) (such procedures constituting a ''compliance plan''). Defendants' compliance plan shall include identification of an individual with primary responsibility for implementing the compliance plan, monitoring adherence to the compliance plan, taking measures against individuals who fail to adhere to the compliance plan, and developing instruction materials and providing instruction to Defendants' representatives relating to their obligations under this Section.

D. Defendants shall, within twenty (20) business days of the entry of the Stipulation and Order, submit to the United States and the Monitoring Trustee a document setting forth in detail the compliance plan. Upon receipt of the document, the United States shall notify the Defendants within twenty (20) business days whether, in its sole discretion, it approves of or rejects the compliance plan. In the event that the compliance plan is rejected, the United States shall provide the reasons for the rejection. Defendants shall be given the opportunity to submit, within ten (10) business days of receiving a notice of rejection, a revised compliance plan. If Defendants cannot agree with the United States on a compliance plan, the United States shall have the right to request that this Court rule on whether the Defendants' proposed compliance plan fulfills the requirements of Section XI.

E. Defendants shall:

(1) furnish a copy of this Final Judgment and related Competitive Impact Statement within five (5) business days of entry of the Final Judgment to (a) each officer, director, and any other employee who possesses, will possess, or may receive Confidential Information;

(2) furnish a copy of this Final Judgment and related Competitive Impact Statement to any successor to a person designated in Paragraph XI(C) upon assuming that position;

(3) annually brief each person designated in Paragraph XI(C) on the meaning and requirements of this Final Judgment and the antitrust laws; and

(4) obtain from each person designated in Paragraph XI(C), within ten (10) business days of that person's receipt of the Final Judgment and annually thereafter for five (5) years, a certification that he or she (a) has read and, to the best of his or her ability, understands and agrees to abide by the terms of this Final Judgment; (b) is not aware of any violation of the Final Judgment that has not been reported to the company; and (c) understands that any person's failure to comply with this Final Judgment may result in an enforcement action for civil or criminal contempt of court against each Defendant or any person who violates this Final Judgment; and

(5) six (6) months from the Divestiture Closing Date and annually thereafter for five (5) years, furnish an affidavit to the United States and the Monitoring Trustee, certifying compliance with Section XI. For five (5) years following the Divestiture Closing Date, if violations of Section XI are found, affidavits describing such violations will be furnished to the United States and the Monitoring Trustee within five (5) days of the discovery of a violation.

F. The provisions of this Section shall expire five (5) years after the Divestiture Closing Date.

XII. COMPLIANCE INSPECTION

A. For the purposes of determining or securing compliance with this Final Judgment, or of any related orders such as any Stipulation and Order or of determining whether the Final Judgment should be modified or vacated, and subject to any legally-recognized privilege, from time to time authorized representatives of the United States, including the Monitoring Trustee or any other agents and consultants retained by the United States, shall, upon written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division and on reasonable notice to Defendants, be permitted:

(1) access during Defendants' office hours to inspect and copy or, at the option of the United States, to require Defendants to provide electronic copies of all books, ledgers, accounts, records, data, and documents in the possession, custody, or control of Defendants relating to any matters contained in this Final Judgment; and

(2) to interview, either informally or on the record, Defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by Defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, Defendants shall submit written reports or responses to written interrogatories, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in Section XI shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time that Defendants furnish information or documents to the United States, Defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure, and Defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure,'' then the United States shall give Defendants ten (10) calendar days' notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XIII. NOTIFICATION OF FUTURE TRANSACTIONS

A. Unless such transaction has a value less than $10 million or is otherwise subject to the reporting and waiting period requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, 15 U.S.C. § 18a (the ''HSR Act''), Defendants, without providing advance notification to the United States, shall not directly or indirectly acquire any assets of or any interest, including any financial, security, loan, equity, or management interest, in any company that researches, develops, or manufactures GP HSM Products during the term of this Final Judgment.

B. Such notification shall be provided to the United States in the same format as, and per the instructions relating to, the Notification and Report Form set forth in the Appendix to Part 803 of Title 16 of the Code of Federal Regulations as amended, except that the information requested in Items 5 through 8 of the instructions must be provided only about GP HSM Products and related services. Notification shall be provided at least thirty (30) calendar days prior to acquiring any such interest, and shall include, beyond what may be required by the applicable instructions, the names of the principal representatives of the parties to the agreement who negotiated the agreement, and any management or strategic plans discussing the proposed transaction. If within the 30-day period after notification, representatives of the United States make a written request for additional information, Defendants shall not consummate the proposed transaction or agreement until thirty (30) calendar days after submitting all such additional information. Early termination of the waiting periods in this Paragraph may be requested and, where appropriate, granted in the same manner as is applicable under the requirements and provisions of the HSR Act and rules promulgated thereunder. Section XIII shall be broadly construed and any ambiguity or uncertainty regarding the filing of notice under

Section XII shall be resolved in favor of filing notice.

XIV. NO REACQUISITION OF DIVESTITURE ASSETS

Defendants may not reacquire any part of the Divestiture Assets during the term of this Final Judgment.

XV. RETENTION OF JURISDICTION

The Court retains jurisdiction to enable any party to this Final Judgment to apply to the Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XVI. ENFORCEMENT OF FINAL JUDGMENT

A. The United States retains and reserves all rights to enforce the provisions of this Final Judgment, including the right to seek an order of contempt from the Court. Defendants agree that in any civil contempt action, any motion to show cause, or any similar action brought by the United States regarding an alleged violation of this Final Judgment, the United States may establish a violation of the decree and the appropriateness of any remedy therefor by a preponderance of the evidence, and Defendants waive any argument that a different standard of proof should apply.

B. The Final Judgment should be interpreted to give full effect to the procompetitive purposes of the antitrust laws and to restore all competition the United States alleged was harmed by the challenged conduct. Defendants agree that they may be held in contempt of, and that the Court may enforce, any provision of this Final Judgment that, as interpreted by the Court in light of these procompetitive principles and applying ordinary tools of interpretation, is stated specifically and in reasonable detail, whether or not it is clear and unambiguous on its face. In any such interpretation, the terms of this Final Judgment should not be construed against either party as the drafter.

C. In any enforcement proceeding in which the Court finds that Defendants have violated this Final Judgment, the United States may apply to the Court for a one-time extension of this Final Judgment, together with such other relief as may be appropriate. In connection with any successful effort by the United States to enforce this Final Judgment against a Defendant, whether litigated or resolved prior to litigation, that Defendant agrees to reimburse the United States for the fees and expenses of its attorneys, as well as any other costs including experts' fees, incurred in connection with that enforcement effort, including in the investigation of the potential violation.

XVII. EXPIRATION OF FINAL JUDGMENT

Unless the Court grants an extension, this Final Judgment shall expire ten (10) years from the date of its entry, except that after five (5) years from the date of its entry, this Final Judgment may be terminated upon notice by the United States to the Court and Defendants that the divestitures have been completed and that the continuation of the Final Judgment no longer is necessary or in the public interest.

XVIII. PUBLIC INTEREST DETERMINATION

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, including making copies available to the public of this Final Judgment, the Competitive Impact Statement, any comments thereon, and the United States' responses to comments. Based upon the record before the Court, which includes the Competitive Impact Statement and any comments and responses to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date: _____

[Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. § 16]

_____

United States District Judge

Schedule 1

Shared Intangible Assets Transferred to Acquirer and Licensed Back to Defendants

In each case the ''Field of Use for License-Back to Defendants'' is limited to the manner in which the listed asset is currently used, or currently under development for use.

PATENTS

Title	Patent/application No.	Jurisdiction	Field of use for license-back to defendants
A method of data transfer, a method of controlling use of data and a cryptographic device.	BR11201801525–44	Brazil	(1) Payment HSMs and their derived applications and (2) encryption software products (not including key management).
A method of data transfer, a method of controlling use of data and a cryptographic device.	3013687	Canada	(1) Payment HSMs and their derived applications and (2) encryption software products (not including key management).
A method of data transfer, a method of controlling use of data and a cryptographic device.	20178000986.41	China	(1) Payment HSMs and their derived applications and (2) encryption software products (not including key management).
A method of data transfer, a method of controlling use of data and a cryptographic device.	17704057.3	European Patent Office	(1) Payment HSMs and their derived applications and (2) encryption software products (not including key management).
A method of data transfer, a method of controlling use of data and a cryptographic device.	2018–540867	Japan	(1) Payment HSMs and their derived applications and (2) encryption software products (not including key management).
A method of data transfer, a method of controlling use of data and a cryptographic device.	PCT/GB2017/050264	Patent Cooperation Treaty	(1) Payment HSMs and their derived applications and (2) encryption software products (not including key management).
A method of data transfer, a method of controlling use of data and a cryptographic device.	10–2018–7025706	Republic of Korea	(1) Payment HSMs and their derived applications and (2) encryption software products (not including key management).
A method of data transfer, a method of controlling use of data and a cryptographic device.	1602088.5	United Kingdom	(1) Payment HSMs and their derived applications and (2) encryption software products (not including key management).
A method of data transfer, a method of controlling use of data and a cryptographic device.	16/075575	United States	(1) Payment HSMs and their derived applications and (2) encryption software products (not including key management).
A method and system of securely enforcing a computer policy.	GB2413880	United Kingdom	Payment HSMs and their derived applications.

PATENTS—Continued

Title	Patent/application No.	Jurisdiction	Field of use for license-back to defendants
Cryptographic security module method and apparatus	GB2409387	United Kingdom	Payment HSMs and their derived applications.
Secure transmission of data within a distributed computer system.	GB2404535	United Kingdom	Encryption software products.
Secure transmission of data within a distributed computer system.	US7266705	United States of America	Encryption software products.
Controlling access to a resource by a program using a digital signature.	CA2400940	Canada	Payment HSMs and their derived applications.
Controlling access to a resource by a program using a digital signature.	EP1257892	Switzerland	Payment HSMs and their derived applications.
Controlling access to a resource by a program using a digital signature.	EP1257892	Germany	Payment HSMs and their derived applications.
Controlling access to a resource by a program using a digital signature.	EP1257892	France	Payment HSMs and their derived applications.
Controlling access to a resource by a program using a digital signature.	EP1257892	United Kingdom	Payment HSMs and their derived applications.
Controlling access to a resource by a program using a digital signature.	EP1257892	Ireland	Payment HSMs and their derived applications.
Controlling access to a resource by a program using a digital signature.	US7900239	United States of America	Payment HSMs and their derived applications.

SOFTWARE

Category	Software	Field of use for license-back to defendants
External API	SmartCards	Payment HSMs and their derived applications.
	TVD (Remote Admin)	Payment HSMs and their derived applications.
CodeSafe	CodeSafe v2	Payment HSMs and their derived applications.
Remote Administration	JavaCard Applet	Payment HSMs and their derived applications.
Solo XC Source	security-processor	Payment HSMs and their derived applications.
	signing_infra	Payment HSMs and their derived applications.

Schedule 2

Shared Intangible Assets Retained by Thales and Licensed to Acquirer

SOFTWARE

Category	Software
Cipher Trust Monitor	Cipher Trust Monitor common code.
TD & Fabric Activities	Agate.
	Augite.
	Bauxite.
	Cordierite.
	Fabric core / Authorizer.
	Fabric core / building-block-template.
	Fabric core / crypto.
	Fabric core / protector.
	FIDO U2F.
	Granite.
	OpenID Connect Study.
	Phenakite.
	Pyrite.
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United States District Court for the District of Columbia

United States of America, Plaintiff, v. *Thales S.A.* and *Gemalto N.V.*, Defendants.

Case No.: 1:19-cv-00569-BAH

Judge: Beryl A. Howell

COMPETITIVE IMPACT STATEMENT

Plaintiff United States of America (United States), pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (APPA or Tunney Act), 15 U.S.C. § 16(b)-(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. NATURE AND PURPOSE OF THE PROCEEDING

Defendant Thales S.A. (Thales) and Defendant Gemalto N.V. (Gemalto) entered into an agreement, dated December 17, 2017, pursuant to which Thales would acquire, by means of an all-cash tender offer, all of the outstanding ordinary shares of Gemalto for approximately $5.64 billion. The United States filed a civil antitrust Complaint on February 28, 2019, seeking to enjoin the proposed acquisition. The Complaint alleges that the likely effect of this acquisition would be to substantially lessen competition in the provision of General Purpose (GP) Hardware Security Modules (HSMs) in the United States in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18. This loss of competition likely would result in higher prices for GP HSMs as well as a reduction in quality, product support, and innovation.

At the same time the Complaint was filed, the United States filed a Stipulation and Order and proposed Final Judgment, which are designed to eliminate the anticompetitive effects of the acquisition. Under the proposed Final Judgment, which is explained more fully below, Defendants are required to make certain divestures for the purpose of remedying the loss of competition in the U.S. market for GP HSMs that would have resulted from the merger. Under the terms of the Stipulation and Order, Defendants will take certain steps to ensure that the divested GP HSM Products business is operated as a competitively independent, economically viable and ongoing business concern, that will remain independent and uninfluenced by the consummation of the acquisition, and that competition is maintained during the pendency of the ordered divestiture. The United States and Defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. DESCRIPTION OF THE EVENTS GIVING RISE TO THE ALLEGED VIOLATION

A. The Defendants and the Proposed Transaction

Thales is an international company incorporated in France with its principal office in Paris. Thales is active globally in five main industries: (i)

aeronautics; (ii) space; (iii) ground transportation; (iv) defense; and (v) security. In 2017, it had global revenue of approximately $19.6 billion, operations in fifty-six countries, and approximately 65,100 employees. Thales eSecurity is a business unit of Thales that primarily encompasses three legal entities: (1) Thales eSecurity Inc. (based in the United States with offices in Plantation, Florida; San Jose, California; and Boston, Massachusetts); (2) Thales UK Ltd. (based in the United Kingdom); and (3) Thales Transport & Security HK Ltd. (based in Hong Kong). Thales eSecurity specializes in developing, marketing, and selling data security products, including but not limited to GP HSMs, payment HSMs, and encryption and key management software and hardware.

Thales sells GP HSMs to customers worldwide, including government and commercial organizations throughout the United States. In 2008, Thales acquired nCipher, a company that specialized in cryptographic security and sold, among other things, GP HSMs under the brand name nCipher. After that acquisition, Thales changed the brand name of those GP HSMs to nShield. To resolve the United States' concerns in this matter, and pursuant to commitments made to the European Commission on November 7, 2018, Thales has agreed to divest its nShield business. As part of the commitments to the European Commission, Thales has already separated the nShield business and related assets and personnel from the rest of its businesses and appointed a hold separate manager whose responsibility it is to manage the nShield business as a distinct and separate entity from the businesses retained by Thales until the divestiture is completed. This new business unit is operating under the name nCipher Security.

Gemalto is an international digital security company incorporated in the Netherlands with its principal office in Amsterdam. Gemalto is active globally in providing authentication and data protection technology, platforms, and services in five main areas: (i) banking and payment; (ii) enterprise and cybersecurity; (iii) government; (iv) mobile; and (v) machine-to-machine Internet of Things. In 2017, Gemalto had global revenue of approximately $3.7 billion, operations in forty-eight countries, and approximately 15,000 employees. Gemalto develops, markets, and sells GP HSMs, as well as other security solutions and services, including but not limited to payment HSMs and encryption and key management software and hardware. In the United States, Gemalto sells its products and services primarily through SafeNet, Inc. (based in Belcamp, Maryland), SafeNet Assured Technologies, LLC (based in Abingdon, Maryland), and Gemalto Inc. (based in Austin, Texas). Gemalto sells GP HSMs to customers worldwide, including government and commercial organizations throughout the United States, under the brand name SafeNet Luna.

