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Friday, March 29, 2019

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Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.
To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.
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Summary: On February 14, 2019, the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the Office of the Comptroller of the Currency (OCC) (collectively, the agencies) published in the Federal Register a final rule to amend the capital rule to address changes to credit loss accounting under U.S. generally accepted accounting principles, including banking organizations’ implementation of the current expected credit losses methodology (CECL). The final rule provides banking organizations the option to phase in over a three-year period the day-one adverse effects on regulatory capital that may result from the adoption of the new accounting standard. In addition, the final rule revises the agencies’ regulatory capital rule, stress testing rules, and regulatory disclosure requirements to reflect CECL, and makes conforming amendments to other regulations that reference credit loss allowances.

The final rule was published with an effective date of April 1, 2019, and provides that banking organizations may early adopt the final rule prior to that date. When the agencies submitted the final rule for publication in December 2018, this effective date satisfied all applicable statutory requirements. However, due to the partial government shutdown, the final rule was not published until February 14, 2019. Due to this delay in publication, the agencies have determined that a delay of the effective date of the final rule to July 1, 2019, is appropriate.

Effective Date: The effective date of the final rule published February 14, 2019 (84 FR 4222) is delayed until July 1, 2019. Banking organizations may early adopt this final rule prior to that date.

For Further Information Contact: OCC: Kevin Korzeniewski, Counsel, Office of the Chief Counsel, (202) 649–5490; or for persons who are hearing impaired, TTY, (202) 649–5597.

Board: Constance M. Horsley, Deputy Associate Director, (202) 452–5239; Juan C. Climenti, Manager, (202) 872–7526; Andrew Willis, Senior Supervisory Financial Analyst, (202) 912–4323; or Noah Cattler, Senior Financial Analyst, (202) 912–4678, Division of Supervision and Regulation; or Benjamin W. McDonough, Assistant General Counsel, (202) 452–2036; David W. Alexander, Counsel, (202) 452–2877; or Asad Kudiya, Counsel, (202) 475–6358, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263–4869.

FDIC: Benedetto Bosco, Chief, bbosco@fdic.gov; Richard Smith, Capital Markets Policy Analyst, rsmith@fdic.gov; David Riley, Senior Policy Analyst, dariley@fdic.gov; Capital Markets Branch, Division of Risk Management Supervision, regulatorycapital@fdic.gov, (202) 898–6888; Michael Phillips, Counsel, mphillips@fdic.gov; or Catherine Wood, Acting Supervisory Counsel, cawood@fdic.gov; Supervision Branch, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

Supplementary Information: On February 14, 2019, the agencies published in the Federal Register a final rule to amend the capital rule to address changes to credit loss accounting under U.S. generally accepted accounting principles, including banking organizations’ implementation of the current expected credit losses methodology (CECL). The final rule revises the agencies’ regulatory capital rule, stress testing rules, and regulatory disclosure requirements to reflect CECL, and makes conforming amendments to other regulations that reference credit loss allowances.

The effective date of the final rule published February 14, 2019 (84 FR 4222) is delayed until July 1, 2019. Banking organizations may early adopt this final rule prior to that date.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 324, 325, 327, 347, and 390

ACTION: Final rule, delay of effective date.

SUMMARY: On February 14, 2019, the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the Office of the Comptroller of the Currency (OCC) (collectively, the agencies) published in the Federal Register a final rule to address changes to credit loss accounting under U.S. generally accepted accounting principles, including banking organizations’ implementation of the current expected credit losses methodology (CECL). The final rule provides banking organizations the option to phase in over a three-year period the day-one adverse effects on regulatory capital that may result from the adoption of the new accounting standard. In addition, the final rule revises the agencies’ regulatory capital rule, stress testing rules, and regulatory disclosure requirements to reflect CECL, and makes conforming amendments to other regulations that reference credit loss allowances.

The final rule was published with an effective date of April 1, 2019, and provides that banking organizations may early adopt the final rule prior to that date. When the agencies submitted the final rule for publication in December 2018, this effective date satisfied all applicable statutory requirements. However, due to the partial government shutdown, the final rule was not published until February 14, 2019. Due to this delay in publication, the agencies have determined that a delay of the effective date of the final rule to July 1, 2019, is necessary to provide a sufficient review period under the Congressional Review Act and to satisfy the requirements of the Small Business Regulatory Enforcement Fairness Act of 1996, Riegle Community Development and Regulatory Improvement Act, and Administrative Procedure Act. Notwithstanding this delay in effective date, banking organizations subject to the final rule may comply with it as of January 1, 2019.

Dated: March 21, 2019.

Joseph M. Otting,
Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, March 15, 2019.

Ann E. Mishack,
Secretary of the Board.

Dated at Washington, DC, on March 13, 2019.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Valerie Best,
Assistant Executive Secretary.

[FR Doc. 2019–06011 Filed 3–28–19; 8:45 am]
BILLING CODE 4110–33–P; 6210–01–P; 6714–01–P]
DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39


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 CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by reports of a fractured main landing gear (MLG) orifice support tube (OST). This AD requires replacing the MLG OST, and raising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 3, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 3, 2019.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 866–538–1247 or direct-dial telephone 514–855–7401; email ac.yu@aoa.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–2018–0634.

Examine 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–2018–0634; 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 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.


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 CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM was published in the Federal Register on July 12, 2018 (83 FR 32215). The NPRM proposed to require replacing the MLG OST, and revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations.

We are issuing this AD to address a fractured MLG OST, which can lead to structural damage to the airplane and collapse of the MLG.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2018–02, dated January 16, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

Five cases of fractured Main Landing Gear (MLG) Orifice Support Tube (OST) have been reported. Subsequent analysis determined that the MLG OST is unable to withstand the loads generated during a hard landing event. A MLG OST fracture cannot be detected during routine maintenance and if not corrected, a fractured MLG OST can lead to aeroplane structural damage and/or collapse of the MLG.

This [Canadian] AD mandates the replacement of the existing MLG OSTs with a re-designed part, and the implementation of a new airworthiness limitation task.


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

The Air Line Pilots Association, International (ALPA), and Endeavor Air stated their support for the NPRM.

Request To Refer to Revised Service Information

Bombardier stated that Bombardier Service Bulletin 670BA–32–058, dated September 26, 2016, was being revised to include procedures for on-wing replacement of the MLG OSTs. This service bulletin was referred to as the required source of service information for accomplishing the replacement of the MLG OSTs in the proposed AD. The commenter stated that it estimated that Bombardier Service Bulletin 670BA–32–058, Revision A, would be released in October 2018.

We infer that the commenter is requesting that this AD refer to Bombardier Service Bulletin 670BA–32–058, Revision A, as the required source of service information for replacing the MLG OSTs. We agree with the commenter’s request. We have included Bombardier Service Bulletin 670BA–32–058, Revision A, dated November 7, 2018, in this AD. Bombardier Service Bulletin 670BA–32–058, Revision A, dated November 7, 2018, adds an optional procedure for OST installation. We have determined that no additional work is required for airplanes that have accomplished the actions specified in Bombardier Service Bulletin 670BA–32–058, dated September 26, 2016. We have added paragraph (j) to this AD to provide credit for actions done before the effective date of this AD using Bombardier Service Bulletin 670BA–32–058, dated September 26, 2016. We have also redesignated the subsequent paragraphs accordingly.
Envoi Air requested that the applicability of the proposed AD be clarified by including the MLG shock strut assemblies part numbers (P/Ns) 49200–9 through 49200–32 with orifice OSTs installed having P/N 49212–3 or 49212–5. The commenter stated that it perceived the intent of the proposed AD was to address the unsafe condition by replacing in-service OSTs with redesigned OSTs having P/N 49212–7 or 49212–9. The commenter observed that OSTs with P/Ns 49212–3 and 49212–5 are not tracked, however, the MLG shock strut assemblies on which the OSTs are installed, are tracked.

The commenter explained that the MLG shock strut assemblies on which OSTs are installed can be replaced in the field and can be moved among airplanes and operators. The commenter suggested that changing the applicability to include the part numbers of the MLG shock strut assemblies and OSTs would allow operators to track the affected OSTs regardless of where they are installed. We acknowledge the commenter’s request and agree to clarify. Section I.A., “Effectivity,” of Bombardier Service Bulletin 670BA–32–058, Revision A, dated November 7, 2018, provides the part numbers and serial numbers of the affected MLG shock strut assemblies on which the affected OSTs were installed, and the serial numbers of the airplanes on which the MLG shock strut assemblies were installed when the airplane was delivered. We recognize that the affected OSTs are not easily tracked. Therefore, we have revised figure 1 to paragraph (g) of this AD to clarify the compliance times by referring to the MLG shock strut assembly instead of the OST. However, we do not agree to revise the applicability of this AD, which corresponds with the applicability of the corresponding Canadian AD. We have coordinated this issue with Bombardier and determined that the applicability is acceptable. There is minimal risk for rotation of affected OSTs and expanding the applicability would require a Supplemental NPRM for additional public comments, which would further delay issuance of this AD. Therefore, we have not changed this AD in regard to this issue.

Request To Revise Proposed Compliance Time

Bombardier and Endeavor Air requested that the compliance times in paragraph (g) of the proposed AD be changed to the number of total flight cycles accumulated on the MLG shock strut assembly since it was new instead of the number of total flight cycles accumulated on the MLG OSTs. Both of the commenters noted that OSTs having P/Ns 49212–3 and 49212–5 are not tracked, however, flight cycles are tracked for the MLG shock strut assemblies on which the OSTs are installed. Endeavor Air stated that operators cannot comply with the proposed compliance times because the OSTs are not tracked and operators would not know when the OSTs have reached the flight cycle limits specified in paragraph (g) of the proposed AD. Endeavor Air noted that, because the OST is internal to the MLG shock strut assembly, MLG shock strut assemblies that have not been overhauled will have OSTs with the same flight cycle accumulation as the MLG shock strut assembly, and if an OST had been replaced it would have been replaced with a new OST having fewer flight cycles than the MLG shock strut assembly it is installed on. Therefore, it is unlikely the OST would have accumulated more flight cycles than the MLG shock strut assembly on which it is installed. Bombardier stated that the Bombardier RIL refers to the same MLG OSTs. Both of

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 670BA–32–058, Revision A, dated November 7, 2018. The service information describes procedures for replacing each MLG OST. Bombardier has also issued CRJ700/900/1000 Airworthiness Limitations Temporary Revision ALI–0593, dated December 18, 2017. The service information describes new life limits for the MLG OSTs. 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 ADDRESSSES section.

**Costs of Compliance**

We estimate that this AD affects 542 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

**ESTIMATED COSTS**

<table>
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<tr>
<th>Action</th>
<th>Labor cost</th>
<th>Parts cost</th>
<th>Cost per product</th>
<th>Cost on U.S. operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement (left- and right-hand sides)</td>
<td>24 work-hours × $85 per hour = $2,040</td>
<td>*$0</td>
<td>$2,040</td>
<td>$1,105,680</td>
</tr>
</tbody>
</table>

*We have received no definitive data that would enable us to provide cost estimates for the parts cost in this AD.