The proposed acquisition of Gemalto by Thales, as initially agreed to by Defendants on December 17, 2017, would lessen competition substantially in the U.S. market for GP HSMs. This acquisition is the subject of the Complaint and proposed Final Judgment filed by the United States on February 28, 2019.

B. The Competitive Effects of the Transaction on the Market for GP HSMs

GP HSMs are tamper-resistant hardware environments for secure encryption processing and key management. They are most frequently included as components of complex encryption solutions used by government and private organizations to safeguard their most sensitive data. The universe of sensitive electronic data has been expanding rapidly and relates to a wide range of subjects, such as personally identifiable information, health records, financial information, tax records, trade secrets, software code, and other confidential information. Inappropriate use, theft, corruption, or disclosure of this data could result in significant harm to an organization's customers or constituents and the organization itself.

Organizations increasingly rely on encryption as a crucial component of the security measures implemented to safeguard sensitive data from internal and external threats. Encryption is a process that converts readable data (plain text) into an unreadable format (cipher text) using an algorithm and an encryption key. Decryption is the reverse of encryption, converting cipher text back to plain text. Encryption algorithms are based on highly complex math and are often standardized and open source.

Encryption keys consist of a randomly generated series of numbers. Because encrypted data is virtually impossible to decipher using today's technology without the encryption key, attackers who want unauthorized access to sensitive data generally focus their efforts on obtaining those encryption keys. With the right key, an attacker can freely access an organization's sensitive data. Conversely, a lost or corrupted key could make encrypted data unrecoverable by the organization. Organizations therefore must implement processes that safeguard against improper use of the encryption keys while simultaneously ensuring they are readily available when required for authorized use.

GP HSMs provide the most secure way for organizations to effectively manage and protect their encryption keys, and many organizations use them to protect their most sensitive data. Key management functionality is also available from software-based solutions. While these software solutions are generally less expensive than GP HSMs, GP HSMs are more secure. GP HSMs provide additional security, in part, because they are isolated from the rest of the organization's IT system. Use of GP HSMs is often required by regulations, industry standards, or an organization's auditors or security policies.

GP HSMs are typically validated by independent testing organizations to confirm they meet certain specified levels of security; software-based key systems, by contrast, are not able to meet the most stringent levels of security.

Thales and Gemalto sell GP HSMs and related services directly to end-user organizations and through resellers who often combine the GP HSMs with additional security products or services. Thales and Gemalto also sell GP HSMs to cloud service providers (CSPs) such as Amazon Web Services and Microsoft Azure, who then sell GP HSM services, or HSM-as-a-service (HSMaaS), to their cloud customers. There are, however, many organizations that are reluctant to use HSMaaS because they want more control over the security of their data. Even if an organization chooses to use HSMaaS, it may also require an on-premises GP HSM to provide an additional layer of encryption security.

GP HSMs typically must be integrated into or configured to operate within an organization's existing IT environment. An organization needs assurance that a GP HSM will be an effective component of what may be an already complex data security infrastructure. Because of this, the GP HSM sales process typically includes a comprehensive exchange of information between the potential customer organization and GP HSM supplier.

Once an organization has installed a GP HSM into its IT infrastructure and is using it to protect its keys and to provide a secure data encryption environment, any breakdowns or malfunctions in the GP HSM could not only compromise the sensitive data but

also jeopardize the organization's ability to perform day-to-day tasks that are necessary for the organization to carry out its business. Post-sales customer support and service are therefore essential. Many customers will not even consider a potential GP HSM supplier who has not established a strong reputation for providing quality GP HSMs and continuous and effective post-sales service and support.

Thales and Gemalto are the two leading providers of GP HSMs in the United States, with market shares of approximately 30% and 36%, respectively, and a combined market share of approximately 66%. Together, Thales and Gemalto dominate the GP HSM market in the United States. As originally proposed, Thales' acquisition of Gemalto would substantially increase market concentration in an already highly concentrated market. Acquisitions that reduce the number of competitors in already concentrated markets tend to to substantially lessen competition.

Thales' proposed acquisition of Gemalto likely would substantially lessen competition and harm customers in the U.S. GP HSM market by eliminating head-to-head competition between the two leading suppliers in the United States. Thales and Gemalto are each other's closest competitors for GP HSMs. Thales and Gemalto regularly approve significant discounts on GP HSMs when competing against each other. Thales and Gemalto both have strong reputations for high-quality post-sales service and support. Competition between the two companies has also spurred innovation in the past. Thales' proposed acquisition of Gemalto would eliminate this head-to-head competition and reduce innovation, in addition to significantly increasing concentration in a highly concentrated market. The acquisition likely would result in higher prices, lower quality, and reduced supplier choices for customers.

It is unlikely that any firm would enter the market for GP HSM sales to customers in the United States in a manner sufficient to defeat the likely anticompetitive effects of the proposed acquisition. Successful entry in the development, marketing, sale, and service of GP HSMs would be difficult, time-consuming, and costly.

Any new entrant would be required to expend significant time and capital to design and develop a series of GP HSMs that are at least comparable to Thales' and Gemalto's GP HSM product lines in terms of functionality and the ability to interoperate with a wide range of encryption solutions and IT resources. Moreover, a new entrant, as well as any existing foreign-based GP HSM provider seeking to expand and become a viable competitor in the supply of GP HSMs for use by individual organizations in the United States, would need to spend significant time and effort to demonstrate its ability to provide high-quality GP HSMs and continuous, high-quality post-sales service in the United States. It is unlikely that any such entry or expansion effort would produce an economically viable alternative to the merged firm in time to counteract the competitive harm likely to result from the proposed transaction.

As a result of its acquisition of Gemalto, as originally proposed, Thales would have emerged as the clearly dominant provider of GP HSMs in the United States with the ability to exercise substantial market power, increasing the likelihood that Thales could unilaterally increase prices or reduce its efforts to improve the quality of its products and services.

III. EXPLANATION OF THE PROPOSED FINAL JUDGMENT

The divestiture requirement of the proposed Final Judgment will eliminate the anticompetitive effects of the acquisition in the market for GP HSMs by establishing a new, independent, and economically viable competitor. The proposed Final Judgment requires Thales, within thirty-five (35) calendar days after the filing of the Complaint, or five (5) days after notice of the entry of the Final Judgment by the Court, whichever is later, to divest, as a viable ongoing business, Thales' GP HSM Products business. This includes all tangible and intangible assets primarily related to the production, operation, research, development, sale, or support of any Thales GP HSM Product.

Further, the proposed Final Judgment specifies the manner in which shared intangible assets shall be divested. These are assets that are used or have been under development for use as of January 7, 2019, which was the date Thales' GP HSM Products business was formally separated from the rest of Thales, in relation to both (i) Thales' GP HSM Products business and (ii) Thales' business relating to products other than GP HSM Products.

The proposed Final Judgment provides that, in the event that government approvals needed to complete the divestiture have been timely filed but remain outstanding at the end of the permitted divesture period, additional, limited extensions may be granted to allow Defendants and the acquirer time to obtain those approvals.

The proposed Final Judgment also provides that Thales must provide the Acquirer relevant information to allow the Acquirer to evaluate whether to make offers of employment to Thales employees, and provides that Thales must not interfere in any hiring process. Under the terms of the proposed Final Judgment, the Acquirer may seek to hire additional employees up to 90 days after they acquire the divested assets. Thales may not re-hire employees hired by the Acquirer for one year after the divestiture is complete, and may not specifically solicit any of those individuals for two years.

The assets must be divested in such a way as to satisfy the United States in its sole discretion that the operations can and will be operated by the purchaser as a viable, ongoing business that can compete effectively to develop, service, and sell GP HSMs to customers in the United States. Defendants must take all reasonable steps necessary to accomplish the divestiture quickly and shall cooperate with prospective purchasers. The proposed Final Judgment also includes procedures pursuant to which the Acquirer may apply to the United States for the right to acquire additional assets that would be materially useful to the divested business, or hire specific additional personnel, for a limited time after the divesture date.

The proposed Final Judgment provides that Defendants must ensure that their products continue to interface and interoperate with the divested GP HSM Products for at least two years. This interoperability must be provided at cost, and on the same quality (which may be measured, for example, by reference to speed and frequency of content transmission, lag time, uptime, database or API synchronization, or data fields transmitted, exposed, or used) and terms that were provided at any time since January 1, 2017. Should the Acquirer determine that a third year of interoperability is necessary, it may request that this provision be extended an additional year.

The proposed Final Judgment also provides that Thales must provide certain transition services to Acquirer, at the Acquirer's request for a period of one year. The acquirer may request that the United States allow the period of these transition services to be extended for another year if necessary.

The proposed Final Judgment provides that Thales must use its best efforts to ensure that all contracts involving GP HSM Products be transferred to the Acquirer. When contracts involve both GP HSM Products and other products, the

portions of the contracts relating to GP HSM Products will be conveyed. If Thales is unable to convey any of these contractual rights, the proposed Final Judgment provides that it will use its best efforts to make the Acquirer whole.

The proposed Final Judgment also provides that Thales will grant the Acquirer a covenant not to sue for breach, in the field of GP HSMs, of any patent held by Thales.

The proposed Final Judgment provides that the United States may apply to the Court for appointment of a Monitoring Trustee with the power and authority to investigate and report on the parties' compliance with the terms of the Final Judgment and Stipulation and Order filed with the Court for entry during the pendency of the divestiture. The Monitoring Trustee's duties would include reviewing: (1) the implementation and execution of a compliance plan to prevent any misuse of confidential information relating to the divested business; and (2) any application by the Acquirer for additional employees or assets.

The Monitoring Trustee will not have any responsibility or obligation for the operation of the parties' businesses. The Monitoring Trustee will serve at Defendants' expense, on such terms and conditions as the United States approves, and Defendants must assist the trustee in fulfilling its obligations. The Monitoring Trustee will file semiannual reports and shall serve until the provisions regarding employees, additional assets, and transition services have expired.

In the event that Defendants do not accomplish the divestiture within the periods prescribed in the proposed Final Judgment, the proposed Final Judgment provides that the Court will appoint a Divestiture Trustee selected by the United States to effect the divestiture. Defendants will pay all costs and expenses of any such trustee. After his or her appointment becomes effective, the Divestiture Trustee will file monthly reports with the Court and the United States setting forth his or her efforts to accomplish the divestiture. At the end of six months, if the divestiture has not been accomplished, the Divestiture Trustee and the United States will make recommendations to the Court, which shall enter such orders as appropriate, in order to carry out the purpose of the trust, including extending the trust or the term of the Divestiture Trustee's appointment.

The proposed Final Judgment contains provisions to require, for five years, that Defendants refrain from using any Confidential Information that they possess about the GP HSM Products business, except for certain permitted uses. Defendants must prepare a compliance plan to promote the success of these provisions and regularly report to the Division whether there has been a breach.

The proposed Final Judgment also contains provisions that require Defendants to report to the Division subsequent transactions that are related to GP HSMs, if those transactions otherwise would not be reportable under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, 15 U.S.C. § 18a.

The proposed Final Judgment also contains provisions designed to promote compliance and make the enforcement of Division consent decrees as effective as possible. Paragraph XVI(A) provides that the United States retains and reserves all rights to enforce the provisions of the proposed Final Judgment, including its rights to seek an order of contempt from the Court. Under the terms of this paragraph, Defendants have agreed that in any civil contempt action, any motion to show cause, or any similar action brought by the United States regarding an alleged violation of the Final Judgment, the United States may establish the violation and the appropriateness of any remedy by a preponderance of the evidence and that Defendants have waived any argument that a different standard of proof should apply. This provision aligns the standard for compliance obligations with the standard of proof that applies to the underlying offense that the compliance commitments address.

Paragraph XVI(B) provides additional clarification regarding the interpretation of the provisions of the proposed Final Judgment. The proposed Final Judgment was drafted to restore all competition that would otherwise be harmed by the merger. Defendants agree that they will abide by the proposed Final Judgment, and that they may be held in contempt of this Court for failing to comply with any provision of the proposed Final Judgment that is stated specifically and in reasonable detail, as interpreted in light of this procompetitive purpose.

Paragraph XVI(C) of the proposed Final Judgment provides that should the Court find in an enforcement proceeding that Defendants have violated the Final Judgment, the United States may apply to the Court for a one-time extension of the Final Judgment, together with such other relief as may be appropriate. In addition, in order to compensate American taxpayers for any costs associated with the investigation and enforcement of violations of the proposed Final Judgment, Paragraph XIV(C) provides that in any successful effort by the United States to enforce the Final Judgment against a Defendant, whether litigated or resolved prior to litigation, that Defendant agrees to reimburse the United States for attorneys' fees, experts' fees, or costs incurred in connection with any enforcement effort, including the investigation of the potential violation.

Finally, Section XVII of the proposed Final Judgment provides that the Final Judgment shall expire ten (10) years from the date of its entry, except that after five (5) years from the date of its entry, the Final Judgment may be terminated upon notice by the United States to the Court and Defendants that the divestitures have been completed and that the continuation of the Final Judgment is no longer necessary or in the public interest.

The divestiture provisions of the proposed Final Judgment will eliminate the anticompetitive effects of the acquisition in the provision of GP HSMs.

IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against Defendants.

V. PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED FINAL JUDGMENT

The United States and Defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the

Federal Register, or the last date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All comments received during this period will be considered by the United States Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to the Court's entry of judgment. The comments and the response of the United States will be filed with the Court. In addition, comments will be posted on the United States Department of Justice, Antitrust Division's internet website and, under certain circumstances, published in the **Federal Register**.

Written comments should be submitted to:

Aaron Hoag
Chief, Technology and Financial Services Section
Antitrust Division
United States Department of Justice
450 Fifth Street, N.W., Room 7100
Washington, DC 20530

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. ALTERNATIVES TO THE PROPOSED FINAL JUDGMENT

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits against Defendants. The United States could have continued the litigation and sought preliminary and permanent injunctions against Thales' acquisition of Gemalto. The United States is satisfied, however, that the divestiture of assets described in the proposed Final Judgment will preserve competition for the provision of GP HSMs in the United States. Thus, the proposed Final Judgment would achieve all or substantially all of the relief the United States would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the Complaint.

VII. STANDARD OF REVIEW UNDER THE APPA FOR THE PROPOSED FINAL JUDGMENT

The Clayton Act, as amended by the APPA, requires that proposed consent judgments in antitrust cases brought by the United States be subject to a 60-day comment period, after which the court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. § 16(e)(1). In making that determination, the court, in accordance with the statute as amended in 2004, is required to consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. § 16(e)(1)(A) & (B). In considering these statutory factors, the court's inquiry is necessarily a limited one as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *United States v. Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995); *see generally United States v. SBC Commc'ns, Inc.*, 489 F. Supp. 2d 1 (D.D.C. 2007) (assessing public interest standard under the Tunney Act); *United States v. U.S. Airways Group, Inc.*, 38 F. Supp. 3d 69, 75 (D.D.C. 2014) (explaining that the ''court's inquiry is limited'' in Tunney Act settlements); *United States v. InBev N.V./S.A.*, No. 08–1965 (JR), 2009 U.S. Dist. LEXIS 84787, at *3 (D.D.C. Aug. 11, 2009) (noting that the court's review of a consent judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanism to enforce the final judgment are clear and manageable'').

As the United States Court of Appeals for the District of Columbia Circuit has held, under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations in the government's complaint, whether the decree is sufficiently clear, whether its enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See Microsoft*, 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States v. BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988) (quoting *United States v. Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir. 1981)); *see also Microsoft*, 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.*, 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *InBev*, 2009 U.S. Dist. LEXIS 84787, at *3. Instead:

> [t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''*within the reaches of the public interest.*'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.

Bechtel, 648 F.2d at 666 (emphasis added) (citations omitted).[1]

In determining whether a proposed settlement is in the public interest, a district court ''must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations.'' *SBC Commc'ns*, 489 F. Supp. 2d at 17; *see also U.S. Airways*, 38 F. Supp. 3d at 74–75 (noting that a court should not reject the proposed remedies because it believes others are preferable and that room must be made for the government to grant concessions in the negotiation process for settlements); *Microsoft*, 56 F.3d at 1461 (noting the need for courts to be ''deferential to the government's predictions as to the effect of the proposed remedies''); *United States* v. *Archer-Daniels-Midland Co.*, 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (noting that the court should grant ''due respect to the government's prediction as to the effect of proposed remedies, its perception of the market structure, and its views of the nature of the case''). The ultimate question is whether ''the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest.' '' *Microsoft*, 56 F.3d at 1461 (*quoting United States v. Western Elec. Co.,* 900 F.2d 283, 309 (D.C. Cir. 1990)). To meet this standard, the United States ''need only provide a

[1] *See also BNS*, 858 F.2d at 464 (holding that the court's ''ultimate authority under the [APPA] is limited to approving or disapproving the consent decree''); *United States v. Gillette Co.*, 406 F. Supp. 713, 716 (D. Mass. 1975) (noting that, in this way, the court is constrained to ''look at the overall picture not hypercritically, nor with a microscope, but with an artist's reducing glass'').

factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' *SBC Commc'ns*, 489 F. Supp. 2d at 17.

Moreover, the court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its complaint, and does not authorize the court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft*, 56 F.3d at 1459; *see also U.S. Airways*, 38 F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev*, 2009 U.S. Dist. LEXIS 84787, at *20 (''the 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft*, 56 F.3d at 1459–60.

In its 2004 amendments,[2] Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' 15 U.S.C. § 16(e)(2); *see also U.S. Airways*, 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). This language explicitly wrote into the statute what Congress intended when it first enacted the Tunney Act in 1974. As Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the court, with the recognition that the court's ''scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings.'' *SBC Commc'ns*, 489 F. Supp. 2d at 11. A court can make its public interest determination based on the competitive impact statement and response to public comments alone. *U.S. Airways*, 38 F. Supp. 3d at 76. *See also United States v. Enova Corp.*, 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the ''Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone''); S. Rep. No. 93–298 93d Cong., 1st Sess., at 6 (1973) (''Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.'').

[2] The 2004 amendments substituted ''shall'' for ''may'' in directing relevant factors for a court to consider and amended the list of factors to focus on competitive considerations and to address potentially ambiguous judgment terms. *Compare* 15 U.S.C. § 16(e) (2004), *with* 15 U.S.C. § 16(e)(1) (2006); *see also SBC Commc'ns,* 489 F. Supp. 2d at 11 (concluding that the 2004 amendments ''effected minimal changes'' to Tunney Act review).

VIII. DETERMINATIVE DOCUMENTS

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: February 28, 2019

Respectfully submitted,

Kelly M. Schoolmeester
(D.C. Bar # 1008354)
United States Department of Justice, Antitrust Division, Technology and Financial Services Section, 450 Fifth Street, N.W., Washington, DC 20530, Phone: (202) 598–2693, Facsimile: (202) 616–8544, Email: *kelly.schoolmeester@usdoj.gov.*

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DEPARTMENT OF JUSTICE

[OMB Number 1121–0335]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension, Without Change, of a Currently Approved Collection

AGENCY: National Motor Vehicle Title Information System (NMVTIS), Office of Justice Programs, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until April 10, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Todd Brighton at 1–202–532–5105, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street NW, Washington, DC 20531 or by email at *Todd.Brighton@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the National Motor Vehicle Title Information System (NMVTIS), including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. Type of Information Collection: Extension of currently approved collection.

2. The Title of the Form/Collection: National Motor Vehicle Title Information System (NMVTIS).

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection: None. Bureau of Justice Assistance, Office of Justice Programs, United States Department of Justice.

4. Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: Auto recyclers, junk yards and salvage yards are required to report information into NMVTIS. The Anti-Car

Theft Act, defines junk and salvage yards ''as individuals or entities engaged in the business of acquiring or owning junk or salvage automobiles for resale in their entirety or as spare parts or for rebuilding, restoration, or crushing.'' Included in this definition are scrap-vehicle shredders and scrap-metal processors, as well as ''pull- or pick-apart yards,'' salvage pools, salvage auctions, and other types of auctions, businesses, and individuals that handle salvage vehicles (including vehicles declared a ''total loss'').

Abstract: Reporting information on junk and salvage vehicles to the National Motor Vehicle Title Information System (NMVTIS)—supported by the U.S. Department of Justice (DOJ)—is required by federal law. Under federal law, junk and salvage yards must report certain information to NMVTIS on a monthly basis. This legal requirement has been in place since March 2009, following the promulgation of regulations (28 CFR part 25) to implement the junk- and salvage-yard reporting provisions of the Anti-Car Theft Act (codified at 49 U.S.C. 30501—30505). Accordingly, a junk or salvage yard within the United States must, on a monthly basis, provide an inventory to NMVTIS of the junk or salvage automobiles that it obtained (in whole or in part) in the prior month. 28 CFR 25.56(a).

An NMVTIS Reporting Entity includes any individual or entity that meets the federal definition, found in the NMVTIS regulations at 28 CFR 25.52, for a ''junk yard'' or ''salvage yard.'' According to those regulations, a junk yard is defined as ''an individual or entity engaged in the business of acquiring or owning junk automobiles for—(1) Resale in their entirety or as spare parts; or (2) Rebuilding, restoration, or crushing.'' The regulations define a salvage yard as ''an individual or entity engaged in the business of acquiring or owning salvage automobiles for—(1) Resale in their entirety or as spare parts; or (2) Rebuilding, restoration, or crushing.'' These definitions include vehicle remarketers and vehicle recyclers, including scrap vehicle shredders and scrap metal processors as well as ''pull- or pick-apart yards,'' salvage pools, salvage auctions, used automobile dealers, and other types of auctions handling salvage or junk vehicles (including vehicles declared by any insurance company to be a ''total loss'' regardless of any damage assessment). Businesses that operate on behalf of these entities or individual domestic or international salvage vehicle buyers, sometimes known as ''brokers'' may also meet these regulatory definitions of salvage and junk yards. It is important to note that industries not specifically listed in the junk yard or salvage yard definition may still meet one of the definitions and, therefore, be subject to the NMVTIS reporting requirements.

An individual or entity meeting the junk yard or salvage yard definition is subject to the NMVTIS reporting requirements if that individual or entity handles 5 or more junk or salvage motor vehicles per year and is engaged in the business of acquiring or owning a junk automobile or a salvage automobile for—''(1) Resale in their entirety or as spare parts; or (2) Rebuilding, restoration, or crushing.'' Reporting entities can determine whether a vehicle is junk or salvage by referring to the definitions provided in the NMVTIS regulations at 28 CFR 25.52. An NMVTIS Reporting Entity is required to report specific information to NMVTIS within one month of receiving such a vehicle, and failure to report may result in assessment of a civil penalty of $1,000 per violation.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: There are currently approximately 8,000 businesses that report on a regular basis into NMVTIS. The estimate for the average amount of time for each business to report varies: 30–60 minutes (estimated). The states and insurance companies already are capturing most of the data needed to be reported, and the reporting consists of electronic, batch uploaded information. So, for those automated companies the reporting time is negligible. For smaller junk and salvage yard operators who would enter the data manually, it is estimated that it will take respondents an average of 30–60 minutes per month to respond.

6. An estimate of the total public burden (in hours) associated with the collection: An estimate of the total public burden (in hours) associated with the collection is 48,000 to 96,000 hours

Total Annual Reporting Burden:

8,000 × 30 minutes per month (12 times per year) = 48,000

8,000 × 60 minutes per month (12 times per year) = 96,000

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: March 5, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–04275 Filed 3–8–19; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0259]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Previously Approved Collection Public Safety Officer Medal of Valor

AGENCY: Bureau of Justice Assistance, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until April 10, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments on the estimated burden to facilities covered by the standards to comply with the regulation's reporting requirements, suggestions, or need additional information, please contact Gregory Joy, Program Analyst, Bureau of Justice Assistance, 810 Seventh Street NW, Washington, DC 20531.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Assistance, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether, and if so how, the quality, utility, and clarity of the information to be collected can be enhanced; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Public Safety Officer Medal of Valor (Pub. L. 107–12).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The application process is managed through the internet, using the Office of Justice Programs' (OJP) MOV online application system at: *https://www.bja.gov/programs/medalofvalor/index.html.*

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The information that is being collected is solicited from federal, state, local and tribal public safety agencies, who wish to nominate their personnel to receive the Public Safety Officer Medal of Valor (MOV). This information is provided on a voluntary basis, includes agency and nominee information along with details about the events for which the nominees are to be consider when determining who will be recommended to receive the MOV.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Over the last four application submission periods, (2011–2012 thru 2014–2015), there were a total of 514 applications received. Taking this number into account, the average number of applications that are anticipated to be received on an annual basis is 128.5. This number does not factor in the ongoing outreach efforts (*e.g.,* marketing and social medial outreach) that are intended to increase the number of annual submissions. In addition, it is projected that the application submission process takes approximately 25 minutes. This would include, reviewing the fields of required and optional information, arranging the information and populating the online application form.

6. *An estimate of the total public burden (in hours) associated with the collection:* Base upon the average number of submissions over the last 4 years, and the estimated time required to complete each submission, the estimated annual public burden would be 53.54 hours.

a. 128.5 × 25 minutes = 3,212.5 minutes/60 = 53.54 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: March 5, 2019.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–04271 Filed 3–8–19; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On March 5, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Michigan in *United States* v. *CMS Energy Corp., et al.,* Civil Action No. 1:15–cv–1231.

The Consent Decree settles claims brought by the United States seeking reimbursement of response costs incurred and to be incurred in connection with the Little Traverse Bay CKD Release Site (the ''Site'') pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.* The Consent Decree requires the Defendants to pay $8 million in Past Response Costs as defined by the Consent Decree. The Decree also provides the United States with a declaratory judgment against the Defendants for all costs incurred by the United States associated with the Site following the date of lodging of the Consent Decree that are not inconsistent with the National Contingency Plan.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *CMS Energy Corp., et al.,* D.J. Ref. No. 90–11–3–10295. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $5.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2019–04380 Filed 3–8–19; 8:45 am]

BILLING CODE 4410–15–P

MISSISSIPPI RIVER COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETINGS: Mississippi River Commission

TIME AND DATE: 9:00 a.m., April 8, 2019.

PLACE: On board MISSISSIPPI V at Port of Hickman, Hickman, Kentucky

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the St. Louis and Memphis Districts; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., April 9, 2019.

PLACE: On board MISSISSIPPI V at Beale Street Landing, Memphis, Tennessee

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional

issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 12:00 noon, April 10, 2019.

PLACE: On board MISSISSIPPI V at Port of Rosedale, Rosedale, Mississippi

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Vicksburg District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., April 12, 2019.

PLACE: On board MISSISSIPPI V at City Dock, Baton Rouge, Louisiana.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the New Orleans District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles A. Camillo, telephone 601–634–7023.

Charles A. Camillo,

Director, Mississippi River Commission.

[FR Doc. 2019–04467 Filed 3–7–19; 11:15 am]

BILLING CODE 3720–58–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, March 14, 2019.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Share Insurance Fund Quarterly Report.
2. NCUA Rules and Regulations, Loans to Members.

RECESS: 10:30 a.m.

TIME AND DATE: 10:45 a.m., Thursday, March 14, 2019.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Request for Consent. Closed pursuant to Exemption (6).

CONTACT PERSON FOR MORE INFORMATION: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2019–04469 Filed 3–7–19; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Proof of Concept Application for New Charter Organizing Groups

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the following new collection of information, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before May 10, 2019 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Dawn Wolfgang, National Credit Union Administration, 1775 Duke Street, Suite 5080, Alexandria, Virginia 22314; Fax No. 703–519–8579; or Email at *PRAComments@NCUA.gov.*

FOR FURTHER INFORMATION CONTACT: Address requests for additional information to Dawn Wolfgang at the address above or telephone 703–548–2279.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–NEW.

Title: Proof of Concept Application for New Charter Organizing Groups.

Type of Review: New collection.

Abstract: The Credit Union Resources and Expansion (CURE) office of NCUA is responsible for the review and approval of charter applications submitted by organizing groups. CURE is enhancing the application process for organizers to submit their information through an automated system to document the four most critical elements to establish a new charter. The four areas are usually the greatest challenge for organizers to accomplish. The automated system will assist organizing groups in demonstrating that they have thoroughly evaluated the proposed credit union's operations by documenting the most critical elements of a new charter, such as the purpose and core values, field of membership, capital, and subscribers.

The data will be reviewed by NCUA to determine the adequacy of a group's proof of concept and provide guidance as needed. The purpose of this information collection is to identify the level of understanding an organizing group has before they make a formal charter application submission as prescribed by Appendix B to 12 CFR part 701.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Annual Respondents: 24.

Estimated Annual Frequency: 2.

Estimated Total Annual Responses: 24.

Estimated Hours per Response: 4.

Estimated Total Annual Burden Hours: 96.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper execution of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the 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 the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Hattie M. Ulan, Acting Secretary of the Board, the National Credit Union Administration, on March 5, 2019.

Dated: March 6, 2019.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2019–04339 Filed 3–8–19; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request; Joint Standards for Assessing the Diversity Policies and Practices

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the extension of a currently approved collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before May 10, 2019 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collections to Dawn Wolfgang, National Credit Union Administration, 1775 Duke Street, Suite 5080, Alexandria, Virginia 22314; Fax No. 703–703–548–2279; or Email at *PRAComments@NCUA.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Dawn Wolfgang at the address above or telephone 703–548–2279.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0193.

Title: Joint Standards for Assessing the Diversity Policies and Practices.