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

**Authority for This Rulemaking**

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

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

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

**Regulatory Findings**

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

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

1. Is not a “significant regulatory action” under Executive Order 12866.
2. Is not a “significant rule” under 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):


   (a) **Effective Date**
   
   This AD is effective May 3, 2019.

   (b) **Affected ADs**
   
   None.

   (c) **Applicability**
   
   This AD applies to the Bombardier, Inc., airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certified in any category.
   
   1. Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, certificated in category M, airworthiness certification numbers 10003 through 10345 inclusive.
   
   
   3. Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19001 through 19052 inclusive.

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

   (e) **Reason**
   
   This AD was prompted by reports of a fractured main landing gear (MLG) orifice support tube (OST). We are issuing this AD to address a fractured MLG OST, which can lead to structural damage to the airplane and collapse of the MLG.

   (f) **Compliance**
   
   Comply with this AD within the compliance times specified, unless already done.

   (g) **Replacement**
   
   Within the compliance times specified in figure 1 to paragraph (g) of this AD: Replace each MLG OST, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–058, Revision A, dated November 7, 2018.
Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate Bombardier CRJ700/900/1000 Airworthiness Limitations Temporary Revision ALI–0593, dated December 18, 2017. The initial compliance time for accomplishing the actions is at the applicable time specified in Bombardier CRJ700/900/1000 Airworthiness Limitations Temporary Revision ALI–0593, dated December 18, 2017; or within 90 days after the effective date of this AD; whichever occurs later.

After the existing maintenance or inspection program has been revised as required by paragraph (h) 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 (k)(1) of this AD.

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 670BA–32–058, dated September 26, 2016.

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 516–228–7329; fax 516–794–5531; email 9-avs-nyaco-cost@faa.gov.

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


(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531; email 9-avs-nyaco-cost@faa.gov.

The DAO, the approval must include the DAO-authorized signature.


<table>
<thead>
<tr>
<th>Airplane Models</th>
<th>Compliance Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>CL-600-2C10 (Regional Jet Series 700, 701 &amp; 702) airplanes</td>
<td>Within 21,000 flight cycles from the effective date of this AD, or before accumulating 40,000 total flight cycles on an MLG shock strut assembly since new, whichever occurs first</td>
</tr>
<tr>
<td>CL-600-2D15 (Regional Jet Series 705) airplanes and CL-600-2D24 (Regional Jet Series 900) airplanes equipped with an MLG shock strut assembly(s) that have accumulated fewer than 23,100 total flight cycles as of the effective date of this AD</td>
<td>Within 20,000 flight cycles from the effective date of this AD, or before accumulating 29,100 total flight cycles on an MLG shock strut assembly since new, whichever occurs first</td>
</tr>
<tr>
<td>CL-600-2D15 (Regional Jet Series 705) airplanes and CL-600-2D24 (Regional Jet Series 900) airplanes equipped with an MLG shock strut assembly(s) that have accumulated 23,100 total flight cycles or more as of the effective date of this AD</td>
<td>Within 6,000 flight cycles from the effective date of this AD</td>
</tr>
<tr>
<td>CL-600-2E25 (Regional Jet Series 1000) airplanes</td>
<td>Before accumulating 20,000 total flight cycles on an MLG shock strut assembly since new</td>
</tr>
</tbody>
</table>
DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Net Investment Income Tax

CFR Correction

In Title 26 of the Code of Federal Regulations, Part 1 (§§ 1.1401 to 1.1550), revised as of April 1, 2018, on page 76, in § 1.1411–4, paragraph (d)(4)(i)(C) Example 2, paragraph (i), the second sentence is reinstated to read as follows:

§ 1.1411–4 Definition of net investment income.

(d) * * * * * 
(4) * * * 
(i) * * * 
(C) * * * 

Example 2. Installment sale. (i) * * * B and C, unmarried individuals, each own a 40% interest in PRS and both materially participate in the activities of PRS for all relevant years. * * * 
* * * * * 

[FR Doc. 2019–06256 Filed 3–28–19; 8:45 am] 
BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52


Air Pollution Prevention; Connecticut; Motor Vehicle Inspection and Maintenance Program Certification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the motor vehicle inspection and maintenance (I/M) program certifications contained within State Implementation Plan (SIP) revisions submitted by the State of Connecticut. The SIP revisions are for the Greater Connecticut and the Connecticut portion of the New York–Northern New Jersey–Long Island, NY–NJ–CT moderate ozone nonattainment areas under the 2008 ozone National Ambient Air Quality Standard (NAAQS). The intended effect of this action is to approve Connecticut’s motor vehicle I/M program certifications. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on April 29, 2019.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2016–0168. All documents in the docket are listed on the https://www.regulations.gov website. Although listed in the index, some information is not publicly available, i.e., 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 at https://www.regulations.gov or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the FOR FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Elizabeth Hubbard, Air Quality Unit, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100 (Mail Code OEP05–2, Boston, MA 02109–3912; (617) 918–1614; hubbard.elizabeth@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

Table of Contents
I. Background and Purpose
II. Final Action
III. Statutory and Executive Order Reviews

I. Background and Purpose

On February 1, 2019 (84 FR 1015), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of Connecticut. The NPRM proposed approval of the motor vehicle I/M program certifications for the Greater Connecticut and the Connecticut portion of the New York–Northern New Jersey–Long Island, NY–NJ–CT moderate ozone nonattainment areas. Formal SIP revisions were submitted by the State of Connecticut on January 17, 2017, and August 8, 2017, in part to meet the requirements for moderate nonattainment areas under the 2008 NAAQS. Other specific requirements of Connecticut’s SIP revisions for the 2008 ozone NAAQS were listed in the NPRM and were addressed in separate actions. The rationale for EPA’s proposed action on the State’s I/M certifications is explained in the NPRM and will not be restated here. No public comments were received on the NPRM.

II. Final Action

EPA is approving the motor vehicle I/M program certifications as a revision to the Connecticut SIP for the Greater Connecticut and the Connecticut portion of the New York–Northern New Jersey–Long Island, NY–NJ–CT moderate ozone nonattainment areas.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, 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);  
• This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;  
• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);  
• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);  
• Does not contain any unfunded mandate or significantly or uniquely affect small governments, 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 28, 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, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.  
Dated: March 25, 2019.  
Deborah Szaro,  
Acting Regional Administrator, EPA Region 1.  
Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:  

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS  
§ 52.377 Control strategy: Ozone.  
* * * * *  
(t) Approval. Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on January 17, 2017, September 5, 2017, and August 8, 2017, to meet, in part, requirements of the 2008 ozone NAAQS. These revisions satisfy the rate of progress requirement of section 182(b) through 2017, the motor vehicle inspection and maintenance requirements of section 182(b), the contingency measure requirements of section 182(c)(9), the emission statement requirements of section 182(a)(3)(B), and the reasonably available control measure requirement of section 172(c)(1) for the Connecticut portion of the New York–Northern New Jersey–Long Island, NY–NJ–CT area, and the Greater Connecticut moderate ozone nonattainment areas. The January 17, 2017 revision establishes motor vehicle emissions budgets for 2017 of 15.9 tons per day of VOC and 22.2 tons per day of NOX to be used in transportation conformity in the Greater Connecticut moderate ozone nonattainment area. The August 8, 2017 revision establishes motor vehicle emissions budgets for 2017 of 17.6 tons per day of VOC and 24.6 tons per day of NOX to be used in transportation conformity in the Connecticut portion of the New York–Northern New Jersey–Long Island, NY–NJ–CT moderate ozone nonattainment area.  
[FR Doc. 2019–06014 Filed 3–28–19; 8:45 am]  

BILLING CODE 6560–50–P  

ENVIRONMENTAL PROTECTION AGENCY  
40 CFR Part 52  
Air Plan Approval; Massachusetts; Regional Haze Five-Year Progress Report State Implementation Plan  
AGENCY: Environmental Protection Agency (EPA).  
ACTION: Final rule.  
SUMMARY: The Environmental Protection Agency (EPA) is approving Massachusetts’ Regional Haze Five-Year Progress Report, submitted on February 9, 2018 as a revision to its State Implementation Plan (SIP). This SIP revision addresses requirements of the Clean Air Act (CAA) and EPA’s rules that require states to submit periodic reports describing the progress toward reasonable progress goals (RPGs) established for regional haze and a determination of adequacy of the State’s existing regional haze SIP. EPA is approving Massachusetts’ February 9, 2018 SIP submittal on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period for regional haze.  
DATES: This rule is effective on April 29, 2019.  
ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2018–0791. All documents in the docket
Table of Contents
I. Background and Purpose
II. Public Comment
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background and Purpose

On February 1, 2019 (84 FR 1021), EPA published a Notice of Proposed Rulemaking (NPRM) proposing to approve Massachusetts’ Regional Haze Five-Year Progress Report, submitted by MassDEP on February 9, 2018, as a revision to the Massachusetts SIP.

II. Public Comment

EPA received one comment in response to the NPRM. The comment discussed subjects outside the scope of a regional haze SIP action, does not explain (or provide a legal basis for) how the proposed action should differ in any way, and makes no specific mention of the proposed action; it is not germane.

III. Final Action

EPA is approving Massachusetts’ Regional Haze Five-Year Progress Report, submitted by MassDEP on February 9, 2018, as a revision to the Massachusetts SIP.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, 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);
- This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, 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 43235, 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 28, 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, Lead, Nitrogen dioxide, Ozone, Particulate matter, Regional haze, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.
Dated: March 25, 2019.
Deborah Szaro, Acting Regional Administrator, EPA Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations 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.

MASSACHUSETTS NON-REGULATORY

<table>
<thead>
<tr>
<th>Name of non-regulatory SIP provision</th>
<th>Applicable geographic or nonattainment area</th>
<th>State submittal date/ effective date</th>
<th>EPA approved date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts Regional Haze Five-Year Progress Report</td>
<td>Statewide</td>
<td>Submitted 2/9/2018 ...</td>
<td>3/29/19, [Insert Federal Register citation].</td>
</tr>
</tbody>
</table>

To determine the EPA effective date for a specific provision listed in this table, consult the FEDERAL REGISTER notice cited in this column for the particular provision.

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 the deep-water species fishery by vessels using trawl gear in 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 25, 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 § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: March 26, 2019.
Jennifer M. Wallace, Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

BILLING CODE 3510–22–P
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 LABOR
Wage and Hour Division

29 CFR Parts 548 and 778
RIN 1235–AA24

Regular Rate Under the Fair Labor Standards Act

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Fair Labor Standards Act (FLSA or Act) generally requires that covered, nonexempt employees receive overtime pay of at least one and one-half times their regular rate of pay for time worked in excess of 40 hours per workweek. The regular rate includes all remuneration for employment, subject to the exclusions outlined in section 7(e) of the FLSA. Part 778 of Title 29, Code of Federal Regulations (CFR), contains the Department of Labor’s (Department) official interpretation of the overtime compensation requirements in section 7 of the FLSA, including requirements for calculating the regular rate. Part 548 of Title 29 implements section 7(g)(3) of the FLSA, which permits employers, under specific circumstances, to use a basic rate to compute overtime compensation rather than a regular rate. The Department has not updated many of these regulations, however, in more than half a century—even though compensation practices have evolved significantly. In this Notice of Proposed Rulemaking (NPRM), the Department proposes updates to a number of regulations both to provide clarity and better reflect the 21st-century workplace. These proposed changes would promote compliance with the FLSA; provide appropriate and updated guidance in an area of evolving law and practice; and encourage employers to provide additional and innovative benefits to workers without fear of costly litigation.