Abstract: Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Act) required the NCUA, the Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), Bureau of Consumer Financial Protection (CFPB), and Securities and Exchange Commission (SEC) (Agencies) each to establish an Office of Minority and Women Inclusion (OMWI) to be responsible for all matters of the Agency relating to diversity in management, employment, and business activities. The Act also instructed each OMWI Director to develop standards for assessing the diversity policies and practices of entities regulated by the Agency. The Agencies worked together to develop joint standards and, on June 10, 2015, they jointly published in the **Federal Register** the ''Final Interagency Policy Statement Establishing Joint Standards for Assessing the Diversity Policies and Practices of Entities Regulated by the Agencies.''

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated No. of Respondents: 325.

Estimated Annual Frequency: 1.

Estimated Annual Number of Responses: 325.

Estimated Burden Hours per Response: 8.

Estimated Total Annual Burden Hours: 2,600.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper execution of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the 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 the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Hattie M. Ulan, Acting Secretary of the Board, the National Credit Union Administration, on March 5, 2019.

Dated: March 6, 2018.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2019–04337 Filed 3–8–19; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board, pursuant to NSF regulations (45 CFR 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Closed teleconference of the Committee on Strategy of the National Science Board, to be held Friday, March 15, 2019 from 10:00–11:00 a.m. EDT.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Closed

MATTERS TO BE CONSIDERED: Chair's opening remarks; update on NSF's Fiscal Year 2019 Budget.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Kathy Jacquart, 2415 Eisenhower Avenue, Alexandria, VA 22314. Telephone: (703) 292–7000. You may find meeting information and updates (time, place, subject matter or status of meeting) at *https://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.*

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2019–04502 Filed 3–7–19; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of March 11, 18, 25, April 1, 8, 15, 2019.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of March 11, 2019

Monday, March 11, 2019

3:35 p.m. Affirmation Session (Public Meeting) (Tentative)

a. Diversified Scientific Services, Inc. (Export of Low-Level Waste) (Petition Seeking Leave to Intervene and Request for Hearing) (Tentative)

b. Interim Storage Partners LLC (WCS

Consolidated Interim Storage Facility), LBP–18–6 (Referred Ruling Denying Motion to Disqualify Board) (Tentative)

c. Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (Tentative)

Week of March 18, 2019—Tentative

Wednesday, March 20, 2019

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public) (Contact: Paul Michalak: 301–415–5804)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of March 25, 2019—Tentative

Thursday, March 28, 2019

9:00 a.m. Transformation at the NRC: Innovation (Public Meeting) (Contact: June Cai: 301–415–1771)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 1, 2019—Tentative

Thursday, April 4, 2019

10:00 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting) (Contact: Kellee Jamerson: 301–415–7408)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 8, 2019—Tentative

There are no meetings scheduled for the week of April 8, 2019.

Week of April 15, 2019—Tentative

There are no meetings scheduled for the week of April 15, 2019.

ADDITIONAL INFORMATION: By a vote of 5–0 on March 5, 2019, the Commission determined pursuant to U.S.C. 552b(e) and ’9.107(a) of the Commission’s rules that the above referenced Affirmation Session be held with less than one week notice to the public. The meeting is scheduled on March 11, 2019.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Wendy.Moore@nrc.gov.*

Dated at Rockville, Maryland, this 6th day of March, 2019.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2019–04480 Filed 3–7–19; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Crediting Previously Completed First Plant and First Three Plant Tests

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register**, (FR) on February 28. 2019, granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment Nos. 151 and 150 to Combined Licenses (COLs), NPF 91 and NPF–92. This action is necessary to correct the date the amendment and exemption were issued. The amendment and exemption were issued on January 22, 2019.

DATES: The correction is effective March 11, 2019.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about Docket IDs in *Regulations.gov* to Krupskaya Castellon; telephone: 301–287–9221; email: *Krupskaya.Castellon@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ‘‘*Begin Web-based ADAMS Search.*’’ For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if that document is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by letter dated August 3, 2018 (ADAMS Accession No. ML18215A382).
- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2809; email: *Paul.Kallan@nrc.gov.*

SUPPLEMENTARY INFORMATION: In the FR on February 28. 2019, in FR Doc. 2019–03481, on page 84 FR 6838, in the second column, under the heading **DATES** correct ‘‘August 3, 2018’’ to read ‘‘January 22, 2019’’.

Dated at Rockville, Maryland, this 6th day of March, 2019.

For the Nuclear Regulatory Commission.

Brian Hughes,

Acting Chief, Licensing Branch 2, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.

[FR Doc. 2019–04309 Filed 3–8–19; 8:45 am]

BILLING CODE 7590–01–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Senior Executive Service Performance Review Board Membership

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Annual Notice.

SUMMARY: Notice is given under 5 U.S.C. 4314(c)(4) of the appointment of members to the Performance Review Board (PRB) of the Occupational Safety and Health Review Commission.

DATES: Membership is effective on March 11, 2019.

FOR FURTHER INFORMATION CONTACT: Linda M. Beard, Human Resources Specialist, U.S. Occupational Safety and Health Review Commission, 1120 20th Street NW, Washington, DC 20036, (202) 606–5393.

SUPPLEMENTARY INFORMATION: The Review Commission, as required by 5 U.S.C. 4314(c)(1) through (5), has established a Senior Executive Service PRB. The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations to the Chairman of the Review Commission regarding performance ratings, performance awards, and pay-for-performance adjustments. Members of the PRB serve for a period of 24 months. In the case of an appraisal of a career appointee, more than half of the members shall consist of career appointees, pursuant to 5 U.S.C. 4314(c)(5). The names and titles of the PRB members are as follows:

- Rachel Leonard, General Counsel of the President, Office of Science and Technology Policy Eisenhower Executive Office Building (EEOB);
- Mary Thien Hoang, Chief of Staff Federal Maritime Commission; and
- Ted Wackler, P.E. Deputy Chief of Staff, Executive Office of the President, Office of Science and Technology Policy Eisenhower Executive Office Building (EEOB).

Dated: February 27, 2019.

Heather L. MacDougall,

Chairman.

[FR Doc. 2019–04235 Filed 3–8–19; 8:45 am]

BILLING CODE 7600–01–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

National Nanotechnology Initiative Meetings

ACTION: Notice of public meetings.

SUMMARY: The National Nanotechnology Coordination Office (NNCO), on behalf of the Nanoscale Science, Engineering, and Technology (NSET) Subcommittee of the Committee on Technology, National Science and Technology Council (NSTC), will facilitate stakeholder discussion of targeted nanotechnology topics through workshops, webinars, and Community of Interest meetings between the publication date of this Notice and December 31, 2019.

DATES: The NNCO will hold one or more workshops, webinars, and Community of Interest teleconferences between the publication date of this Notice and December 31, 2019.

ADDRESSES: Attendance information, including addresses, will be posted on *nano.gov*. For information about upcoming workshops and webinars, please visit *https://www.nano.gov/events/meetings-workshops* and *https://www.nano.gov/PublicWebinars.* For more information on the Communities of Interest, please visit *https://www.nano.gov/Communities.*

FOR FURTHER INFORMATION CONTACT: For information regarding this Notice, please contact Patrice Pages at *info@nnco.nano.gov* or (202)517–1050.

SUPPLEMENTARY INFORMATION: These public meetings address the charge in the 21st Century Nanotechnology Research and Development Act for NNCO to provide ''for public input and outreach . . . by the convening of regular and ongoing public discussions''. Workshop and webinar topics may include future directions for the National Nanotechnology Initiative; technical subjects; environmental, health, and safety issues related to nanomaterials (nanoEHS); business case studies; or other areas of potential interest to the nanotechnology community. Areas of focus for the Communities of Interest may include research on nanoEHS; nanotechnology education; nanomedicine; nanomanufacturing; or other areas of potential interest to the nanotechnology community. For example, the longstanding U.S.-EU NanoEHS Communities of Research provide a platform for scientists to develop a shared repertoire of protocols and methods to overcome research gaps and barriers in nanosafety-specific focus areas such as human toxicity or risk assessment. The Communities of Interest are not intended to provide any government agency with advice or recommendations; such action is outside of their purview.

Registration: Due to space limitations, pre-registration for workshops is required. Workshop registration is on a first-come, first-served basis, and will be capped as space limitations dictate. Registration information will be available at *https://www.nano.gov/events/meetings-workshops.* Registration for the webinars will open approximately two weeks prior to each event and will be capped at 500 participants or as space limitations dictate. Individuals planning to attend a webinar can find registration information at *https://www.nano.gov/PublicWebinars.* Written notices of participation for workshops, webinars, or Communities of Interest should be sent to by email to *info@nnco.nano.gov.*

Meeting Accommodations: Individuals requiring special accommodation to access any of these public events should contact *info@nnco.nano.gov* at least ten business days prior to the meeting so that appropriate arrangements can be made.

Dated: March 5, 2019.

Stacy Murphy,

Operations Manager.

[FR Doc. 2019–04282 Filed 3–8–19; 8:45 am]

BILLING CODE 3270–F9–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33389; File No. 812–14990]

Macquarie Global Infrastructure Total Return Fund Inc., et al.

March 5, 2019.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 19(b) of the Act and rule 19b–1 under the Act to permit a registered closed-end investment company to make periodic distributions of long-term capital gains more frequently than permitted by section 19(b) or rule 19b–1.

APPLICANTS: Macquarie Global Infrastructure Total Return Fund Inc. (''MGU''), Delaware Investments Dividend and Income Fund, Inc. (''DDF''), each a closed-end investment company registered under the Act and organized as a corporation under the laws of Maryland, Delaware Enhanced Global Dividend and Income Fund (''DEX,''), a closed-end investment company registered under the Act and organized as a statutory trust under the laws of Delaware, Macquarie Capital Investment Management LLC (''MCIM''), and Delaware Management Company (''DMC''), each a subsidiary of Macquarie Group Limited (''Macquarie'') and an investment adviser registered under the Investment Advisers Act of 1940 (''Advisers Act''). MCIM serves as investment adviser to

MGU and DMC serves as investment adviser to DDF and DEX.[1]

FILING DATES: The application was filed on December 21, 2018, and amended on March 4, 2019.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the 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 29, 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: The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. Applicants: 2005 Market Street, 9th Floor, Philadelphia, PA 19103–7098.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel at (202) 551–6817, or Nadya Roytblat, Assistant Chief Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

[1] Applicants request that the order also apply to each other registered closed-end investment company advised or to be advised in the future by DMC or MCIM or by an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with DCM or MCIM (including any successor in interest) (each such entity, including MCIM and DMC are the ''Advisers'' and individually an ''Adviser'') that in the future seeks to rely on the order (such investment companies, together with MGU, DDF and DEX, are collectively the ''Funds'' and, individually, a ''Fund''). A successor in interest is limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization. The requested order would supersede a previous order (Macquarie Global Infrastructure Total Return Fund Inc., et al., Investment Company Act Rel. Nos. 28579 (Jan. 6, 2009) (notice) and 28611 (Feb. 3, 2009) (order)).

Summary of the Application

1. Section 19(b) of the Act generally makes it unlawful for any registered investment company to make long-term capital gains distributions more than once every twelve months. Rule 19b–1 under the Act limits to one the number of capital gain dividends, as defined in section 852(b)(3)(C) of the Internal Revenue Code of 1986 (''Code,'' and such dividends, ''distributions''), that a registered investment company may make with respect to any one taxable year, plus a supplemental distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, plus one additional capital gain dividend made in whole or in part to avoid the excise tax under section 4982 of the Code.

2. Applicants believe that investors in certain closed-end funds may prefer an investment vehicle that provides regular current income through a fixed distribution policy (''Distribution Policy''). Applicants propose that the Fund be permitted to adopt a Distribution Policy, pursuant to which the Fund would distribute periodically to its stockholders a fixed monthly percentage of the market price of the Fund's common stock at a particular point in time or a fixed monthly percentage of net asset value (''NAV'') at a particular time or a fixed monthly amount per share of common stock, any of which may be adjusted from time to time.

3. Applicants request an order under section 6(c) of the Act granting an exemption from section 19(b) of the Act and rule 19b–1 to permit a Fund to distribute periodic capital gain dividends (as defined in section 852(b)(3)(C) of the Code) as frequently as twelve times in any one taxable year in respect of its common stock and as often as specified by, or determined in accordance with the terms of, any preferred stock issued by the Fund. Section 6(c) of the Act provides, in relevant part, that the Commission may exempt any person or transaction from any provision of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants state that any order granting the requested relief will be subject to the terms and conditions stated in the application, which generally are designed to address the concerns underlying section 19(b) and rule 19b–1, including concerns about proper disclosures and shareholders' understanding of the source(s) of a Fund's distributions and concerns about improper sales practices. Among other things, such terms and conditions require that (1) the board of directors or trustees of the Fund (the ''Board'') review such information as is reasonably necessary to make an informed determination of whether to adopt the proposed Distribution Policy and that the Board periodically review the amount of the distributions in light of the investment experience of the Fund, and (2) that the Fund's shareholders receive appropriate disclosures concerning the distributions.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–04289 Filed 3–8–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85247; File No. SR–ICEEU–2019–004]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the Clearing Rules (the ''Rules'')

March 5, 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 22, 2019, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I and II below, which Items have been prepared by ICE Clear Europe. ICE Clear Europe filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] so that the proposal was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

ICE Clear Europe proposes to make certain amendments to its Rules to address certain requirements under the European Union General Data Protection Regulation (''GDPR'') [5] in the event that the United Kingdom (''UK'') ceases to be a European Union (''EU'') member state, which is currently scheduled to occur on March 29, 2019, in circumstances where: (i) No withdrawal agreement has been agreed between the UK and the EU27 which stipulates that EU data protection law, among other laws, shall continue to apply in the UK (a ''withdrawal agreement''); and (ii) the UK's data protection laws have not been found to provide for an adequate level of protection for the personal data of individuals in the EU pursuant to a decision made by the European Commission under Article 45 of the GDPR (an ''adequacy decision'').

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The purpose of the proposed changes is to amend the Rules [6] to address certain requirements under the GDPR relating to personal data in the context of Clearing House activity that will apply upon the UK ceasing to be an EU member state, in circumstances where: (i) No withdrawal agreement has been agreed between the UK and the EU27; and (ii) the UK has not been the subject of an adequacy decision, such that the UK thereby becomes a third country under the GDPR.

ICE Clear Europe Rules relating to personal data protection were amended in 2018 to reflect certain requirements of the GDPR as it applied to ICE Clear Europe.[7] Rule 106 currently requires, among other provisions, that Clearing Members ensure that personal data transfers to ICEU are lawful.

If the UK ceases to be an EU member state without a withdrawal agreement being agreed and in the absence of adequacy decision, the UK would be a 'third country' for GDPR purposes. In that case, in certain circumstances, it may be necessary or advisable to take certain additional steps to avoid a greater risk that transfers of personal data from EU27-based Clearing Members to ICE Clear Europe violate the GDPR. Specifically, if an EU27-based Clearing Member has not already put in place safeguards called for by the GDPR with respect to transfer of personal data from that member to ICE Clear Europe, that Clearing Member could violate the GDPR if it continued to transfer personal data to ICE Clear Europe. Thus, in the case of a UK exit without a withdrawal agreement or adequacy decision, without any change to the Rules, Clearing Members could violate the GDPR as well as Rule 106, which requires, among other provisions, that Clearing Members ensure that personal data transfers to ICE Clear Europe are lawful.

In light of this change in circumstances, although the principles of Rule 106 continue to be relevant, ICE Clear Europe considers that it would be prudent to put in place additional safeguards with respect to transfers of personal data from EU27-based Clearing Members to ICE Clear Europe such that it can be certain that such transfers are subject to appropriate safeguards within the meaning of the GDPR and therefore comply with the GDPR and Rule 106. As such, ICE Clear Europe proposes to amend its Rules to incorporate standard data protection clauses pursuant to Article 46(2) of the GDPR in the form of the Set II Standard Contractual Clauses published by the European Commission for the transfer of personal data from the EU to third countries [8] (the ''Standard Contractual Clauses'') into Rule 106 and a new Exhibit 5.

The proposed amendments in new Rule 106(f) would by their terms apply only if ICE Clear Europe is established in a jurisdiction which the European Commission has not found to offer an adequate level of protection for personal data under the GDPR, in other words, in a scenario where no withdrawal agreement has been agreed and there has been no adequacy decision by the European Commission in respect of the UK.[9] It is noted that if no withdrawal agreement is agreed at the time of the UK's departure from the EU, it cannot be assumed that an adequacy decision would automatically be granted.

The amendments would require that the Clearing House and each Clearing Member subject to Chapter V of the GDPR which transfers Personal Data to the Clearing House (an ''Exporting Member'') agree to comply with the Standard Contractual Clauses. Revised Rule 106 specifically provides for the positions of the Clearing Member and the Clearing House under the Standard Contractual Clauses (as data exporter and data importer, respectively). The amendments also provide for the Standard Contractual Clauses to take precedence over other Rules and the Clearing Membership Agreement on Personal Data processing matters. The amendments would define the terms ''Data Subject'', ''Process'' (and derivations thereof), ''Personal Data'', ''Controller'' and ''Supervisory Authority'' to have the meaning given to such terms in the GDPR for purposes of Rule 106. Rule 106(d) (which defined such terms, as well as certain other terms that are not used in the Rule) has been deleted and reserved as unnecessary.

The proposed amendments would add a new Exhibit 5 to the Rules, which reproduces the Standard Contractual Clauses. The Standard Contractual Clauses are in the form prescribed by the EU and have not been amended (except for Annex B which is intended to be tailored to the processing of personal data carried out by that specific data controller). The Standard Contractual Clauses define the terms ''personal data'', ''special categories of data/sensitive data'', ''process/processing'', ''controller'', ''processor'', ''data subject'' and ''supervisory authority/authority'', consistent with regulatory requirements. The term ''data exporter'' is defined as the controller who transfers the personal data and the term ''data importer'' is defined as the controller who agrees to receive from the data exporter personal data for further processing in accordance with the Standard Contractual Clauses and is

[5] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

[6] Capitalized terms used but not defined herein have the meanings specified in the Rules.

[7] Exchange Act Release No. 34–83311 (SR–ICEEU–2018–007) (May 23, 2018), 83 FR 24834 (May 30, 2018).

[8] SET II Standard contractual clauses for the transfer of personal data from the Community to third countries (controller to controller transfers), European Commission Decision C(2004)5721.

[9] ICE Clear Europe believes that this scenario will, if it occurs, be readily apparent to market participants based on public actions of relevant authorities.

not subject to a third country's system ensuring adequate protection.

The Standard Contractual Clauses set out the obligations of the data exporter and data importer, which generally relate to legal compliance, having in place processes to protect personal data and respond to enquiries, having necessary legal authority to fulfill the obligations, having sufficient financial resources to fulfill responsibilities relating to liability for damages, and agreeing to limitations on personal data transfer and processing. Each party commits to being liable to the other for damages caused by breach of the Standard Contractual Clauses and to giving a data subject the right to enforce as a third party beneficiary many of the Standard Contractual Clauses. The Standard Contractual Clauses also set out how disputes with data subjects or authorities would be resolved.

The Standard Contractual Clauses permit the data exporter to temporarily suspend transfers of personal data to the data importer if the importer has breached its obligations, until the breach is repaired, and further set out the conditions under which either party may terminate the Standard Contractual Clauses and when the authority must be informed.

Proposed Annex A to Exhibit 5 to the Rules would set out certain data processing principles which relate to purpose limitation of personal data processing; data quality and proportionality; transparency; security and confidentiality; rights of access, rectification, deletion and objection; imposition of additional measures for sensitive data; permitting an opt-out with respect to data use in marketing; and limiting use of automated decisions relating to data subjects based on personal data.

Proposed Annex B to Exhibit 5 to the Rules sets out the description of the Data Subjects, recipients of Personal Data, purpose of the transfer(s) and categories of Personal Data transferred by the Exporting Member, for purposes of Rule 106.

(b) Statutory Basis

ICE Clear Europe believes that the proposed amendments are consistent with the requirements of Section 17A of the Act [10] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[11] In particular, Section 17A(b)(3)(F) of the Act [12] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest. The amendments clarify certain rights and obligations of the Clearing House and Clearing Members with respect to personal data obtained in connection with clearing activity in light of legal considerations under the GDPR that may apply to Clearing Members and ICE Clear Europe upon the UK departure from the EU if there is no withdrawal agreement and the EU has not issued an adequacy decision. EU–27 based Clearing Members must in practice export personal data to ICE Clear Europe in order to clear transactions at ICE Clear Europe. The proposed Rule changes will facilitate the continued transfer of personal data for that purpose in the scenario described above and avoid increased risk of violations of GDPR requirements in connection with such transfers. The changes will thus facilitate continued clearing by EU–27 Clearing Members in compliance with applicable law and promote the prompt and accurate clearance and settlement of transactions by such persons. As such, the amendments are consistent with the protection of investors and the public interest. (ICE Clear Europe does not believe the amendments will have any effect on the safeguarding of securities and funds in the custody or control of the Clearing House or for which it is responsible.)

Moreover, the amendments are consistent with Rule 17Ad–22(e)(1),[13] which requires that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. As discussed herein, the amendments are designed to facilitate continued compliance by ICE Clear Europe and its Clearing Members with requirements of GDPR that will apply upon the UK ceasing to be an EU member state if there is no withdrawal agreement and the EU has not issued an adequacy decision. EU based Clearing Members must export personal data to ICE Clear Europe in order to clear transactions at ICE Clear Europe, and this Rule change will facilitate those Clearing Members' continued ability to export the data without violating GDPR should UK depart the EU without a withdrawal agreement and without an adequacy decision. The amendments thereby facilitate continued clearing for EU-based persons in accordance with EU regulations relating to data protection. ICE Clear Europe does not expect that the amendments will adversely impact its ability to comply with the Act or any standards under Rule 17Ad–22.[14]

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule changes would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. The amendments are considered prudent in order for ICE Clear Europe to ensure that there will be no interruption in the receipt of personal data from its EU27-based Clearing Members (or increased risk to such Clearing Members in the provision of such data). ICE Clear Europe does not believe the amendments will in themselves materially affect the cost of, or access to, clearing as they are generally consistent with GDPR requirements with which entities based in the EU must already comply. To the extent the amendments impose certain additional costs on Clearing Members and Sponsored Principals through the specific requirements of the Standard Contractual Clauses that may differ from current practices, these result from the requirements imposed by the GDPR, and are generally applicable to Clearing Members and Sponsored Principals throughout the European Union. (In addition, Clearing Members and Sponsored Principals are already required under the Rules to ensure that their transmission of data is lawful, and the amendments are therefore not expected to impose significant additional burdens.) As a result, ICE Clear Europe does not believe the proposed rule changes impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed amendments have not been solicited or received by ICE Clear Europe. ICE Clear Europe will notify the Commission of any comments received

[10] 15 U.S.C. 78q–1.

[11] 17 CFR 240.17Ad–22.

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 17 CFR 240.17Ad–22(e)(1).

[14] 17 CFR 240.17Ad–22.

with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that ICE Clear Europe has given 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,[15] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) [17] thereunder.

The Commission believes that the proposed rule change would clarify certain rights and obligations of the Clearing House and EU27-based Clearing Members under the GDPR regarding personal data transferred in connection with clearing activity where the UK withdraws from the EU without a withdrawal agreement and the EU has not issued an adequacy decision for the UK. As such, the Commission believes that the proposed rule change would have no effect on (i) the safeguarding of funds or securities in the custody or control of ICE Clear Europe or for which it is responsible; (ii) the terms of cleared contracts; (iii) or the financial resources of ICE Clear Europe. Moreover, the Commission notes that the proposed rule change would be limited to adding to the Rules the standard provisions already applicable under the GDPR. Thus, EU27-based Clearing Members would already be subject to these requirements, and, as such, the Commission does not believe that the proposed rule change would impose any new requirements on EU27-based Clearing Members. Accordingly, the Commission does not believe that the proposed rule change would significantly affect the rights or obligations of ICE Clear Europe, Clearing Members, or other persons using the clearing service. For these reasons, the Commission believes that the proposed rule change would not significantly affect the protection of investors or the public interest.

Moreover, because the Commission believes that the proposed rule change would be limited to adding to the Rules the standard provisions under the GDPR already applicable to EU27-based Clearing Members, the Commission does not believe that the proposed rule change would impose any significant burdens on EU27-based Clearing Members. The Commission acknowledges that the proposed rule change could impose additional costs on EU27-based Clearing Members if the Standard Contractual Clauses differ from their current practices, but the Commission believes these costs would be the result of the requirements imposed by the GDPR, not the proposed rule change. Moreover, as noted, these requirements are already applicable to all EU27-based Clearing Members, and thus, EU27-based Clearing Members should already comply with these requirements. For these reasons, the Commission believes that the proposed rule change would not impose any significant burden on competition.

A proposed rule change filed under Rule 19b–4(f)(6) [18] normally would not become operative prior to 30 days after the date of its filing. Pursuant to Rule 19b–4(f)(6)(iii),[19] however, the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. ICE Clear Europe has requested that the Commission waive the five-day pre-filing requirement and the 30-day operative delay so that ICE Clear Europe may implement the proposed rule change prior to the UK's departure from the EU, which is currently scheduled to occur on March 29, 2019. ICE Clear Europe believes that doing so would facilitate Clearing Members' continued compliance with the GDPR requirements which would apply upon the UK's withdrawal from the EU. Moreover, ICE Clear Europe represents that because the proposed rule change would only apply upon the UK's withdrawal without a withdrawal agreement or adequacy decision, the proposed rule change would not have any effect sooner than the UK's departure from the EU (March 29, 2019), regardless of the 30-day operative delay. ICE Clear Europe does not believe that a further operative delay would be necessary in light of this fact, and further represents that any operative delay would be inconsistent with market expectations in light of the date upon which the UK is scheduled to withdraw from the EU and could impair clearing by EU27-based clearing members after the UK's withdrawal. As a result, in ICE Clear Europe's view, immediate effectiveness would be consistent with the protection of investors and the public interest.

The Commission believes that delaying the operation of the proposed rule change would serve no purpose in light of the fact that the proposed rule change, by its terms, would not be effective prior to March 29, 2019. Moreover, the Commission believes, as represented by ICE Clear Europe, that any delay in the operation of the proposed rule change would be inconsistent with market expectations and could hinder preparations for the UK's withdrawal from the EU by delaying the operation of the proposed rule change until shortly before the scheduled withdrawal date. Further, the Commission believes, as discussed above, the proposed rule change would not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) affect the safeguarding of funds or securities in the custody or control of ICE Clear Europe or for which it is responsible. Rather, the Commission believes the proposed rule change would allow EU27-based Clearing Members to continue clearing at ICE Clear Europe after the UK's withdrawal from the EU. Thus, the Commission believes that waiving the 30-day operative delay would not (i) significantly affect the protection of investors or the public interest or (ii) impose any significant burden on competition. The Commission further believes that waiving the 30-day operative delay would provide certainty to ICE Clear Europe and EU27-based Clearing Members regarding the application of the GDPR after the UK's withdrawal from the EU. Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest and designates the proposed rule change as operative upon filing.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection

[15] ICE Clear Europe has satisfied this requirement.

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] For these same reasons, the Commission waives the five-day pre-filing requirement. Moreover, for purposes only of waiving the five-day pre-filing requirement and the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICEEU–2019–004 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–ICEEU–2019–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/clear-europe/regulation.* 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–ICEEU–2019–004 and should be submitted on or before April 1, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–04286 Filed 3–8–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85248; File No. SR–NYSECHX–2019–01]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fee Schedule of the Exchange

March 5, 2019.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 21, 2019, the NYSE Chicago, Inc. (''NYSE Chicago'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule of the Exchange (''Fee Schedule'') to eliminate fees and rebates related to the Sub-second Non-displayed Auction Process (''SNAP'') and the outbound routing service. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to eliminate all fees and rebates related to SNAP and the outbound routing service, which were both decommissioned on December 31, 2018.[4] Specifically, the Exchange proposes the following amendments:

- *Section E.6 (Routing Services Fees).* Current Section E.6 provides fees for away executions resulting from orders routed away from the Exchange pursuant to the outbound routing service. Given that the outbound routing service has been decommissioned, the Exchange proposes to replace all text under Section E.6 with the term ''Reserved.''
- *Section E.8(c) (Order Cancellation Fee Exemption).* Section E.8 provides the Order Cancellation Fee, which is assessed to Participants[5] per trading account symbol. Paragraph (c) provides an exemption to the Order Cancellation Fee if a trading account symbol meets a minimum threshold of executions resulting from single-sided orders submitted to the Matching System[6] (''eligible executions''). When the outbound routing service was operational, eligible executions included executions within the Matching System and at away markets (for orders that were routed away pursuant to the outbound routing service).[7] However, given that the outbound routing service has been decommissioned, eligible executions now only include executions within the Matching System. Accordingly, the Exchange proposes to amend the definition of eligible executions to omit references to the Routing Services and a repetitive reference to executions within the Matching System. Therefore, amended paragraph (c) would provide

[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Exchange Act Release No. 84852 (December 19, 2018), 83 FR 66808 (December 27, 2018) (SR–CHX–2018–09).

[5] *See* Article 1, Rule 1(z) of the rules of the Exchange defining ''Participant.''

[6] The Matching System is a ''Trading Facility'' of the Exchange as defined under Article 1, Rule 1(z) of the rules of the Exchange.

[7] Only routable orders submitted to the Matching System were eligible to be routed away pursuant to the outbound routing service.

that eligible executions shall only include executions resulting from single-sided orders submitted to the Matching System.

• *Section E.9 (SNAP Execution Fees).* Current Section E.9 provides the fees for certain executions that resulted from SNAP auctions. Given that SNAP has been decommissioned, the Exchange proposes to delete Section E.9 in its entirety.

• *Section Q (SNAP Incentive Program).* Current Section Q provides the SNAP Incentive Program, which provided certain rebates to Participants that initiated SNAP auctions. Given that SNAP has been decommissioned, the Exchange proposes to delete Section Q in its entirety.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(1) of the Act,[9] in particular, in that is designed to ensure that the Exchange is so organized and has the capacity to be able to carry out the purposes of this chapter and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of this chapter, the rules and regulations thereunder, and the rules of the Exchange. Specifically, since the proposed rule change eliminates obsolete fees and rebates, the proposed rule change would clarify and streamline the Fee Schedule and therefore enhance the ability of the Exchange to enforce compliance by its members and persons associated with its members with the rules of the Exchange.