DATES: Submit written comments on or before May 28, 2019.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 1235–AA24, by either of the following methods: Electronic Comments: Submit comments through the Federal eRulemaking Portal at http://www.regulations.gov. Follow the instructions for submitting comments. Mail: Address written submissions to Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210. Instructions: Please submit only one copy of your comments by only one method. All submissions must include the agency name and RIN, identified above, for this rulemaking. Please be advised that comments received will become a matter of public record and will be posted without change to http://www.regulations.gov, including any personal information provided. All comments must be received by 11:59 p.m. on the date indicated for consideration in this rulemaking. Commenters should transmit comments early to ensure timely receipt prior to the close of the comment period, as the Department continues to experience delays in the receipt of mail. Submit only one copy of your comments by only one method. Docket: For access to the docket to read background documents or comments, go to the Federal eRulemaking Portal at http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Melissa Smith, Director of the Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this NPRM may be obtained in alternative formats (Large Print, Braille, Audio Tape or Disc), upon request, by calling (202) 693–0675 (this is not a toll-free number). TTY/TDD callers may dial toll-free 1–877–889–5627 to obtain information or request materials in alternative formats. Questions of interpretation and/or enforcement of the agency’s regulations may be directed to the nearest WHD district office. Locate the nearest office by calling WHD’s toll-free help line at (866) 4US–WAGE ((866) 487–9243) between 8 a.m. and 5 p.m. in your local time zone, or log onto WHD’s website for a nationwide listing of WHD district and area offices at http://www.dol.gov/whd/americawide.htm.

Electronic Access and Filing Comments: This proposed rule and supporting documents are available through the Federal Register and the http://www.regulations.gov website. You may also access this document via WHD’s website at http://www.dol.gov/whd/. To comment electronically on Federal rulemakings, go to the Federal eRulemaking Portal at http://www.regulations.gov, which will allow you to find, review, and submit comments on Federal documents that are open for comment and published in the Federal Register. You must identify all comments submitted by including “RIN 1235–AA24” in your submission. Commenters should transmit comments early to ensure timely receipt prior to the close of the comment period (11:59 p.m. on the date identified above in the DATES section); comments received after the comment period closes will not be considered. Submit only one copy of your comments by only one method. Please be advised that all comments received will be posted without change to http://www.regulations.gov, including any personal information provided.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

The FLSA generally requires employers to pay nonexempt employees overtime pay of at least one and one-half times their regular rate for hours worked in excess of 40 per workweek. The FLSA defines the regular rate as “all remuneration for employment paid to, or on behalf of, the employee”—subject to eight exclusions established in section 7(e).1 Parts 548 and 778 of CFR Title 29 contain the regulations addressing the overtime compensation requirements in section 7 of the FLSA, including requirements for calculating the regular rate of pay.

The Department promulgated the majority of part 778 more than 60 years ago, when typical compensation often consisted predominantly of traditional wages; paid time off for holidays and vacations; and contributions to basic medical, life insurance, and disability

1 See 29 U.S.C. 207(e).
benefits plans.2 Since that time, the workplace and the law have changed.

First, employee compensation packages, including employer-provided benefits and “perks,” have evolved significantly. Many employers, for example, now offer various wellness benefits, such as fitness classes, nutrition classes, weight loss programs, smoking cessation programs, health risk assessments, vaccination clinics, stress reduction programs, and training or coaching to help employees meet their health goals.

Both law and practice concerning more traditional benefits, such as sick leave, have likewise evolved in the decades since the Department first promulgated part 778. For example, instead of providing separate paid time off for illness and vacation, many employers now combine these and other types of leave into paid time off plans. Moreover, in recent years, a number of state and local governments have passed laws requiring employers to provide paid sick leave.3 Today, for example, Connecticut became the first state to require private-sector employers to provide paid sick leave to their employees.3 Today, 11 states, the District of Columbia,4 and various cities and counties5 require paid sick leave, and many other states are considering similar requirements.

Recently, several states and cities have also begun considering and implementing scheduling laws. In the last 5 years, for example, New York, San Francisco, Seattle, and other cities have enacted laws imposing penalties on employers that change employees’ work schedules without the requisite notice, and various state governments are considering and beginning to pass similar scheduling legislation.6 Some of these laws expressly assert that the penalties are not part of the regular rate under state law,7 but confusion abounds for employers trying to determine how these and other penalties may affect regular rate calculations under federal law.8 The Department believes that its current regulations do not sufficiently reflect these and other such developments in the 21st-century workplace. In this NPRM, the Department proposes to update its regulations in part 778 to reflect these changes in the modern workplace and to provide clarifications that reflect the statutory purpose of WHD’s enforcement practices. In so doing, the Department intends to promote compliance with the FLSA; provide appropriate and updated guidance to employers with evolving worker benefits, including employers that offer paid leave; give clarity concerning the proper treatment of scheduling-penalty payments under the FLSA; and encourage employers to provide additional and more creative benefits without fear of costly litigation. The proposed rule would clarify when unused paid leave, bona fide meal periods, reimbursements, benefit plans, and certain ancillary benefits may be excluded from the regular rate. The proposed rule would also revise certain sections of the regulation to adhere more closely to the Act. Additionally, the Department proposes minor clarifications and updates to part 548 of Title 29, which implements section 7(g)(3) of the FLSA. Section 7(g)(3) permits employers, under specific circumstances, to use a basic rate to compute overtime compensation rather than a regular rate.8 The Department invites comments from the public on all aspects of this NPRM. The Department estimates below the economic effects of this rule. The Department estimates qualitatively the potential benefits associated with reduced litigation at $281 million over 10 years, or $28.1 million per year. The Department also estimates that this proposed rule, if finalized, would result in one-time regulatory familiarization costs of $36.4 million, which results in a 10-year annualized cost of $4.1 million at a discount rate of 3 percent or $4 million at a discount rate of 7 percent.

This proposed rule is an Executive Order (E.O.) 13771 deregulatory action. Additional details on the estimated reduced burdens and cost savings of this proposed rule can be found in the rule’s economic analysis. II. Background

Congress enacted the FLSA in 1938 to remedy “labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and the general well-being of workers[,]” which burdened commerce and constituted unfair methods of competition.9 In relevant part, section 7(a) of the FLSA requires employers to pay their employees overtime at one and one-half times their “regular rate” of pay for time worked in excess of 40 hours per workweek.10 The FLSA, however, did not define the term “regular rate” when enacted.

Later that year, WHD issued an interpretive bulletin addressing the meaning of “regular rate,” which WHD later revised and updated in 1939 and 1940. The 1940 version of the bulletin stated, among other things, that an employer did not need to include extra compensation paid for overtime work in regular rate calculations.11 It also specified that the regular rate must be “the rate at which the employee is actually employed and paid and not upon a fictitious rate which the employer adopts solely for bookkeeping purposes.” 12

In 1948, the Supreme Court in Bay Ridge Operating Co. v. Aaron, 334 U.S. 446, addressed whether specific types of compensation may be excluded from the regular rate, or even credited towards an employer’s overtime payment obligations. The Court held that an overtime premium payment, which it defined as “extra pay for work because of previous work for a specified number of hours in the workweek or workday whether the hours are specified by contract or statute,” could be excluded from the computation of the regular rate.13 Permitting “an overtime premium to enter into the computation of the regular rate would be to allow

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7 See, e.g., Employee Scheduling (Call-in Pay), N.Y. St. Reg. LAB, 47–17–00011–1, at § 142–2.3(a)(2) (proposed November 11, 2017) (“Minimum rate. Payments for other hours of call-in pay shall be calculated at the basic minimum hourly rate with no allowances. Such payments are not payments for time worked or work performed and need not be included in the regular rate for purposes of calculating overtime pay.”); Or. Rev. Stat. Ann. §§ 653.412(7)(d) (effective July 1, 2018) (“Regular rate of pay” does not include “[a]ny additional compensation an employer is required to pay an employee under ORS 653.442 [right to rest between work shifts] or 653.455 [compensation for work schedule changes].”)
8 See 29 U.S.C. 207(g)(3).
10 29 U.S.C. 207(a). The statutory maximum in 1938 was 44 hours per workweek; in 1939, it was 42 hours per workweek; and in 1940, it was 40 hours per workweek. See Public Law 75–718, 52 Stat. at 1063.
11 See Interpretive Bulletin No. 4 § 13 (Nov. 1940).
12 Id. at § 18.
overtime premium on overtime premium—a pyramiding that Congress could not have intended.”  The Court also held that “any overtime premium paid, even if for work during the first forty hours of the workweek, may be credited against any obligation to pay statutory excess compensation.” By contrast, the Court noted, “[w]here an employee receives a higher wage or rate because of undesirable hours or disagreeable work, such wage represents a shift differential or higher wages because of the character of work done or the time at which he is required to labor rather than an overtime premium. Such payments enter into the determination of the regular rate of pay.”

After the Bay Ridge decision, in 1948 the Department promulgated 29 CFR part 778, concerning the regular rate. This regulation codified the principles from Bay Ridge that extra payments for hours worked in excess of a daily or weekly standard established by contract or statute may be excluded from the regular rate and credited toward overtime compensation due, and that extra payments for work on Saturdays, Sundays, holidays, or at night that are made without regard to the number of hours or days previously worked in the day or workweek must be included in the regular rate and may not be credited toward the overtime owed. It noted, however, that when extra payments for work on Saturdays, Sundays, holidays, or nights are contingent on the employee having previously worked a specified standard number of hours or days, such payments are true overtime premium payments that may be excluded from the regular rate and credited toward overtime compensation due. The Department also explained that payments “that are not made for hours worked, such as payments for idle holidays or for an occasional absence due to vacation or illness or other similar cause” may be excluded from the regular rate, but could not be credited against statutory overtime compensation due.

Congress responded to the Bay Ridge decision in 1949 by amending the FLSA to identify two categories of payments that could be excluded from the regular rate and, in addition, credited toward overtime compensation due.

amendments also added a provision specifying that the last three of these categories are creditable against overtime compensation due.

In 1950, the Department updated part 778 to account for the 1949 amendments to the FLSA. These regulations explained general principles regarding overtime compensation and the regular rate, including the principle that each workweek stands on its own for purposes of determining the regular rate and overtime due. The regulations also provided methods for calculating the regular rate under different compensation systems, such as salary and piecework compensation. They further elaborated on the seven categories of payments that are excludable from regular rate calculations, and provided several examples. The regulations also addressed special problems and pay plans designed to circumvent the FLSA.

In 1961 and 1966, Congress made a few minor, nonsubstantive language changes and redesignated certain sections. In 1968, the Department updated part 778, principally to clarify the statutory references, update the amounts used to illustrate pay computations, and reorganize the provisions in part 778. Over the next several decades, the Department periodically made minor changes and updates to part 778.