In addition, the Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(4) of the Act, in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. Specifically, since the elimination of the obsolete fees and rebates would apply to all members of the Exchange and the proposed rule change does not modify any other fees and rebates that have already been approved by the Commission, the proposed rule change ensures the equitable allocation of reasonable dues, fees, and other charges among its members.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1).

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. Given that the proposed rule change deletes fees and rebates for functionality that has been decommissioned, the proposed rule change does not raise any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [10] of the Act and subparagraph (f)(2) of Rule 19b–4 [11] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSECHX–2019–01 on the subject line.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(2).

[12] 15 U.S.C. 78s(b)(2)(B).

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–NYSECHX–2019–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSECHX–2019–01 and should be submitted on or before April 1, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–04285 Filed 3–8–19; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15886 and #15887; WASHINGTON Disaster Number WA–00076]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Washington

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of WASHINGTON (FEMA–4418–DR), dated 03/04/2019.

Incident: Severe Winter Storms, Straight-Line Winds, Flooding, Landslides, Mudslides, and a Tornado.

Incident Period: 12/10/2018 through 12/24/2018.

DATES: Issued on 03/04/2019.

Physical Loan Application Deadline Date: 05/03/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 12/04/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/04/2019, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Clallam, Grays Harbor, Island, Jefferson, Mason, Pacific, Snohomish, Whatcom.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 15886B and for economic injury is 158870.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019–04308 Filed 3–8–19; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before April 10, 2019.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: Agency Clearance Officer, Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and SBA Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030, *curtis.rich@sba.gov*.

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: The U.S. Small Business Administration is planning to launch an online entrepreneurship learning platform with a focus on women entrepreneurs looking to scale their businesses. Despite accounting for more than one-third of U.S. businesses, women entrepreneurs still lag in sales and revenue. This cloud-based learning initiative will provide the resources, including peer-to-peer learning, mentoring, and networking opportunities to help entrepreneurs grow their business. Entrepreneurs are required to complete a registration form in order to gain access to this resource. To create a basic user account, entrepreneur will be asked to provide basic contact information (name, email address, and whether the entrepreneur is currently in business). SBA also proposes to collect additional information (*e.g.,* the type of industry the entrepreneur is engaged in, gender, and race or ethnicity) that is intended to help SBA determine who is using the platform and the scope of their participation, as well as to develop a platform that would enable the user to tailor delivery of content to meet their needs.

Title: Women's Digitalization (Entrepreneur Learning) Initiative Registration.

Description of Respondents: Women entrepreneurs.

Form Number: N/A.

Estimated Annual Responses: 350,000.

Estimated Annual Hour Burden: 46,667.

Curtis Rich,

Management Analyst.

[FR Doc. 2019–04310 Filed 3–8–19; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2019–0008]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes a revision of an OMB-approved information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2019–0008].

SSA submitted the information collection below to OMB for clearance.

Your comments regarding this information collection would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than April 10, 2019. Individuals can obtain copies of the OMB clearance package by writing to *OR.Reports.Clearance@ssa.gov.*

Request for Reinstatement (Title XVI)—20 CFR 416.999–416.999d—0960–0744

SSA uses Form SSA–372 to: (1) Inform previously entitled beneficiaries of the expedited reinstatement (EXR) requirements of Supplemental Security Income (SSI) payments under Title XVI of the Social Security Act (Act); and (2) document their requests for EXR. SSA requires this application for reinstatement of benefits for respondents to obtain SSI disability payments for EXR. When an SSA claims representative learns of individuals whose medical conditions no longer permit them to perform substantial gainful activity as defined in the Act, the claims representative gives the form to the previously entitled individuals (or mails it to those who request EXR over the phone). SSA employees collect this information whenever an individual files for EXR benefits. The respondents are applicants for EXR of SSI disability payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–372	2,000	1	2	67

Dated: March 5, 2019.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2019–04292 Filed 3–8–19; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 10698]

Cultural Property Advisory Committee; Notice of Meeting

ACTION: Notice of a meeting.

SUMMARY: The Department of State is issuing this notice to announce the location, date, time, and agenda for the next meeting of the Cultural Property Advisory Committee.

DATES: April 1–2, 2019, 9 a.m. to 5 p.m. and April 3, 2019, 9 a.m. to 1 p.m. (EDT). The open session of the Cultural Property Advisory Committee will be held on April 1, 2019, at 1:30 p.m. (EDT). It will last approximately one hour. Participants will participate electronically. Those who wish to participate in the open session should visit *http://culturalheritage.state.gov* where information will be provided on how to access the meeting. Please submit any request for reasonable accommodation not later than March 15 by contacting the Bureau of Educational and Cultural Affairs at *culprop@state.gov*. It may not be possible to accommodate requests made after that date.

Written Comments: Must be received no later than March 25, 2019, at 11:59 p.m. (EDT).

ADDRESSES: The public will participate electronically. The members will meet at the U.S. Department of State, Annex 5, 2200 C St. NW, Washington, DC.

Comments: Methods of written comment submission are as follows:

- *Electronic Comments:* Use *http://www.regulations.gov,* enter the docket 2019–0004 and follow the prompts to submit comments.
- *Paper Comments:* If comments contain privileged or confidential information (within the meaning of 19 U.S.C. 2605(i)(1)), you may send comments to: U.S. Department of State, Bureau of Educational and Cultural Affairs—Cultural Heritage Center, SA–5 Floor 5, 2200 C St. NW, Washington, DC, 20522–0505.

FOR FURTHER INFORMATION: For general questions concerning the meeting, contact Andrew Cohen, Bureau of Educational and Cultural Affairs—Cultural Heritage Center by phone, (202) 632–6301, or email: *culprop@state.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to § 306(e)(2) of the Convention on Cultural Property Implementation Act (5 U.S.C. 2601 *et seq.*) (''the Act''), the Assistant Secretary of State for Educational and Cultural Affairs calls a meeting of the Cultural Property Advisory Committee (''the Committee''). The Committee's responsibilities are carried out in accordance with provisions of the Act. A portion of this meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605.

Meeting Agenda: The Committee will review the requests by the Government of the Hashemite Kingdom of Jordan and the Government of the Republic of Chile seeking import restrictions on archaeological material.

Open Session Participation: An open session of the meeting to receive oral public comments on the Jordan and Chile requests will be held Monday, April 1, 2019, from 1:30 p.m. to approximately 2:30 p.m. (EDT). Instructions on participating in the open session and a summary of the Government of Jordan's request and the Government of Chile's request will be made available at *http://culturalheritage.state.gov*.

If you wish to participate in the open session at the meeting, you must request to be scheduled by March 27, 2019, via email (*culprop@state.gov*) in order to be guaranteed a slot. Please submit your name and organizational affiliation in this request. The open session will start with a brief presentation by the Committee, after which participants should be prepared to answer questions on any written statements they may have submitted. Finally, participants may provide additional oral comments for up to five (5) minutes per participant. Due to time constraints, it may not be possible to accommodate all who wish to speak.

Written Comments: If you do not wish to participate in the open session but still wish to make your views known, you may submit written comments for the Committee's consideration. Written comments from outside interested parties regarding either the Jordan or Chile requests must be submitted to the *Regulations.gov* website listed in the ''COMMENTS'' section above no later than March 25, 2019, at 11:59 p.m. (EDT). Your written comments should relate specifically to the matters referred to in 19 U.S.C. 2602(a)(1). The Department requests that any party soliciting or aggregating written comments received from other persons for submission to the Department inform those persons that the Department will not edit their

comments to remove any identifying or contact information and that they therefore should not include any such information in their comments that they do not want publicly disclosed. Written comments submitted in electronic form are not private. The Department will post the comments at *http://www.regulations.gov*. Because written comments cannot be edited to remove any personally identifying or contact information, the U.S. Department of State cautions against including any such information in an electronic submission without appropriate permission to disclose that information (including trade secrets and commercial or financial information that are privileged or confidential within the meaning of 19 U.S.C. 2605(i)(1)).

Marie Therese Porter Royce,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–04373 Filed 3–8–19; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 10699]

Notice of Receipt of Request From the Government of the Republic of Chile Under Article 9 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

SUMMARY: Notice of receipt of request from Chile for cultural property protection.

FOR FURTHER INFORMATION CONTACT: Allison Davis, Cultural Heritage Center, Bureau of Educational and Cultural Affairs: 202–632–6301; *culprop@state.gov,* include ''Chile'' in the subject line.

SUPPLEMENTARY INFORMATION: The Government of the Republic of Chile has made a request to the Government of the United States under Article 9 of the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.* The United States Department of State received this request on February 4, 2019. Chile's request seeks U.S. import restrictions on archaeological material representing Chile's cultural patrimony. Pursuant to the authority vested in the Assistant Secretary of State for Educational and Cultural Affairs, and pursuant to 19 U.S.C. 2602(f)(1), notification of the request is hereby published. A public summary of Chile's request and information about U.S. implementation of the 1970 UNESCO Convention is available at the Cultural Heritage Center website: *https://eca.state.gov/cultural-heritage-center.*

Marie Therese Porter Royce,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–04370 Filed 3–8–19; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Research, Engineering and Development Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Research, Engineering & Development Advisory Committee (REDAC) meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the REDAC.

DATES: The meeting will be held on April 11, 2019, starting at 9:00 a.m. Eastern Standard Time. Arrange oral presentations by March 28, 2019.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Chinita A. Roundtree-Coleman at (609) 485–7149 or email at *chinita.roundtree-coleman@faa.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2), notice is giving notice of the REDAC meeting on April 11, 2019.

The Draft Agenda includes:

1. Opening of Meeting/Introduction of REDAC Members
2. Official Statement of Designated Federal Official
3. Chairman's Report
4. FAA Report
5. Reports from Subcommittees
6. Committee Discussions—Recommendations
7. REDAC Chairman Closing Comments & Adjourn

Attendance is open to the interested public but registration is required and space is limited to the space available. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than March 28, 2019. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. For Foreign National attendees, please also provide your country of citizenship, date of birth, and passport or diplomatic identification number with expiration date.

With the approval of the REDAC Chairman, members of the public may present oral statements at the meeting. There will be no more than 45 minutes allotted on the agenda for oral statements. Oral statements are limited to five minutes per speaker. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by March 28, 2019. Members of the public may present a written statement to the committee at any time by providing 15 copies to the Designated Federal Officer, or by bringing the copies to the meeting.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT** at least 10 calendar days before the meeting.

Issued in Washington, DC, on March 5, 2019.

Chinita A. Roundtree-Coleman,

IT Specialist, Research and Development Management Division, ANG–E41, Federal Aviation Administration.

[FR Doc. 2019–04369 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2019–06]

Petition for Exemption; Summary of Petition Received; Mohd Shaikhsorab

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 1, 2019.

ADDRESSES: Send comments identified by docket number FAA–2019–0072 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

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

• *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Thea Dickerman (202) 267–2371, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 1, 2019.

Lirio Liu,

Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–0072.

Petitioner: Mohd Shaikhsorab.

Section(s) of 14 CFR Affected: 61.103(a).

Description of Relief Sought: The petitioner seeks relief from 14 CFR 61.103(a) which requires that a person must be at least 17 years of age to obtain a private pilot airman certificate for a rating in other than a glider or a balloon. The petitioner indicates that he is 15 years old, and plans to attempt a world record as the first American pilot to complete all three-circumnavigation diamonds of the earth solo, and the fastest circumnavigation by a single engine aircraft. The petitioner states that, if he waits until turning 17 years old, he will not qualify for the record as the youngest pilot to circumnavigate the world.

[FR Doc. 2019–04377 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0154]

Agency Information Collection Activities: Proposed Collection: Public Comment Request

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

ACTION: 60-Day notice and request for comments.

SUMMARY: The Federal Aviation Administration is seeking approval from the Office of Management and Budget (OMB) for approval of a new information collection related to airspace authorization requests. As required by the Paperwork Reduction Act of 1995 (PRA), the purpose of this notice is to allow 60 days for public comment.

The FAA proposes collecting information pursuant to new requirements that limited recreational operations of unmanned aircraft must now apply for airspace authorizations in controlled airspace. The FAA will use the collected information to make determinations whether to authorize or deny the requested operation of UAS in controlled airspace. The proposed information collection is necessary to issue such authorizations or denials consistent with the FAA's mandate to ensure safe and efficient use of national airspace.

DATES: Written comments should be submitted by May 10, 2019.

ADDRESSES: You may submit comments [identified by Docket No. FAA–2019–0154] through one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Fax:* 1–202–493–2251.

• *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Casey Nair, FAA's UAS Low Altitude Authorization and Notification Capability (LAANC) Program Manager, tel (202) 267–0369 or via email at *Casey.Nair@faa.gov.*

SUPPLEMENTARY INFORMATION: *Public Comments Invited.* You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the FAA's performance; (b) the accuracy of the estimated burden; (c) ways for the FAA to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

Title: Airspace Authorizations in Controlled Airspace under 49 U.S.C. 44809(a)(5).

OMB Control Number: This is a new collection.

Form Number(s): There are no FAA forms associated with this collection.

Type of Review: Approval of a new information collection.

Background: Congress recently enacted the FAA Reauthorization Act of 2018 (the Act), which was signed into law by the President on October 5, 2018. Included within the Act is 49 U.S.C. 44809(a), which established limited recreational operations of unmanned aircraft. Limited recreational operations are those operations otherwise excepted from FAA certification and operating authority by adhering to all of the limitations listed in 49 U.S.C. 44809(a)(1) thru (8). Among the listed limitations that must be met, 49 U.S.C. 44809(a)(5) requires that these operations receive an authorization from the FAA prior to conducting any small UAS flight in Class B, Class C, Class D, or within the lateral boundaries of the surface area of Class E airspace designated for an airport. This is a new requirement. Previously, only persons operating under part 107 have been required to request these authorizations pursuant to OMB Control Number 2120–0768.

In order to process airspace authorization requests, the FAA requires the operator's name, the operator's contact information, and information related to the date, place, and time of the requested small UAS operation. This information is necessary for the FAA to meet its statutory mandate of maintaining a safe and efficient national airspace. See 49 U.S.C. 40103, 44701, and 44807. Similar to the existing

process for part 107 operations, the FAA proposes to use LAANC and a web portal to process airspace authorization requests for limited recreational operations.

Affected Public: Limited recreational operators of small unmanned aircraft seeking to conduct flights within Class B, Class C, Class D, or within the lateral boundaries of the surface area of Class E airspace designated for an airport.

Frequency of Submission: The requested information will need to be provided each time a limited recreational operator respondent requests an airspace authorization to conduct a limited recreational operation of a small UAS in controlled airspace.

Number of Respondents: Between 2019–2021, the FAA estimates it will receive a total of 1,165,387 requests for airspace authorizations or 388,462 annually.

Total Annual Burden: Because the FAA has not previously collected airspace authorization requests from users under 49 U.S.C 44809(a)(5), the FAA used historical data related to airspace authorization requests submitted by part 107 operators. Under part 107, the FAA has received .318 requests per UAS registered and 85.2% of those requests were made through LAANC and 14.8% of the requests were made through the web portal. Applying these ratios to 49 U.S.C. 44809 respondents, the FAA estimates that the annual burden hours on respondents will be 55,224 hours (26,478 hours for 330, 970 LAANC respondents and 28,746 hours for 57,492 web portal respondents) for airspace authorizations. To determine this calculation, the FAA estimates that a respondent will require 5 minutes (or .08 hours) to complete the authorization request form using LAANC and 30 minutes (or .5 hours) using the web portal.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FAA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on March 5, 2019.

Casey Nair,

UAS LAANC Program Manager.

[FR Doc. 2019–04368 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0103]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Airport Grants Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves data from airport sponsors and planning agencies to determine eligibility, and to ensure proper use of Federal funds and project accomplishments for the Airport Improvement Program.

DATES: Written comments should be submitted by May 10, 2019.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Robin Hunt, Acting Director, Office of Airport Planning and Programming, APP–1 Federal Aviation Administration, 800 Independence Ave. SW, Suite 620, Washington, DC 20591.

By fax: 202–267–5302.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Patricia Dickerson by email at: *patricia.a.dickerson@faa.gov;* phone: 202–267–9297.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0569.

Title: Airport Grants Program.

Form Numbers: FAA Forms 5100–100, 5100–101, 5100–108, 5100–110, 5100–126, 5100–127, 5100–128, 5100–129, 5100–130, 5100–131, 5100–132, 5100–133, 5100–134, 5100–135, 5100–136, 5100–137, 5100–138, 5100–139, 5100–140, 5100–141, 5100–142, 5370–1.

Type of Review: Renewal of an information collection.

Background: Codification of certain U.S. Transportation laws at 49 U.S.C., repealed the Airport and Airway Improvement Act of 1982, as amended, and the Aviation Safety and Noise Abatement Act of 1979, as amended, and re-codified them without substantive change at Title 49 U.S.C., which is referred to as the ''Act.'' The Act provides funding for airport planning and development projects at airports included in the National Plan of Integrated Airport Systems. The Act also authorizes funds for noise compatibility planning and to carry out noise compatibility programs. The information required by this program is necessary to protect the Federal interest in safety, efficiency, and utility of the Airport. Data is collected to meet report requirements of 2 CFR part 200 for certifications and representations, financial management and performance measurement.

Respondents: Approximately 13,000 applications.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: Approximately 9 hours.

Estimated Total Annual Burden: Approximately 118,000 hours.

Issued in Washington, DC, on March 6, 2019.

Lori K. Pagnanelli,

Acting Manager, Airports Financial Assistance Division, APP–500.

[FR Doc. 2019–04300 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2019–04]

Petition for Exemption; Summary of Petition Received; Debra Plymate

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the

legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 1, 2019.

ADDRESSES: Send comments identified by docket number FAA–2018–1083 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alphonso Pendergrass (202) 267–4713, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on February 26, 2019.

Lirio Liu,

Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–1083.

Petitioner: Debra Plymate.

Section(s) of 14 CFR Affected: §§ 61.315(a), 61.411(a), 61.415, and 61.429(b).

Description of Relief Sought: The petitioner request an exemption to allow the McClish Funk B to be operated by FAA certificated sport pilots, student pilots seeking a sport pilot certificate, and certified flight instructors with sport pilot ratings. Exemption from 14 CFR 61.315(a) will permit persons exercising the privileges of a sport pilot certificate or student pilots seeking a sport pilot certificate to operate the McClish Funk B, and permit flight time obtained in the McClish Funk B to be considered flight time obtained in a light-sport aircraft. An exemption from 14 CFR 61.411(a), 61.415, and 61.429(b) will permit persons exercising the privileges of a flight instructor certificate with a sport pilot rating to provide flight training in the McClish Funk B.

[FR Doc. 2019–04376 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2019–03]

Petition for Exemption; Summary of Petition Received; Alaska Air Carriers Association

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 1, 2019.

ADDRESSES: Send comments identified by docket number FAA–2019–0049 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Fax: Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tiffany Griffith (202) 267–7571, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 6, 2019.

Lirio Liu,

Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–0049.

Petitioner: Alaska Air Carriers Association.

Section(s) of 14 CFR Affected: 135.154 (b)(2).

Description of Relief Sought: Petitioner requests an exemption from § 135.154 (b) (2), the TAWS–B requirement for single-engine turbine powered aircraft equipped with 6 to 9 passenger seats in Alaska in accordance with Visual Flight Rules. In lieu of the installation of TAWS Class B equipment, the petitioner would equip airplanes with TSO–C151 TAWS Class C equipment with a terrain display.

[FR Doc. 2019–04379 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in Phoenix, Arizona and Albany, Georgia. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: By this notice, FTA is advising the public of final agency actions subject to 23 U.S.C. 139(l). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before August 8, 2019.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Juliet Bochicchio, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–9348. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project file for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) requirements [23 U.S.C. 138, 49 U.S.C. 303], Section 106 of the National Historic Preservation Act [54 U.S.C. 306108], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice are:

1. Project name and location: Northwest Phase II Light Rail Extension, City of Phoenix, Maricopa County, Arizona. *Project sponsor:* Valley Metro. *Project description:* Valley Metro plans to construct the Northwest Phase II Light Rail Extension to extend service 1.5 miles northwest of the existing Valley Metro light rail line at Dunlap and 19th Avenues to the Metrocenter Mall located on the western side of Interstate 17 (I–17). The project consists of the construction of three new light rail stations, two park and ride facilities, a new rail bridge over I–17, replacement of two existing bridges to accommodate light rail vehicles, vehicular traffic and bicycles, and relocation of the existing Metrocenter Transit Center. This notice only applies to the discrete actions taken by FTA at this time, as described below. Nothing in this notice affects FTA's previous decisions, or notice thereof, for this project. *Final agency actions:* Section 4(f) determination, dated October 26, 2018; Section 106 finding of no adverse effect to historic properties, State Historic Preservation Office (SHPO) concurrence dated October 22, 2018; project-level air quality conformity; Section 6(f) of the Land and Water Conservation Fund Act determination, dated January 5, 2018; and Finding of No Significant Impact for the Northwest Phase II Light Rail Extension, dated February 5, 2019. *Supporting documentation:* Environmental Assessment Northwest Phase II Light Rail Extension, dated September 20, 2018.

2. Project name and location: Albany Multimodal Transportation Center, Albany, Georgia. *Project Sponsor:* City of Albany and Georgia Department of Transportation (GDOT). *Project description:* The City of Albany and GDOT will construct a new multimodal transportation center for the Albany Transit System on a 3-acre site that will house and support ATS operational needs, and other potential uses, such as intercity bus, rural transit, taxis, private auto services, and typical transit-oriented and transit-related commercial uses, as well as a small public computer lab. This notice only applies to the discrete actions taken by FTA at this time, as described below. Nothing in this notice affects FTA's previous decisions, or notice thereof, for this project. *Final agency actions:* Section 4(f) determination, date December 10, 2018; Finding of No Significant Impact for the Albany Multimodal Transportation Center, dated December 10, 2018; Section 106 finding of no adverse effect to historic properties for the Albany Freedom Historic District and Section 106 finding of adverse effect for Archaeological Site 9DU286, SHPO concurrence dated April 13, 2018; executed Memorandum of Agreement dated December 10, 2018; project-level air quality conformity. *Supporting documentation:* Environmental Assessment Albany Multimodal Transportation Center, Dougherty County, Georgia, dated May 22, 2018.

Elizabeth S. Riklin,

Deputy Associate Administrator for Planning and Environment.

[FR Doc. 2019–04284 Filed 3–8–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Extension of Public Scoping Period for the West Seattle and Ballard Link Extensions, King County, Washington

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice; extension of public comment period.

SUMMARY: On February 12, 2019 the Federal Transit Administration (FTA) published a notice of intent (NOI) in the **Federal Register** to prepare an environmental impact statement (EIS) with the Central Puget Sound Regional Transit Authority (Sound Transit) for the West Seattle and Ballard Link Extensions (WSBLE) Project. The public scoping period on the NOI was originally scheduled to end on March 18, 2019. FTA is extending the public scoping period and will accept comments until April 2, 2019.

DATES: Written comments on the scope and alternatives to be considered in EIS, as described in the NOI (84 FR 3541; February 12, 2019), must be submitted no later than April 2, 2019.

ADDRESSES: You may submit written comments on the scope of the EIS to: WSBLE (c/o Lauren Swift) Sound Transit, 401 S Jackson Street, Seattle, WA 98104–2826, or by email to *WSBscopingcomments@soundtransit.org.*

FOR FURTHER INFORMATION CONTACT: Mark Assam, FTA Environmental Protection Specialist, phone: (206) 220–4465 or Lauren Swift, Sound Transit

Central Corridor Environmental Manager, phone: (206) 398–5301.

SUPPLEMENTARY INFORMATION: On February 12, 2019, FTA published a NOI to prepare an EIS in coordination with Sound Transit for the WSBLE Project in the **Federal Register** (84 FR 3541). The public scoping period on the NOI was originally scheduled to end on March 18, 2019. FTA received requests for additional time to provide comments. In an effort to balance the need to move forward on the EIS process in an efficient manner and the need to encourage thorough public participation in this scoping process, FTA will extend the public comment period to April 2, 2019. This brings the public scoping period to a total of 46 days. Other information contained in the NOI published in the February 12, 2019 **Federal Register** has not been changed.

Linda M. Gehrke,

Regional Administrator.

[FR Doc. 2019–04278 Filed 3–8–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0005]

Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petitions.

SUMMARY: This document announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for sale in the United States and certified by their manufacturers as complying with the safety standards, and are capable of being readily altered to conform to the standards.

DATES: These decisions became applicable on the dates specified in Annex A.

FOR FURTHER INFORMATION CONTACT: Neil Thurgood, Office of Vehicle Safety Compliance, NHTSA (202–366–0712).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and/or sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR part 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then notifies the petitioner of its decision by letter and publishes public notification of the decision in the **Federal Register**.

NHTSA received petitions from registered importers (RIs) to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions.

Comments: No substantive comments were received in response to the petitions identified in Annex A.

NHTSA Decision: Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable FMVSS, is substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States and certified by its manufacturer under 49 U.S.C. 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable FMVSS.

NHTSA has also concluded that each RI who imports and modifies a vehicle under one of the subject vehicle eligibility numbers for the first time must include in the statement of conformity and associated documents (''conformity package'') it submits to the NHTSA under 49 CFR part 592.6(d) explicit proof to confirm that the vehicle was, where applicable, originally manufactured to conform to, or was successfully altered to conform to, FMVSS No. 101, *Controls and Displays,* FMVSS No. 138, *Tire Pressure Monitoring Systems,* FMVSS No. 208, *Occupant Crash Protection,* and FMVSS No. 301, *Fuel System Integrity.* This proof must include detailed descriptions of all modifications made, including a detailed description of systems in place (if any) on the vehicle as delivered to the RI, and a similarly detailed description of alterations made to the vehicle and said systems, including photographs of all required labeling. The descriptions must also include parts assembly diagrams and associated part numbers for all components that were removed from or installed in the vehicle, an accounting of any computer programming modifications undertaken, and a description of how compliance was verified after alteration of the vehicle.

Vehicle Eligibility Number for Subject Vehicles: In order to import a vehicle made admissible under any final decision, the importer must indicate to U.S. Customs and Border Protection that the vehicle has been determined eligible for importation. This is done by indicating the eligibility number, published under that final decision, on DOT declaration form HS–7. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B) and (b)(1); 49 CFR 593.7; delegations of authority at 49 CFR 1.95 and 501.8.

Michael A. Cole,

Acting Director, Office of Vehicle Safety Compliance.

Annex A—Nonconforming Motor Vehicles Decided To Be Eligible for Importation

1. Docket No. NHTSA–2017–0029

Nonconforming Vehicles: 2014 BMW X3 Multipurpose Passenger Vehicles
Substantially Similar U.S. Certified Vehicles: 2014 BMW X3 Multipurpose Passenger Vehicles
Notice of Petition Published at: 83 FR 32708 (July 13, 2018)
Vehicle Eligibility Number: VSP–598 (effective date September 7, 2018)

2. Docket No. NHTSA–2017–0074

Nonconforming Vehicles: 2012 Mercedes Benz CLS 63 AMG Passenger Cars, manufactured for the Mexican market
Substantially Similar U.S. Certified Vehicles: 2012 Mercedes Benz CLS 63 AMG Passenger Cars
Notice of Petition Published at: 83 FR 31033 (July 2, 2018)
Vehicle Eligibility Number: VSP–599 (effective date September 7, 2018)

3. Docket No. NHTSA–2018–0011

Nonconforming Vehicles: 2013 Porsche Panamera Passenger Cars
Substantially Similar U.S. Certified Vehicles: 2013 Porsche Panamera Passenger Cars
Notice of Petition Published at: 83 FR 35053 (July 24, 2018)
Vehicle Eligibility Number: VSP–600 (effective date September 7, 2018)

4. Docket No. NHTSA–2018–0007

Nonconforming Vehicles: 2016 Mercedes-Benz GL500 Multipurpose Passenger Vehicles
Substantially Similar U.S. Certified Vehicles: 2016 Mercedes-Benz GL500 Multipurpose Passenger Vehicles
Notice of Petition Published at: 83 FR 61719 (November 30, 2018)
Vehicle Eligibility Number: VSP–601 (effective date February 22, 2019)

5. Docket No. NHTSA–2018–0008

Nonconforming Vehicles: 2016 Chevrolet Equinox Multipurpose Passenger Vehicles
Substantially Similar U.S. Certified Vehicles: 2016 Chevrolet Equinox Multipurpose Passenger Vehicles
Notice of Petition Published at: 83 FR 61713 (November 30, 2018)
Vehicle Eligibility Number: VSP–602 (effective date February 22, 2019)

6. Docket No. NHTSA–2018–0029

Nonconforming Vehicles: 2015 Chevrolet Silverado Trucks
Substantially Similar U.S. Certified Vehicles: 2015 Chevrolet Silverado Trucks
Notice of Petition Published at: 83 FR 61714 (November 30, 2018)
Vehicle Eligibility Number: VSP–603 (effective date February 22, 2019)

7. Docket No. NHTSA–2018–0014

Nonconforming Vehicles: 2005 Chevrolet Corvette Passenger Cars
Substantially Similar U.S. Certified Vehicles: 2005 Chevrolet Corvette Passenger Cars
Notice of Petition Published at: 83 FR 61711 (November 30, 2018)
Vehicle Eligibility Number: VSP–604 (effective date February 22, 2019)

8. Docket No. NHTSA–2018–0013

Nonconforming Vehicles: 2015 Bentley Continental Passenger Cars
Substantially Similar U.S. Certified Vehicles: 2015 Bentley Continental Passenger Cars
Notice of Petition Published at: 83 FR 61710 (November 30, 2018)
Vehicle Eligibility Number: VSP–605 (effective date February 22, 2019)

9. Docket No. NHTSA–2018–0069

Nonconforming Vehicles: 2008 Jeep Grand Cherokee Multipurpose Passenger Vehicles
Substantially Similar U.S. Certified Vehicles: 2008 Jeep Grand Cherokee Multipurpose Passenger Vehicles
Notice of Petition Published at: 83 FR 61715 (November 30, 2018)
Vehicle Eligibility Number: VSP–606 (effective date February 22, 2019)

10. Docket No. NHTSA–2018–0070

Nonconforming Vehicles: 2011 Mercedes-Benz GL550 Multipurpose Passenger Vehicles (CMVSS Certified)
Substantially Similar U.S. Certified Vehicles: 2011 Mercedes-Benz GL550 Multipurpose Passenger Vehicles
Notice of Petition Published at: 83 FR 61718 (November 30, 2018)
Vehicle Eligibility Number: VSP–607 (effective date February 22, 2019)

11. Docket No. NHTSA–2018–0088

Nonconforming Vehicles: 2015 Ferrari 458 Speciale Aperta Passenger Cars
Substantially Similar U.S. Certified Vehicles: 2015 Ferrari 458 Speciale Aperta Passenger Cars
Notice of Petition Published at: 83 FR 61717 (November 30, 2018)
Vehicle Eligibility Number: VSP–608 (effective date February 22, 2019)

[FR Doc. 2019–04371 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2019–0036]

Renewal of Information Collection (OMB No. 2105–0520); Agency Requests for Reinstatement of a Previously Approved Information Collection(s): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and for Grants and Cooperative Agreements With Institutions of Higher Education, and Other Nonprofit Organizations

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a previously approved information collection. These forms include Application for Federal Assistance (SF–424), Federal Financial Report (SF–425), Request for Advance or Reimbursement (SF–270), and Outlay Report and Request for Reimbursement for Construction Programs (SF–271).