14 Id. at 464.
15 Id. at 464–65.
16 Id. at 466–69.
17 See 19 FR 4534 (Aug. 6, 1948).
18 See 29 CFR 778.2 (1948).
19 See id.
20 Id.
21 See Public Law 81–177, ch. 352, 63 Stat. 446 (July 20, 1949). These provisions are currently codified at 29 U.S.C. 207(e)(1)–(7).
In 2000, Congress added one additional category of payments that could be excluded from the regular rate, currently found in section 7(o)(8). This amendment permitted an employer to exclude from the regular rate income derived from a stock option, stock appreciation right, or employee stock purchase plan, provided certain restrictions were met. In the 2000 amendments, Congress also amended section 7(h) to state that, except for the types of extra compensation identified in sections 7(e)(5), (6), and (7), sums excluded from the regular rate are not creditable toward minimum wage or overtime compensation due. In 2011, the Department updated part 778 to reflect the 2000 statutory amendments and to modify the wage rates used as examples to reflect the current minimum wage.

Currently, the FLSA’s definition of “regular rate” and the eight categories of excludable payments are contained in section 7(e) of the Act. The Department’s regulations concerning the regular rate requirements are contained in 29 CFR part 778. As noted above, the last comprehensive revision to part 778 was in 1968.

Under certain circumstances, the FLSA permits employers to use a “basic rate,” rather than the regular rate as defined in section 7(e), to calculate overtime compensation. Congress added this provision, which is currently in section 7(g), in 1949 (at the same time that Congress added the definition of “regular rate” to the FLSA). The requirements an employer must meet to use a basic rate are set forth in that same section 7(g).

In 1955, the Department promulgated 29 CFR part 548 to establish the requirements for authorized basic rates under section 7(g)(3). It amended various sections of the part 548 regulations several times over the next 12 years to reflect statutory amendments to other parts of the FLSA, including increases to the minimum wage. The Department has not updated any of the regulations in part 548 since 1967, more than a half-century ago.

III. Proposed Regulatory Revisions

The Department proposes to update regulations in part 778 and part 548 to both clarify the Department’s interpretations in light of modern compensation and benefits practices. The sections below discuss, in turn, each category of excludable compensation that the Department proposes to address.

A. Excludable Compensation Under Section 7(e)(2)

Many of the proposed updates would clarify the type of compensation that is excludable from the regular rate under FLSA section 7(e)(2). Section 7(e)(2) permits an employer to exclude from the regular rate three categories of payments:

1. Pay for Forgoing Holidays or Leave

The initial clause of section 7(e)(2) permits an employer to exclude “payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause” from the regular rate. Section 778.218 addresses this statutory provision and provides that when payments for such time “are in amounts approximately equivalent to the employee’s normal earnings,” they are not compensation for hours of employment and are therefore excludable from the regular rate.

Section 778.219 addresses a related issue, the exclusion of payments for working on a holiday or forgoing vacation leave, as distinct from the exclusion of payments for using leave. It explains that if an employee who is entitled to “a certain sum as holiday or vacation pay, whether he works or not,” receives additional pay for each hour worked on a holiday or vacation day, the sum allocable as the holiday or vacation pay is excluded from the regular rate. In other words, when an employee works instead of taking a holiday or using vacation leave, and receives pay for the holiday or vacation leave that he or she did not take in addition to receiving pay for the hours of work performed, the amount paid for the forgone holiday or vacation leave may be excluded from the regular rate. Section 778.219 addresses only pay for forgoing holidays and vacation leave; it does not address sums paid for forgoing the use of other forms of leave, such as leave for illness.

WHD has addressed payment for forgoing sick leave in its Field Operations Handbook (FOH). The FOH states that the same rules governing exclusion of payments for unused vacation leave also apply to payments for unused sick leave. According to the FOH, “the sum paid for unused sick leave is the approximate equivalent of the employee’s normal earnings for a similar period of working time.”

42 U.S.C. 207(e)(2).

44 29 CFR 778.218(a).

45 See 29 CFR 778.218(a) (“Payment for absences charged against leave under a bona fide plan granting the employee a specified amount of annual, vacation, or sick leave with pay not included in the regular rate of pay, if the sum paid is the approximate equivalent of the employee’s normal earnings for a similar period of working time.”)

46 See 29 CFR 778.218(a).

47 29 CFR 778.218(a).

48 See 29 CFR 778.218(a).

49 29 CFR 778.218(a).

50 29 CFR 778.218(a).

51 See 29 CFR 778.218(a).

52 29 CFR 778.218(a).

53 See FOH 32(d)(g).
payments are excludable from the regular rate.54

To clarify and modernize the regulations, the Department proposes to update §778.219 to address payments for forgoing both holidays and other forms of leave. The Department is aware that many employers no longer provide separate categories of leave based on an employee’s reason for taking leave—such as sick leave and vacation leave. Instead, employers provide one category of leave, which is commonly called paid time off. The Department sees no reason to distinguish between the types of leave when determining whether payment for forgoing use of the leave is excludable from the regular rate. Rather, the central issues are whether the amount paid is approximately equivalent to the employee’s normal earnings for a similar period of time, and whether the payment is in addition to the employee’s normal compensation for hours worked.

Accordingly, the Department proposes to clarify that occasional payments for forgoing the use of leave are treated the same regardless of the type of leave. The Department therefore proposes to revise the title of §778.219, clarify in §778.219(a) that payments for all forms of unused leave are treated the same for purposes of determining whether they may be excluded from the regular rate, and add an example concerning payment for forgoing the use of paid time off. The proposed changes reflect the Department’s longstanding practice of applying the same principles to payments of unused holiday, vacation, and sick leave. The proposed changes would ensure the consistent application of the same principles across differing leave arrangements.56 The Department also proposes to clarify that payments for forgoing the use of leave are excludable from the regular rate regardless of whether they are paid during the same pay period in which the previously scheduled leave is forgone or during a subsequent pay period as a lump sum.57

2. Compensation for Bona Fide Meal Periods

As noted above, §778.218 addresses the clause of FLSA section 7(e)(2) concerning payments made for occasional periods when no work is performed and provides that when payments for such time “are in amounts approximately equivalent to the employee’s normal earnings,” they are not compensation for hours of employment and may be excluded from the regular rate.58 Section 778.218(b) states that this clause “deals with the type of absences which are infrequent or sporadic or unpredictable” and “has no relation to regular ‘absences’ such as lunch periods nor to regularly scheduled days of rest.”59

Section 778.320 addresses “hours that would not be hours worked if not paid for,” and identifies “time spent in eating meals between working hours” as an example.60 Section 778.320(b) further states that even when such time is compensated, the parties may agree that the time will not be counted as hours worked.

The Department proposes to remove the reference to “lunch periods” in §778.218(b) to eliminate any uncertainty about its relation to §778.320 concerning the excludability of payments for bona fide meal periods from the regular rate. As one court noted, the existing regulations in

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54 Id.

56 See, e.g., Balestreri v. Menlo Park Fire Protect. Dist., 800 F.3d 1094, 1103 (9th Cir. 2015) (holding that annual leave comprised of both sick and vacation leave need not be included in the regular rate under section 7(e)(2)). Such payments need not be included in the regular rate under section 7(e)(2) for the same reason that payments for unused vacations or holidays need not be included; it makes no difference that payments for unused annual leave paid out may include unused sick leave. See also Opinion Letter FLSA2006–18NA, 2006 WL 4512960 (July 24, 2006) (holiday payments made to employees when they forgo holidays need not be included in the regular rate pursuant to section 7(e)(2)).

57 In some situations, employers may make payments to encourage attendance at work rather than compensating employees for the use of leave. Section 7(e)(3)(a) permits the exclusion of discretionary bonuses from the regular rate, but requires, among others, that such bonus not be made “pursuant to any prior contract, agreement, or promise causing the employee to expect such payments regularly.” 29 U.S.C. 207(e)(3)(a). As an example, §778.211(c) states that an attendance bonus promised to employees to induce them to remain with the firm or to work more steadily, rapidly, or efficiently is not excludable from the regular rate. The proposed clarification to §778.219(a) would not affect §778.211(c), which addresses the exclusion of discretionary bonuses from the regular rate pursuant to FLSA section 7(e)(3)(a). See 29 U.S.C. 207(e)(3)(a) & 29 CFR 778.211(c). The facts of each case determine whether a payment is, in fact, for unused leave and therefore excludable or whether the payment is made as an attendance bonus that is required to be included in the regular rate. For example, WHD has stated in guidance that where a collective bargaining agreement provided that “[a]ll employees will be eligible for a stipend for perfect attendance,” “the payment, although described as a ‘stipend for nonuse of sick leave,’” in fact constituted an attendance bonus under §778.211(c) and is therefore required to be included in the regular rate. Opinion Letter FLSA2009–19, 2009 WL 649901 (Jan. 16, 2009).

58 29 CFR 778.218; see 29 U.S.C. 207(e)(2).

59 29 CFR 778.218(b).

60 See 29 CFR 778.320.

61 Smiley, 839 F.3d at 331 n.5.


63 See WHD Opinion Letter, 1996 WL 1031805 (Dec. 3, 1996); see also Ballaris v. Wacker Siltronic Corp., 370 F.3d 901, 909 (9th Cir. 2004) (holding that pay for a bona fide lunch period was “properly excluded from the calculation of the regular rate under 29 U.S.C. 207(e)(2) as interpreted by revised section 778.320”).

64 WHD Opinion Letter, 1997 WL 998021 (July 21, 1997) (stating that pay for bona fide meal periods need not be included in the regular rate).

65 29 CFR 785.19.
3. Reimbursable Expenses

The second clause of section 7(e)(2) excludes from the regular rate "reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of his employer's interests and properly reimbursable by the employer."65 The regulation in § 778.217 states that "[w]here an employee incurs expenses on his employer's behalf or where he is required to expend sums solely by reason of action taken for the convenience of his employer, section 7(e)(2) is applicable to reimbursement for such expenses."66 The Department promulgated this section in February 1950.67

While § 778.217 limits reimbursable expenses to those "solely in the interest of the employer," the statutory language does not include this limitation. Instead, the FLSA simply excludes all expenses incurred "in the furtherance of [the] employer's interests.[]"68 and, as explained further below, neither the Department nor the courts have since restricted excludable expenses to only those that "solely" benefit the employer. The Department is concerned that this single use of the word "solely" in § 778.217 may be interpreted as more restrictive than what the FLSA actually requires. The Department therefore proposes to remove the word "solely" from § 778.217(a) to clarify its interpretation of the reimbursable expenses clause of section 7(e)(2). This clarification is consistent with the other subsections of § 778.217, as well as court rulings and the Department's opinion letters—which have not required that excludable expenses solely benefit the employer. Section 778.217(d) also discusses expenses that are excludable from the regular rate. It emphasizes only whether such payments benefit the employer or the employee; it does not require them to "solely" benefit one party or the other. Thus, payments for expenses that are "incurred by the employee on the employer's behalf or for his benefit or convenience" merit exclusion from the regular rate, but reimbursements for expenses "incurred by the employee for the employer's own benefit," such as "expenses in traveling to and from work, buying lunch, paying rent, and the like," are not excluded from the regular rate.69

Similarly, the Department's opinion letters do not analyze whether an expense is incurred solely for the employer's convenience when discussing whether it may be excluded from the regular rate. Instead, the opinion letters analyze simply whether expenses benefit the employer.70 Furthermore, since 1955, the Department's policy in WHD's FOH has mirrored the statutory requirement that "expenses incurred by an employee in furtherance of his/her employer's interests" may be excluded from the regular rate, regardless of whether they "solely" benefit one party or the other.71 Consistent with the Department's practice and guidance, courts have not analyzed whether the expenses at issue were incurred solely for the employer's convenience when determining whether they are excludable from the regular rate. Instead, courts have emphasized the statutory requirement that the expenses need only benefit the employer.72

The Department also proposes to clarify section 7(e)(2)'s requirement that only "reasonable" and "properly reimbursable" expenses may be excluded from the regular rate when reimbursed. Current § 778.217(b)(3) permits employers to exclude from the regular rate "[t]he actual or reasonably approximate amount expended by an employee who is traveling 'over the road' on his employer's business, for transportation . . . and living expenses away from home, [or] other [such] travel expenses,"73 Section 778.217(c) cautions that "only the actual or reasonably approximate amount of the expense is excludable from the regular rate. If the amount paid as 'reimbursement' is disproportionately large, the excess amount will be included in the regular rate."

The Department proposes additional explanation on what is "reasonable"—and thus not "disproportionately large"—by referring to the Federal Travel Regulation. The Department believes that the amounts set in the Federal Travel Regulation are not excessive and are easily ascertained, given its "two principal purposes" of "balanc[ing] the need to assure that official travel is conducted in a responsible manner with the need to minimize administrative costs" and "communicat[ing] the resulting policies in a clear manner to Federal agencies and employees."74 The Department thus proposes to add regulatory text explaining that a payment for an employee traveling on his or her employer's business is per se reasonable if it is at or beneath the maximum amounts reimbursable or allowed for the same type of expense under the Federal Travel Regulation and meets § 778.217's other requirements. Those other requirements include that the reimbursement be for the "actual or reasonably approximate amount"75 of the expense, that the expense be incurred on the employer's behalf, and that the expense not vary with hours worked.76 The proposed regulatory text also clarifies that a reimbursement for an employee traveling on his or her employer's business exceeding the Federal Travel Regulation limits is not necessarily unreasonable. This is so because a payment may be more than that required "to minimize administrative costs" yet still within the

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65 29 U.S.C. 207(e)(2).
66 29 CFR 778.217(a).
67 See 15 PR 32.
68 29 U.S.C. 207(e)(2).
69 29 CFR 778.217(d).
70 29 CFR 778.217(d). This is consistent with the illustrative examples in § 778.217(b) of reimbursable expenses that may be excluded from the regular rate, which include "purchasing supplies, tools, materials, or equipment on behalf of his employer," travel expenses, including living expenses away from home, incurred while traveling for work for the employer's benefit, and the cost of "supper money" to an employee in a situation where "he or she would ordinarily leave work in time to have supper at home, but instead must remain to work additional hours for the employer's benefit." See 29 CFR 778.217(b)(1), (b)(2), (b)(4).
71 For example, the cost of food for eating meals during travel or for traveling purposes is considered "expenses incurred on behalf of an employer," would not become part of the regular rate; Opinion Letter FLSA–940 (Mar. 9, 1970) (regular rate shall not include "reimbursement for expenses where an employee incurs out of pocket expenses on the employer's behalf"); Opinion Letter FLSA–1234 (July 12, 1985) (reimbursement shall be for "expenses incurred by the employee on the employer's behalf or convenience").
72 FOH 32d05(a).
73 See, e.g., Berry v. Excel Corp., Inc., 288 F. 3d 252, 253–54 (5th Cir. 2002) (concluding that reimbursemnts of travel expenses were primarily for the employer's benefit; therefore, such expenses were excluded from the regular rate); see also Brennan v. Padre Towing Co., Inc., 539 F. Supp. 462, 465 (S.D. Tex. 1973) (per diem for travel expenses is "expended by the employee in the furtherance of his employee's interest"); Sharp v. C&C Land, Inc., 840 F. 3d 1211, 1215 (10th Cir. 2016) ("the proper focus under section 778.217(b)(3) is whether the $35 payments are for reimbursement of travel expenses incurred in furtherance of the employer's interests").
realm of reasonable business and industry norms.

4. Other Similar Payments

Section 7(e) requires “all remuneration for employment” be included in the regular rate, subject to that section’s eight listed exclusions. Section 7(e)(2) consists of three clauses, each of which address a distinct category of excludable compensation. As discussed above, the first excludes “payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause.” The second excludes “reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of his employer’s interests and properly reimbursable by the employer.” The third clause excludes “other similar payments to an employee which are not made as compensation for his hours of employment.” Payments” are “similar” to those in the first two clauses because they are “not made as compensation for [an employee’s] hours of employment.”

The first two clauses share the essential characteristic of having no connection to the quantity or quality of work performed. The “other similar payments” clause thus should exclude payments not tied to an employee’s hours worked, services rendered, job performance, credentials, or other criteria linked to the quantity or quality of the employee’s work.76

In a sense, every benefit or payment given an employee is “remuneration for employment.”77 Certainly benefits like paid vacation or sick leave are seen as such by many employers and employees. But the section 7(e)(2) exclusions make clear that whether or not they are remuneration, they are “not made as compensation for [the employee’s] hours of employment” because they have no relationship to the employee’s hours worked or services rendered. This interpretation gives meaning to the third clause. It allows employers to provide benefits unconnected to the quality or quantity of work, even if those benefits are remuneration of a sort.

Interpreting the third clause as simply a restatement of the “remuneration” requirement would contravene basic principles of statutory interpretation.78 Such an interpretation would equate the unique phrases “all remuneration for employment” and “compensation for [the employee’s] hours of employment,” even though Congress used different words and thus, presumably, meant different things. This is especially so when considering that one phrase uses the word “employment” when the other uses the term “hours of employment.” Such an interpretation would also render the third clause redundant, another disfavored result. And it would be difficult to reconcile with the first clause of section 7(e)(2), in which the payments are clearly remuneration yet excludable from the regular rate.

With that said, “other similar payments” cannot be simply wages in another guise, as some lump-sum, formula-based cash payments are. When a payment is a wage supplement, even if not tied directly to employee performance or hours, it is still compensation for “hours of employment.” Payments to employees are not excludable under the “other similar payments” clause merely because the payments are not specifically tied to an employee’s hours of work.79 For example, payments such as production bonuses,80 and the cost of furnished board, lodging, or facilities,81 which “though not directly attributable to any particular hours of work are, nevertheless, clearly understood to be compensation for services”82 are not excludable under this provision. Payments that differ only in form from regular wages by, for instance, being paid in a monthly lump sum or as hardship premiums, are better characterized as wages or bonuses than as “other similar payments” excludable from the regular rate. The other similar payments clause cannot be interpreted so broadly as to “obliterat[e] the qualifications and limitations” placed on excludable payments specifically addressed in section 7(e)’s various other sections, which could render such limits “superfluous.”83

The interpretation the Department states here has considerable support in the case law. The Third Circuit held in Minizza v. Stone Container Corp. that two lump sums paid to select employees to induce them to agree to a collective-bargaining agreement were excludable as an “other similar payment” because they were not compensation for hours worked or services rendered.84 The court interpreted the clause to exclude “payments not tied to hours of compensation, of which payments for idle hours and reimbursements are only two examples.”85 The court’s decision that these payments were not compensation for employment rested in part on the fact that the “eligibility requirements were not meant to serve as compensation for service, but rather to reduce the employer’s costs,” but also in part on the fact that “the eligibility terms themselves [for the lump sums] [did] not require specific service”—it did “not matter how many hours an employee worked during that period, nor how many hours he might work in the future.”86

The Seventh Circuit espoused a similar understanding in Reich v. Interstate Brands Corp.87 The court held at 577 (“We cannot read 7(e)(2) in isolation. . . . It is one among many exceptions, and a glance at a few of the others shows that 7(e)(2) cannot possibly exclude every payment that is not measured by the number of hours spent at work.”).88 See 29 CFR 778.213(c).

89 See 29 CFR 778.316.
90 29 CFR 778.224(a).
91 Reich, 57 F.3d at 578.
92 Minizza, 842 F.2d at 1462.87
93 Reich, 57 F.3d at 578.
94 Minizza, 842 F.2d 1456, 1462.
95 Id. at 1461.
96 Id. at 1460–61; see also id. at 1462 (“If the payments were made as compensation for hours worked or services provided, the payments would have been conditioned on a certain number of hours worked or an amount of services provided.”).
97 57 F.3d 574.
that regular, planned $12 payments to bakers who worked weeks without two consecutive days off could not be excluded from the regular rate under section 7(e)(2). The court reasoned that the payments were materially no different from a higher base rate to compensate the bakers for taking on an unpleasant schedule.88 “Other similar payments” are different, wrote the court. “The word ‘similar’ . . . refers to other payments that do not depend at all on when or how much work is performed.”89 Similarly, the Sixth Circuit has held that pay differentials based on employees’ education level, shift differentials, and hazardous pay, are compensation for services rendered, unlike payments that “are unrelated to [employees’] compensation for services and hours of service.”90 Some circuit courts have interpreted the “other similar payments” to not exclude payments that are “compensation for work.”91 When these courts use these similar phrases to capture the idea that the regular rate includes payments tied to work performance or that function as a wage supplement, they are correct. But insofar as they equate “compensation for work” with “remuneration for employment,”92 that is difficult to reconcile with the text of the FLSA. As explained above, the FLSA uses two different phrases, “remuneration for employment” and “compensation for hours of employment,” each of which should be given unique content. And just as importantly, the first clause of section 7(e)(2) excludes vacation and sick leave, which is clearly remunerative; “other similar payments” to them can be remunerative too. The Department believes that its interpretation espoused here, and applied in some of the clarifications to the regulations proposed below, also promotes a clear yet flexible standard for employers and employees to order their affairs. Employers can understand the standard: Payments are “other similar payments” when they do not function as formulaic wage supplements and are not tied to hours worked, services rendered, job performance, credentials, longevity, or other criteria linked to the quality or quantity of the employee’s work, but are conditioned merely on one being an employee. 

(Basic commonsense conditions, such as a reasonable waiting period for eligibility or the requirement to repay benefits as a remedy for employee misconduct, are permitted.) The standard also clarifies that there is space for a variety of creative benefits offerings, and encourages their provision to wide groups of employees instead of reserving them only for FLSA-exempt employees.