We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Written comments should be submitted by May 10, 2019.

ADDRESSES: You may submit comments identified by Docket No. DOT–OST–2019–0036 through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Audrey Clarke, Ph.D., Associate Director of the Financial Assistance Policy and Oversight Division, M–65, Office of the Senior Procurement Executive, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366–4268. Refer to OMB Control Number 2105–0520.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105–0520.

Title: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

Form Numbers: SF–424, SF–425, SF–270, and SF–271.

Type of Review: Revision of a previously approved collection.

Background: This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection, entitled, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' OMB Control No 2105–0520, which is currently due to expire on May 31, 2019. This information collection involves the use of various forms necessary because of management and oversight responsibilities of the agency imposed by OMB Circular 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The May 31, 2015 OMB Control Number is titled: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (OMB 2 CFR 200). These guidelines cover the following data collection standard forms (SF): Application for Federal Assistance (SF–424); Federal Financial Report (SF–425); Request for Advance or Reimbursement (SF–270); and Outlay Report & Request for Reimbursement for Construction Programs (SF–271).

No adjustments have been made to the burden estimates. In 2015, the

Department estimated a combined total of 1,758 respondents and 123,060 burden hours. Therefore the 2019 burden estimates will remain the same.

Respondents: Grantees.

Number of Respondents: 1,758.

Number of Responses: 7,030.

Total Annual Burden: 123,060.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995, Public Law 104–13; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on March 5, 2019.

Audrey Clarke,

Associate Director, Financial Assistance Policy and Oversight, Office of the Senior Procurement Executive.

[FR Doc. 2019–04381 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–OST–2010–0054]

Renewal of Information Collection (OMB No. 2105–0551); Agency Request for Renewal of Previously Approved Information Collections: Nondiscrimination on the Basis of Disability in Air Travel: Reporting Requirements for Disability-Related Complaints

AGENCY: Office of the Secretary (OST), Department of Transportation (Department or DOT).

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Department of Transportation's Office of the Secretary is forwarding the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for approval. The ICR describes the nature of the information and the expected burden. OST published a **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information on December 20, 2018 (83 FR 65393). The purpose of this notice is to allow the public an additional 30 days from the date of this notice to submit comments to the recently published application to renew ICR 2105–0551, ''Reporting Requirements for Disability-Related Complaints.''

DATES: Comments on this notice must be received by April 10, 2019.

ADDRESSES: Your comments should be identified by Docket No. DOT–OST–2010–0054 and should be submitted through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Office of Management and Budget, Attention:* Desk Officer for U.S. Department of Transportation, Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503.
- *Email: oira_submission@omb.eop.gov*.
- *Fax:* (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Maegan Johnson, Office of the General Counsel, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–9342 or *maegan.johnson@dot.gov*. Arrangements to receive this document in an alternative format may be made by contacting the above-named individual.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On December 20, 2018, OST published a 60-day notice in the **Federal Register** soliciting comment on ICRs for which the agency was seeking OMB approval. *See* 83 FR 65393. OST received no comments after issuing this notice. Accordingly, the Department has not made any changes to its anticipated burden hours for the respondents to comply with these requirements. The Department announces that these information collection activities have been re-evaluated and certified under 5 CFR. 1320.5(a) and is forwarding to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983 (Aug. 29, 1995). OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. 5 CFR 1320.12(c); *see also* 60 FR 44983 (Aug. 29, 1995). The summaries below describe the nature of the ICR and the expected burden.

OMB Control Number: 2105–0551.

Title: Reporting Requirements for Disability-Related Complaints.

Type of Request: Renewal of Information Collection.

Background: On July 8, 2003, the Office of the Secretary published a final rule that requires certificated U.S. and foreign air carriers operating to, from and within the U.S. that conduct passenger-carrying service utilizing at least one large aircraft to record complaints that they receive alleging inadequate accessibility or discrimination on the basis of disability. The carriers must also categorize these complaints according to the type of disability and nature of complaint, prepare a summary report annually of the complaints received during the preceding calendar year, submit the report to the Department's Aviation Consumer Protection Division, and retain copies of correspondence and records of action taken on the reported complaints for three years. The rule requires carriers to submit their annual report via the World Wide Web except if the carrier can demonstrate an undue burden by doing so and receives permission from the Department to submit it in an alternative manner. The first required report covered disability-related complaints received by carriers during calendar year 2004, which was due to the Department on January 31, 2005. Carriers have been required to submit all subsequent reports on the last Monday in January for the prior calendar year. On March 7, 2016, OMB approved information collection of disability-related complaints, ''Reporting Requirements for Disability-related Complaints'' through March 31, 2019. The application to renew this information collection request was published in the **Federal Register** on Thursday, December 20, 2018, 83 FR 65393.

Respondents: Certificated U.S. and foreign air carriers operating to, from, and within the United States that

conduct passenger-carrying service with large aircraft.

Requirements	Number of respondents (an average of the total number of respondents that reported over the past three years)	Frequency	Estimated annual burden	Estimated total annual burden
Record and Categorize Complaints Received.	177	0–6,444 Complaints (a range of the lowest number of complaints and an average of the highest number of complaints received over the past three years).	8,148 hours (488,880 minutes) (time for all respondents to record and categorize each complaint [15 minutes] multiplied by the average total number of complaints received over the past three years [32,591] for all respondents).	8,148 hours (488,880 minutes) (time for all respondents to record and categorize each complaint [15 minutes] multiplied by the average total number of complaints received over the past three years [32,591] for all respondents).
Prepare and Submit Annual Report.	177	1 report to DOT/year (for each respondent).	30 minutes a year (per each respondent).	88.5 hours (5,310 minutes) (estimated annual burden for all respondents [30 minutes] multiplied by the total number of respondents).
Retain Correspondences and Record of Action Taken.	177	0–6,444 Complaints/year (A range of the lowest number of complaints and an average of the highest number of complaints received over the past three years for each respondent).	0–537 hours (0–to 32,220 minutes) (the estimated time it will take for each respondent to retain or save the correspondences and records of action taken on disability-related complaints [5 minutes] multiplied by the lowest number of complaints and the average highest number of complaints received per respondent over the past three years [0–6,444]).	2,716 hours (162,955 minutes) (the estimated time it will take for all respondents to retain or save the correspondences and records of action taken on disability-related complaints [5 minutes] multiplied by the average total number of complaints received over the past three years [32,591] for all respondents).

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. All comments will also become a matter of public record.

Issued in Washington, DC, on March 4, 2019.

Habib Azarsina,

OST PRA Clearance Officer.

[FR Doc. 2019–04384 Filed 3–8–19; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Structural Safety of Department of Veterans Affairs (VA) Facilities

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Office of Construction and Facilities Management, is seeking nominations of qualified candidates to be considered for appointment to the Advisory Committee on Structural Safety of Department Facilities (''the Committee'').

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on March 25, 2019.

ADDRESSES: All nominations should be submitted to Mr. Juan Archilla by email at *juan.archilla@va.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Juan Archilla, Office of Construction and Facilities Management (CFM), Department of Veterans Affairs, via email at *juan.archilla@va.gov,* or via telephone at (202) 632–5967. A copy of the Committee charter and list of the current membership can be obtained by contacting Mr. Archilla or by accessing the website: *http://www.va.gov/ADVISORY/Advisory_Committee_on_Structural_Safety_of_Department_of_Veterans_Affairs_facilities_Statutory.asp.*

SUPPLEMENTARY INFORMATION: In carrying out the duties set forth, the Committee responsibilities include:

(1) Providing advice to the Secretary of VA on all matters of structural safety in the construction and altering of medical facilities and recommending standards for use by VA in the construction and alteration of facilities.

(2) Reviewing of appropriate State and local laws, ordinances, building codes, climatic and seismic conditions, relevant existing information, and current research.

(3) Recommending changes to the current VA standards for structural safety, on a state or regional basis.

(4) Recommending the engagement of the services of other experts or consultants to assist in preparing reports on present knowledge in specific technical areas.

(5) Reviewing of questions regarding the application of codes and standards and making recommendations regarding new and existing facilities when requested to do so by VA.

Authority: The Committee was established in accordance with 38 U.S.C. 8105, to provide advice to the Secretary on all matters of structural safety in the construction and altering of medical facilities and recommends standards for use by VA in the construction and alteration of facilities. Nominations of qualified candidates are being sought to fill current and upcoming vacancies on the Committee.

Membership Criteria and Professional Qualifications: CFM is requesting nominations for current and upcoming vacancies on the Committee. The Committee is composed of five members, in addition to ex-officio members. The Committee is required to include at least one architect and one structural engineer who are experts in structural resistance to fire, earthquake, and other natural disasters and who are

not employees of the Federal Government. To satisfy this requirement and ensure the Committee has the expertise to fulfill its statutory objectives, VA seeks nominees from the following professions at this time:

(1) GEOTECHNICAL ENGINEER: Candidate must be an expert in earthquake geotechnical engineering and foundation engineering, with experience in the topics of liquefaction, earthquake ground motions, soil-structure interaction, and soil improvement. A practicing, licensed Professional Engineer with a focus on geotechnical engineering is required; and

(2) FIRE SAFETY ENGINEER: Candidate must be an expert in fire protection engineering and building codes and standards, in particular related to the National Fire Protection Association (NFPA). A practicing, licensed Professional Engineer with expert knowledge in fire protection systems and experience with life safety requirements is required. Prior experience serving on nationally recognized professional and technical committees is also desired.

Requirements for Nomination Submission

Nominations should be type written (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae, and (4) a summary of the nominee's experience and qualification relative to the *professional qualifications* criteria listed above.

Membership Terms

Individuals selected for appointment to the Committee shall be invited to serve a two-year term. At the Secretary's discretion, members may be reappointed to serve an additional term. All members will receive travel expenses and a per diem allowance in accordance with the Federal Travel Regulation for any travel made in connection with their duties as members of the Committee.

The Department makes every effort to ensure that the membership of its Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, gender, racial and ethnic minority groups, and the disabled are given consideration for membership. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex (including gender identity, transgender status, sexual orientation, and pregnancy), national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: March 6, 2019.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–04305 Filed 3–8–19; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Rehabilitation; Notice of Meeting, Amended

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, that a meeting of the Veterans' Advisory Committee on Rehabilitation (VACOR) will be held on Monday thru Wednesday, March 25–27, 2019, at the Bay Pines VA Healthcare System located at 10000 Bay Pines Blvd., Bay Pines, FL 33744 in the Auditorium of Building 20. The meeting will begin at 8:30 a.m. EST and adjourn at 4:30 p.m. EST on Monday and Tuesday. The meeting will begin at 8:30 a.m. EST and adjourn at 12:00 p.m. EST on Wednesday. The meeting is open to the public.

The purpose of the Committee is to provide advice to the Secretary on the rehabilitation needs of Veterans with disabilities and on the administration of VA's rehabilitation programs.

On March 25–26, 2019, Committee members will be provided with updated briefings on various VA programs designed to enhance the rehabilitative potential of disabled Veterans. On March 26, 2019, the Committee will begin consideration of potential recommendations to be included in the Committee's next annual report. On March 27, 2019, the Committee will go on a tour of the St. Petersburg Regional Office and continue consideration of potential recommendations to be included in the Committee's next annual report.

Although no time will be allocated for receiving oral presentations from the public, members of the public may submit written statements for review by the Committee to Latrese Arnold, Designated Federal Officer, Veterans Benefits Administration (28), 810 Vermont Avenue NW, Washington, DC 20420, or via email at *Latrese.Arnold@va.gov.* In the communication, writers must identify themselves and state the organization, association or person(s) they represent. Because the meeting is being held in a government building, a photo I.D. must be presented as part of the clearance process. Due to an increase in security protocols, and in order to prevent delays in clearance processing, you should allow an additional 30 minutes before the meeting begins. Any member of the public who wishes to attend the meeting should RSVP to Latrese Arnold at (202) 461–9773 no later than close of business, March 18, 2019, at the phone number or email address noted above.

Dated: March 6, 2019.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–04324 Filed 3–8–19; 8:45 am]

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FEDERAL REGISTER

Vol. 84 Monday,

No. 47 March 11, 2019

Part II

The President

Executive Order 13862—Revocation of Reporting Requirement

Federal Register
Vol. 84, No. 47
Monday, March 11, 2019

Presidential Documents

Title 3—

The President

Executive Order 13862 of March 6, 2019

Revocation of Reporting Requirement

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Findings.* (a) Section 3 of Executive Order 13732 of July 1, 2016 (United States Policy on Pre- and Post-Strike Measures To Address Civilian Casualties in U.S. Operations Involving the Use of Force), requires the Director of National Intelligence, or such other official as the President may designate, to release, by May 1 each year, an unclassified summary of the number of strikes undertaken by the United States Government against terrorist targets outside areas of active hostilities, as well as assessments of combatant and non-combatant deaths resulting from those strikes, among other information.

(b) Section 1057 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) similarly requires the Secretary of Defense to submit to the congressional defense committees, by May 1 each year, a report on civilian casualties caused as a result of United States military operations during the preceding year (civilian casualty report). Subsection 1057(d) requires that the civilian casualty report be submitted in unclassified form, but recognizes that the report may include a classified annex.

(c) Section 1062 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) expanded the scope of the civilian casualty report and specified that the report shall be made available to the public unless the Secretary of Defense certifies that the publication of the report would pose a threat to the national security interests of the United States.

Sec. 2. *Revocation of Reporting Requirement.* Section 3 of Executive Order 13732 is hereby revoked.

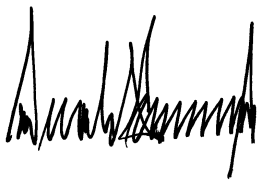
Sec. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(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 order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order 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.



THE WHITE HOUSE,
March 6, 2019.

[FR Doc. 2019–04595
Filed 3–8–19; 11:15 am]
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