Section 778.224 of the regulations addresses miscellaneous items that are excludable from an employee’s regular rate under the “other similar payments” clause of section 7(e)(2) because they are “not made as compensation for . . . hours of employment[.]”93 Section 778.224(b) currently provides the following brief, nonexhaustive set of examples of “other similar payments” excludable from an employee’s regular rate: “(1) Sums paid to an employee for the rental of his truck or car; (2) Loans or advances made by the employer to the employee; [and] (3) The cost to the employer of conveniences furnished to the employee such as parking space, restrooms, lockers, on-the-job medical care and recreational facilities.”94 The Department added this set of examples to the part 778 regulations in 1950,95 and has not substantively amended them since. The regulation makes clear that “it was not considered feasible” to provide an exhaustive list of excludable “other similar payments” given the “variety of miscellaneous payments [that] are paid by an employer to an employee under peculiar circumstances.”96

The Department continues to believe that providing a comprehensive list of all “other similar payments” excludable under section 7(e)(2)’s third clause is infeasible. The Department recognizes, however, that an updated list of examples would further help employers understand their legal obligations by addressing some of the innovative changes in compensation practices and workplace environments that have occurred over the last 69 years. Accordingly, the Department proposes clarifying in §778.224(b) that the following items may be excluded from an employee’s regular rate under the “other similar payments” clause of section 7(e)(2). Adding these clarifying examples may encourage employers to provide more of these types of benefits to their employees.

a. Specialist Treatment Provided Onsite

The Department proposes clarifying in §778.224(b)(3) that employers may exclude from the regular rate the cost of providing onsite treatment from specialists such as chiropractors, massage therapists, personal trainers, counselors, Employment Assistance Programs, or physical therapists. Such specialist treatment resembles “on-the-job medical care,” which §778.224(b)(3) already identifies as an excludable “convenience furnished to the employee.”97 Employers that provide onsite specialist treatment do so for a variety of reasons, including to raise workplace morale and promote employee health. Such treatment does not constitute compensation for hours of employment under section 7(e)(2).98

b. Gym Access, Gym Memberships, and Fitness Classes

The Department proposes clarifying in §778.224(b)(3) that the cost of providing employees with gym access, gym memberships, and fitness classes, whether onsite or offsite, is excludable from the regular rate. These fitness benefits resemble “recreational facilities,” which §778.224(b)(3) already identifies as an excludable convenience provided to employees. According to one survey, a substantial number of employers provided fitness benefits.99 Employers may provide such conveniences for many reasons, including to raise workplace morale and promote employee health. The Department proposes to clarify that providing gym benefits and fitness classes is not included in the regular rate as compensation for hours of employment.100

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88 See id. at 578–79.
89 Id. at 578.
90 Featsent, 70 F.3d at 904–06.
91 See e.g., Flores, 824 F.3d at 899.
92 See Acton, 436 F.3d at 976 (“the language ‘not made as compensation for the employee’s hours of employment’ posited in §207(o)(2) is but a mere re-articulation of the ‘remuneration for employment’ requirement set forth in the preamble language of §207(o).”)
93 See Minizza, 842 F.2d at 1460 (“A review of the eligibility terms reflects a requirement only that a payee achieve the status of an active employee for a specified period of time prior to receipt. It does not matter how many hours an employee worked during that period, nor how many hours he might work in the future.”).
95 29 CFR 778.224(b).
96 See 15 FR 632 (1950), codified at 29 CFR 778.7(g).
97 29 CFR 778.224(a).
98 29 CFR 778.224(b)(3).
99 This proposal is not intended to affect the circumstances under which receiving medical attention is considered to be hours worked. See 29 CFR 785.43.
101 In circumstances where maintaining a certain level of physical fitness is a requirement of the employee’s job, the cost to the employer of providing exercise opportunities is a facility “furnished primarily for the benefit or convenience of the employer,” as described in §531(b)(3). Facilities furnished for the employer’s benefit do not qualify as wages or remuneration for employment and thus need not be included in the regular rate.
c. Wellness Programs

The Department proposes adding an example in § 778.224(b)(4) to clarify that employers may exclude the cost of providing certain health promotion and disease prevention activities, often known as wellness programs. Examples of some common wellness programs include health risk assessments, biometric screenings, vaccination clinics (including annual flu vaccinations), nutrition classes, weight loss programs, smoking cessation programs, stress reduction programs, exercise programs, and coaching to help employees meet health goals.102 Wellness programs are often provided to employees enrolled in an employer-sponsored health insurance plan, but some employers offer wellness programs to employees regardless of their health insurance coverage.

Workplace wellness programs are similar to “on-the-job medical care” and “recreational facilities,” conveniences that the regulations already specify are excludable from an employee’s regular rate.103 Employers may provide such programs to, for example, reduce health care costs, reduce health-related absenteeism, and improve employee health and morale. Such programs are not intended to constitute compensation for hours of employment.

d. Employee Discounts on Retail Goods or Services

The Department proposes adding an example in § 778.224(b)(5) to confirm that discounts on retail goods and services may be excluded from the regular rate of pay as long as they are not tied to an employee’s hours worked or services rendered. According to one survey, many employers provide employees with an option to purchase these types of goods or services at a discounted price relative to their full retail value.104 Such discounts are commonly available to employees regardless of their quality or quantity of work, and it is solely the employees’ choice whether to purchase anything under the discount. When these discounts are available to employees regardless of their hours worked or services rendered, and are not tied to any duties performed, they qualify as “other similar payments” under section 7(e)(2).105 Alternatively, employee discounts could constitute “payments in the nature of gifts” under section 7(e)(1), where they are not based on the number of hours worked and are not in the nature of compensation.106 More than 50 years ago, the Department stated that such employee discounts are not included in the regular rate of pay. In a 1962 opinion letter, the Department found that the value of “concessions granted to employees . . . on charges for telephone service” was “not part of wages includible in the regular rate of pay”—in part because “[s]uch concessions appear to be similar to discounts on merchandise offered by many retail establishments to their employees which [the Department] do[es] not regard as wages.”107 Discounts like these are not fungible cash but merely a lower price on the employer’s offerings. They appeal only to the employees who want to use them and are limited to the offered selection of goods or services. Employees must expend their own funds to avail themselves of the discounts. The discounts are presumably limited in their value, since employers likely do not offer employee discounts that allow their employees to arbitrage large quantities of goods or otherwise materially harm the business of their employer. And employers may also place conditions on the discounts to protect their interests by, for instance, requiring that discounted restaurant meals be eaten on the premises to prevent abuse.108 These discounts are not intended to be compensation for hours of employment. This proposal, therefore, would confirm the excludability of employee discounts on retail goods and services from the regular rate of pay, provided they are not tied to an employee’s hours worked. Section 7(e)(2) provides that only payments “not made as compensation for [the employee’s] hours of employment” are excludable from the regular rate of pay.109

e. Tuition and Other Benefits

The Department is proposing to add an example in § 778.224(b)(5) clarifying that certain tuition programs offered by employers may be excludable from the regular rate. Some employers today offer discounts for online courses, continuing-education programs, modest tuition-reimbursement programs, programs for repaying educational debt, and the like. Such tuition programs have been the subject of litigation,110 and the Department believes more clarity in this area would be desirable. As long as tuition programs are available to employees regardless of their hours worked or services rendered, and are instead contingent merely on one’s being an employee, the Department believes they would qualify as “other similar payments” under section 7(e)(2).111 The Department also believes that at least some tuition programs offered by employers may be excludable from the regular rate under section 7(e)(1) as “sums paid as gifts.” Finally, the Department is considering whether certain tuition programs may also be excludable under section 7(e)(4) if provided pursuant to a bona fide plan, and, as stated more fully below, seeks comment specifically on the nature of tuition benefits provided by employers.

The Department believes that tuition programs, in the main, function as the kinds of payments excludable under section 7(e)(2). Unlike wage supplements, these tuition programs are not fungible, any-purpose cash, but must be directed toward particular educational and training opportunities. These programs are also optional, appeal only to those employees who want to use them, and are directed toward educational and training pursuits outside the employer’s workplace. Such tuition programs do not meet the basic necessities of life, such as food, clothing, or shelter. While the educational benefit may result in employees better able to accomplish the employer’s objectives, these programs are not directly connected to the

103 29 CFR § 778.224(b)(3).

105 See Reich, 57 F.3d at 578 (payments under Section 7(e)(2) are those “that do not depend at all on when or how much work is performed”); Minniza, 842 F.2d at 1462 (payments under Section 7(e)(2) all “share the essential characteristic . . . of not being compensation for hours worked or services rendered”).


110 29 U.S.C. 207(e)(2); see also 29 CFR § 778.224(a).

111 See Reich, 57 F.3d at 578 (payments under Section 7(e)(2) are those “that do not depend at all on when or how much work is performed”); Minniza, 842 F.2d at 1462 (payments under Section 7(e)(2) all “share the essential characteristic . . . of not being compensation for hours worked or services rendered”).
employees’ day-to-day duties for the employer.

Tuition programs could also potentially be “sums paid as gifts,” depending on their nature. Section 7(e)(1) excludes “sums paid as gifts; payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.” Because the first clause, “sums paid as gifts,” is separated from the second clause by a semi-colon, the first clause must address a separate set of excludable benefits from that in the second clause. There may be some overlap between “sums paid as gifts” and “payments in the nature of gifts made at Christmas time, on special occasions, or as a reward for services,” but the categories are not coextensive.

Specifically, sums under the first clause are those “paid as gifts”—that is, paid with the express understanding that they are gifts as opposed to sums under the second clause, which are not expressly given as a gift but are nevertheless “in the nature of gifts” because of their timing. The second clause in 7(e)(1) therefore expands the universe of excludable gifts from sums that are obviously “paid as gifts” to include those that are also “in the nature of gifts,” but limits the latter category to those made at Christmas time, on special occasions, or as rewards for service. In either case, however, the payments must not be measured by or dependent on hours worked, production, or efficiency. 112

Whether the Department ultimately excludes tuition programs from the regular rate in the final rule, and whether it does so under section 7(e)(1), (2), (4), or all or some of them, this proposed clarification excluding tuition programs from the regular rate would not affect the Department’s regulations at § 531.32 referencing “meals, dormitory rooms, and tuition furnished by a college to its student employees” as an “other facility.” 113 The college environment is a unique context in which learning, work, and daily living are inextricably connected, tightly knit, and often all provided by the same entity, that being the college.

The Department seeks comment on the following tuition-related questions: Are there other aspects of the FLSA, the Department’s regulations, or parties’ interactions with the Department that affect employers’ and employees’ conduct and that warrant consideration when it comes to making clear that tuition programs may be excluded from the regular rate? Do employers and employees feel that express regulatory clarification on excluding tuition programs from the regular rate would be helpful? Are employers hesitant to offer employees a tuition program because of concerns about legal compliance, litigation, or other issues related to the regular rate? What sorts of tuition programs are employers offering, and why are employers doing so? How do these tuition programs work? Are employers using bona fide third-party plans for tuition programs? What terms and conditions are employers setting on tuition programs? How are employers and employees benefiting from these tuition programs?

The Department acknowledges that the above examples proposed for express exclusion from the regular rate are just a few of many types of compensation that are not compensation for work and therefore excludable under section 7(e)(2). The Department welcomes suggestions for any additional examples that the Department should add to § 778.224 to illustrate other similar payments that are not compensation for work. The Department also welcomes suggestions about whether any of the above examples are excludable under other provisions of section 7(e). Finally, the Department welcomes suggestions about whether other sections in Part 778 should be updated to clarify that any of the above-referenced compensation is excludable from the regular rate under these or any other principles under section 7(e).

5. Show-Up Pay, Call-Back Pay, and Payments Similar to Call-Back Pay

Section 778.220 excludes from the regular rate “show-up” or “reporting” pay, which is defined as compensation for a specified minimum number of hours at the applicable straight-time or overtime rate on “infrequent or sporadic” occasions in which an employee is not provided with the expected amount of work after reporting as scheduled. 114 Payments for hours actually worked are included in the regular rate; amounts beyond what the employee would receive for the hours worked are excludable.

Section 778.221 addresses “call-back” pay. Call-back pay is additional compensation for calling an employee back to work without prearrangement to perform extra work after the employee’s scheduled hours have ended. It is typically paid for a specified number of hours at the applicable straight-time or overtime rate. 115 Call-back pay is treated the same as show-up pay under § 778.220.

Section 778.222 addresses “other payments similar to ‘call-back’ pay,” which are “extra payments made to employees on infrequent and sporadic occasions, for failure to give an employee sufficient notice to report for work on regular days of rest or outside of regular hours,” and “extra payments made on infrequent and sporadic occasions solely because an employee is called back to work before the expiration of a specified number of hours between shifts or tours, sometimes referred to as a ‘rest period.’” 116 Such time is treated the same as show-up pay under § 778.220 and call-back pay under § 778.221. Sections 778.220, 778.221, and 778.222 require that the payments be “infrequent and sporadic” to be excludable from the regular rate.

As referenced above, show-up or reporting pay is paid when the employee is scheduled to work but the employer fails to provide the expected amount of work. 117 As such, this type of payment is excludable under the first clause of section 7(e)(2), which excludes payments made for “occasional periods” when no work is performed due to the “failure of the employer to provide sufficient work.” 118 Section 778.220 accordingly limits exclusion of such payments to when they are made “on infrequent and sporadic occasions.” 119

Call-back pay and similar payments, in contrast, are not made for periods when the employer fails to provide sufficient work but are instead additional payments made to compensate the employee when the employer provides unanticipated work. 120 As such, these payments do not fall under the first clause of section 7(e)(2). The Department has stated that call-back pay described in § 778.221 and the other payments described in § 778.222 instead fall under the “other similar payments” clause of section 7(e)(2)—which Congress did not restrict to “occasional periods” ( unlike the first

112 29 CFR 778.212.
113 29 CFR 531.32(a).
114 See 29 CFR 778.220.
115 See 29 CFR 778.221(a).
116 29 CFR 778.222.
117 Since 1940, the Department’s position has been that show-up pay that exceeded pay due for hours worked was meant to compensate the employee for the consumption of his time and discourage employers from calling in employees for only a fraction of a day. Interpretive Bulletin No. 4 ¶ 706.
118 29 U.S.C. 207(e).
119 29 CFR 778.220.
120 29 CFR 778.221–222.
The Department proposes removing the regulatory restriction that requires the payments discussed in §§ 778.221 and 778.222 to be “infrequent and sporadic.” 122 Although the Department proposes removing the words “infrequent and sporadic” from §§ 778.221 and 778.222, the Department still believes that payments excluded under these provisions should be “without prearrangement.” 123 For example, if an employer retailer called in an employee to help clean up the store for 3 hours after an unexpected roof leak, and then again 3 weeks later for 2 hours to cover for a coworker who left work for a family emergency, payments for those instances would be without prearrangement and any call-back pay that exceeded the amount the employee would receive for the hours worked would be excludable. However, when payments under §§ 778.221 and 778.222 are so regular that they, in effect, are prearranged, they are compensation for work. For example, if an employer restaurant called in an employee server for two hours of supposedly emergency help during the busiest part of Saturday evening for 6 weeks out of 2 months in a row, that would be essentially prearranged and all of the call-back pay would be included in the regular rate. The Department therefore proposes to clarify that such payments under §§ 778.221 (“call-back” pay) and 778.222 (other payments similar to “call-back” pay) may be compensation for employment and therefore included in the regular rate. The Department further proposes to clarify that the regulations apply regardless of whether the compensation is pursuant to established practice, an employment agreement, or state or local law.

The Department notes that certain states and localities regulate scheduling practices and impose a monetary penalty on employers (which is paid to employees) in situations analogous to those discussed in §§ 778.220, 778.221, and 778.222. 124 These state and local laws include certain penalties that potentially affect regular rate calculations. This includes, for example: (1) “Reporting pay” for employees who are unable to work their scheduled hours because the employer subtracted hours from a regular shift before or after the employee reports for duty; 125 (2) “clos[ing]” or “right to rest” pay for employees who work the end of one day’s shift and the start of the next day’s shift with fewer than 10 or 11 hours between the shifts, or who work during a rest period; 126 (3) “predictability pay” for employees who do not receive the requisite notice of a schedule change; 127 and (4) “on-call pay” for employees with a scheduled on-call shift but who are not called in to work. 128 In light of these recent trends in state and local scheduling laws, the Department proposes to clarify the treatment of these penalty payments under the regulations.

Reporting pay pursuant to state or local scheduling laws would be treated like show-up pay under § 778.220 because it is payment for an employer’s failure to provide expected work. 129 Compensation for any hours actually worked are included in the regular rate; compensation beyond that may be excluded from the regular rate as payment to compensate the employee for time spent reporting to work and to prevent loss of pay from the employer’s failure to provide expected work during regular hours.

“Clos[ing]” or “right to rest” pay under state or local scheduling laws would be analyzed under § 778.222 and would therefore generally be excludable from the regular rate as long as the payments are not regular. The Department would also analyze “predictability pay” penalties under § 778.222, as they are analogous to payments for failure to give an employee sufficient notice to report for work outside of his or her regular work schedule. As with reporting and call-back pay, compensation “over and above the employee’s earnings for the hours actually worked at his applicable rate (straight-time or overtime, as the case may be), is considered as a payment that is not made for hours worked,” and is therefore excludable from the regular rate. 130

Finally, the Department proposes to analyze “on-call pay” scheduling penalties under § 778.223, which is entitled “[p]lay for non-productive hours distinguished.” 131 Under this regulation, the Department may require payment for “on-call” time to be included in the regular rate when such payments are “compensation for performing a duty involved in the employee’s job.” 132

B. Discretionary Bonuses Under Section 7(e)(3)

Section 7(e)(3) of the FLSA excludes from the regular rate “sums paid in recognition of services performed” if “both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employee made at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect such payments regularly.” 133 Section 778.211 of the regulations implements this exclusion and provides additional details concerning the types of bonuses that qualify for this exclusion. The Department proposes to elaborate on the types of bonuses that are and those that are not discretionary in § 778.211 to add clarity for employers and employees.

The Department proposes modifying language in § 778.211(c) and adding a new paragraph (d) to clarify that, under longstanding principles, bonuses labeled assigned to a bonus nor the reason it was paid conclusively determine whether it is discretionary under section 7(e)(3). 134


130 29 CFR 778.222.

131 Id. 778.223.

132 Id.

133 29 U.S.C. 207(e)(3).

134 See 29 U.S.C. 207(e)(3); Minizza v. Stone Container Corp., 842 F.2d 1456, 1462 n.9 (3d Cir. 1988) (observing that “what the payments are termed is not important”); Walling v. Harnischfeger Corp., 335 U.S. 427, 430 (1945) (“To discover [the
production, work quality, and longevity bonuses, as those terms are commonly used, are usually paid pursuant to a prior contract, agreement, or promise causing the employee to expect such payments regularly, and therefore are non-discretionary bonuses that must be included in the regular rate, there may be instances when a bonus that is labelled as one of these types of bonuses is not in fact promised in advance and instead the employer retains discretion as to the fact and amount of the bonus until or near the end of the period to which the bonus corresponds. The Department proposes modifying the language in § 778.211(c) and adding a new paragraph (d) to make clear that the label assigned to a bonus is not determinative. Instead, the terms of the statute and the facts specific to the bonus at issue determine whether a bonus is an excludable discretionary bonus. Under section 7(e)(3), a bonus is discretionary and therefore excludable, regardless of what it is labelled or called, if both the fact that the bonus is to be paid and the amount are determined at the sole discretion of the employer at or near the end of the period to which the bonus corresponds and the bonus is not paid pursuant to any prior contract, agreement, or promise causing the employee to expect such payments regularly.

Additionally, the Department proposes to include in new section § 778.211(d) examples of bonuses that may be discretionary to supplement the examples of bonuses that commonly are non-discretionary discussed in § 778.211(c). Such bonuses may include, for example, employee-of-the-month bonuses, bonuses to employees who made unique or extraordinary efforts which are not awarded according to pre-established criteria, severance bonuses, bonuses for overcoming stressful or difficult challenges, and other similar bonuses for which the fact and amount of payment is in the sole discretion of the employer until at or near the end of the periods to which the bonuses correspond and that are not paid “pursuant to any prior contract, agreement, or promise causing the employee to expect such payments regularly.” The Department recognizes that employers offer many differing types of bonuses to their employees, and that compensation practices will continue to evolve going forward. The Department therefore welcomes comment from the public about other common types of bonuses that the Department should address in § 778.211.

C. Excludable Benefits Under Section 7(e)(4)

FLSA section 7(e)(4) excludes from the regular rate “contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees.” Section 778.215(a)(2) explains that, among other things, that “[t]he primary purpose of the plan must be to provide systematically for the payment of benefits to employees on account of death, disability, advanced age, retirement, ill health, medical expenses, hospitalization, and the like.” The Department proposes adding more examples of the types of modern benefit plans that may be excludable from the regular rate of pay. Specifically, the Department proposes to add examples for benefits on account of “accident, unemployment, and legal services” to § 778.215(a)(2). The addition of “accident” derives directly from section 7(e)(4), which expressly uses the term (even though the current regulations do not). The addition of benefits for unemployment and legal services reflects the Department’s conclusion that, although employers may not have commonly offered these benefits when Congress enacted the FLSA in 1938, they are “similar benefits” to those expressly listed in section 7(e)(4). First, like other specifically enumerated types of benefit plans under section 7(e)(4), these benefit plans typically provide monetary benefits that are “specified or definitely determinable on an actuarial basis.” Second, benefit plans for unemployment or legal services protect employees from events that are rare but statistically predictable and that could otherwise cause significant financial hardship, just as is the case with life insurance, accident insurance, and the catastrophic-protection provisions of life insurance. Third, benefit plans for unemployment or legal services offer financial help when an employee’s earnings are (unemployment) or may be (legal services) materially affected, as is the case with the other benefit plans.

The Department notes that other characteristics of the various types of plans excludeable under section 7(e)(4) may differ, but they still remain “similar” for purposes of the statute. Under the plain text of the statute, excludable plans need not be related to physical health. Retirement benefits are excludable, for instance, even though an employee may choose to retire for reasons wholly unrelated to health. And excludable plans also need not be limited to benefits for rare or uncommon events. Health insurance, for instance, often pays for everyday medical expenses, and retirement is an event typically planned years in advance. Moreover, the benefits listed in the statute may be subject to various forms of payment. Retirement benefits are often a recurring payment, while accident and health benefits can fluctuate, and a life insurance death benefit can be paid in a lump sum. Therefore, insofar as the proposed additional examples differ among themselves or among other expressly listed benefits by not all being related to physical health, or not all being for rare events, or not all being paid out the same way, those differences do not make the proposed examples not “similar” under the statute. Indeed, such differences are encompassed in the statutory examples themselves.

Of course, these proposed examples, like the examples already provided in regulation and statute, would have to satisfy the other various requirements outlined in § 778.215. These additions would simply help clarify that such plans are not categorically barred from qualifying for exclusion under section 7(e)(4). The Department welcomes comments and data on the prevalence and nature of these types of

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135 See 29 U.S.C. 207(e)(2); see also Alonzo v. Maximus, Inc., 832 F. Supp. 2d 1122, 1133 (C.D. Cal. 2011) (holding that bonuses to employees who “made unique or extraordinary efforts and were not awarded according to pre-established criteria or pre-established rates” were excludable) (internal quotation marks omitted); Opinion Letter FLSA2008–12, 2008 WL 5463051 (Dec. 1, 2008) (bonuses paid without prior promise or agreement to 911 dispatchers in recognition of high stress level of their job are excludable discretionary bonuses). See 29 U.S.C. 207(e)(2).


139 See 29 U.S.C. 207(e)(4); see also Alonzo v. Maximus, Inc., 832 F. Supp. 2d 1122, 1133 (C.D. Cal. 2011) (holding that bonuses to employees who “made unique or extraordinary efforts and were not awarded according to pre-established criteria or pre-established rates” were excludable) (internal quotation marks omitted); Opinion Letter FLSA2008–12, 2008 WL 5463051 (Dec. 1, 2008) (bonuses paid without prior promise or agreement to 911 dispatchers in recognition of high stress level of their job are excludable discretionary bonuses). See 29 U.S.C. 207(e)(2).
programs and on whether there are other similar benefit plans that should be expressly included as examples.

D. Overtime Premiums Under Sections 7(e)(5)–(7)

FLSA sections 7(e)(5), (6), and (7) permit employers to exclude from the regular rate certain overtime premium payments made for hours of work on special days or in excess of specified daily or weekly standard work periods. More specifically, section 7(e)(5) permits exclusion of premiums for “hours worked in excess of eight in a day or in excess of the maximum workweek applicable to such employee [under section 7(a)] or in excess of the employee’s normal working hours or regular working hours, as the case may be.” Section 7(e)(6) permits exclusion of premiums “for work by the employee on Saturdays, Sundays, holidays, or at night, or in excess of the employee’s normal working hours or regular working hours, as the case may be.”

Additionally, section 7(e)(7) provides that premiums are paid are “nonregular hours for which the overtime premiums are paid are from the regular rate under section 7(e)(5).” Relatedly, the Department proposes amending §§ 778.202 and 778.205 to remove references to employment agreements and contracts in those sections to eliminate any confusion that the overtime premiums described in sections 7(e)(5) and (6) may be excluded only when written contracts or agreements. These regulatory clarifications are consistent with sections 7(e)(5) and (6) of the FLSA, neither of which requires that the overtime premiums be paid pursuant to a formal employment contract or collective bargaining agreement. Those statutory exclusions contrast with section 7(e)(7), which explicitly requires “an employment contract or collective-bargaining agreement” to exclude premiums “for work outside of the hours established in good faith by the contract or work agreement as the basic, normal, or regular workday (not exceeding eight hours) or workweek.” Exclusion of premium payments under sections 7(e)(5) and (6) turns on deviation from the employee’s normal work schedule. The removal of the word “contract” from the regulations does not change the fact that, while there need not be a formal contract or agreement under sections 7(e)(5) or (6), there must be a discernable schedule of hours and days worked from which the excess or nonregular hours for which the overtime premiums are paid are distinguishable.

Relatedly, the Department proposes to amend § 778.207 to refer to the “premium payments” instead of “contract premium rates.” This change is consistent with the description of the overtime premiums found in § 778.201 and removes any implication that all of the overtime premium payments must be paid pursuant to a formal contract. While the regulations at §§ 778.202, 778.205, and 778.207 have, since 1950, referred to employment contracts and agreements when describing the types of overtime premiums excluded under sections 7(e)(5) and (6), the Department has not interpreted the use of the words “contract” or “agreement” to limit excludable overtime premium payments to only those paid pursuant to a formal contract or collective bargaining agreement.

The Department has historically evaluated the actual practice of the parties to determine if extra payments are true overtime premiums that are excludable from the regular rate. In the initial publication of part 778 in 1946, for example, the Department emphasized the primacy of “actual practice” over any contractual terms when assessing whether extra payments were true overtime premiums that could be excluded from the regular rate. Consistent with the Department’s practice, most courts have not required employers using the exclusions in sections 7(e)(5) and (6) to establish the existence of any formal contract or agreement with employees.

Even apart from sections 7(e)(5) and (6), courts interpreting the FLSA do not generally require there be a writing (unless specifically required by statute), and they likewise emphasize the importance of the employer’s actual

152 See 15 FR 623 (the precursor to §§ 778.202, .205, and .207 was located in § 778.5 in the 1950 version of the regulations).

153 The FOH sections discussing sections 7(e)(5) and (6) and overtime premiums make no reference to the need for a contract, and instead instructs investigators to look to the employee’s normal hours or days of work as established by agreement or practice. FOH 32e01; see also id. 32e04 (describing criteria for 207(e)(6) overtime premium for work on special days without any reference to a requirement that the compensation be paid pursuant to contract).


155 Id. Those regulations stated that “[t]he mere fact that a contract calls for premium payments for work on Saturdays, Sundays, holidays or at night would not necessarily prove that the higher rate is a non-excludable shift differential paid merely because of undesirable working hours, if, as a matter of fact, the actual practice of the parties shows that the payments are made because the employees have previously worked a specified number of hours or days, according to a bona fide standard.” 29 CFR 778.2 (1948).

156 See Fain v. City of St. Albans, W. Va., 125 Fed. App’x 459, 460 (4th Cir. Jan. 7, 2005) (holding that city properly excluded overtime premiums from regular rates under 207(e)(5) even though the premiums were not included in employment contract and were mentioned only during the employment interview); Hesseltine v. Goodyear Tire & Rubber Co., 391 F. Supp. 2d 509, 522 (E.D. Tex. 2005) (“If an employer voluntarily pays an employee a premium rate contingent upon his working more than eight hours in one day, then such payment may be excluded from the employee’s regular rate and credited toward unpaid overtime.”); Laboy v. Alex Displays, Inc., No. 02 C 8721, 2003 WL 21209854, at *4 (N.D. Ill. May 21, 2003) (“The court need not determine whether the parties had an agreement for purposes of section 7(e)(7) because the payments must be excluded from the regular rate under section 7(e)(5).”)

148 See id. 778.202(a), (b), (e).

149 Id. 778.205.

150 Id. 778.207(e)(7).

151 See id. 778.201(c).

152 See id. 778.202(a), 203, 205, 207.
practices in determining whether a pay practice complies with the FLSA.\textsuperscript{157}

The Department proposes to clarify these regulations to eliminate unnecessary confusion concerning the excludability of payments under sections 7(e)(5) and (6).\textsuperscript{158} These proposed changes would be limited to the regulatory sections discussed in §§ 778.202, 778.205, and 778.207 and are not intended to affect the Department’s longstanding interpretation in other contexts that a required “contract” may consist of an oral agreement.\textsuperscript{159}

\textbf{E. Clarification That Examples in Part 778 Are Not Exclusive}

The Department recognizes that compensation practices can vary significantly and will continue to evolve. In general, the FLSA does not restrict the forms of “remuneration” that an employer may pay—which may include an hourly rate, salary, commission, piece rate, a combination thereof, or any other method—as long as the regular rate is equal to at least the applicable minimum wage and non-exempt employees are paid any overtime owed at one and one-half times the regular rate. While the eight categories of excludable payments enumerated in section 7(e)(1)–(8) are exhaustive,\textsuperscript{160} the Department proposes to confirm in §778.1 that, unless otherwise indicated, part 778 does not contain an exhaustive list of permissible or impermissible compensation practices. Rather, it provides examples of regular and overtime calculations that, by their terms, may or may not comply with the FLSA, and the types of compensation excludable from regular rate calculations under section 7(e).

Because it is impossible to address all the various compensation and benefits arrangements that may exist between employers and employees, both now and in the future, the Department proposes to specify in §778.1 that the examples set forth in part 778 of the types of payments that are excludable under section 7(e)(1)–(8) are not exhaustive; there may be other types of payments not discussed or used as examples in part 778 that nonetheless qualify as excludable payments under section 7(e)(1)–(8).

\textbf{F. Basic Rate Calculations Under Section 7(g)(3)}

Section 7(g) of the FLSA identifies three circumstances in which an employer may calculate overtime compensation using a basic rate rather than the regular rate, provided that the basic rate is established by an agreement or understanding between the employer and employee, reached before the performance of the work.\textsuperscript{161} The third of these, identified in section 7(g)(3), allows for the establishment of a basic rate of pay when the rate is “authorized by regulation by the Administrator as being substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time.”\textsuperscript{162} Part 548 addresses the requirements for using such a basic rate to compute overtime pay under section 7(g)(3).\textsuperscript{163}

\textsuperscript{157} See Bay Ridge, 334 U.S. at 464 (“As the regular rate cannot be left to a declaration by the parties as to what is to be treated as the regular rate for an employee, it must be drawn from what happens under the employment contract.”); Singer \textit{v. City of Waco, Tex.}, 324 F.2d 813, 824 (5th Cir. 2003) (same); see also 149 Madison Ave. Corp. v. Assello, 331 U.S. 198, 204 (1947) (“[I]n testing the validity of a wage agreement under the Act the courts are required to look beyond that which the parties have purported to do.”) (citing \textit{Walling v. Youngblood Hardwood Co.}, 325 U.S. 419, 424–25 (1945) (“Once the parties have decided upon the amount of wages and the mode of payment the determination of the regular rate becomes a matter of mathematical computation, the result of which is unaffected by any designation of a contrary ‘regular rate’ in the wage contracts.”).

\textsuperscript{158} Although most courts do not require an employment contract before applying the overtime premium credits found in sections 7(e)(5) or (6), there is evidence that the regulations have created some confusion. See, e.g., Scott \textit{v. City of New York}, 629 F. Supp. 2d 206, 269–70 (S.D.N.Y. 2009) (“The FLSA credits only three categories of contractual compensation towards overtime compensation mandated by the Act: premium pay for working more than a contractually-established number of hours per week, premium pay at a rate of time and one-half for working on weekends and holidays, and premium pay at a rate of time and one-half for working outside of ordinary hours, such as a night shift.”) (emphasis in original); \textit{Jarmon v. Vinson Guard Servs., Inc.}, No. 2:08–cv–2106–VEH, 2010 WL 11507029, at *14 (N.D. Ala. July 13, 2010) because there is no evidence of a collective bargaining agreement or an employment contract in this case, [section] 207(e)(5) is not applicable.”). Moreover, the language of the regulations may cause confusion for employers who are less familiar with WHD’s practices or the relevant case law.

\textsuperscript{159} See 29 CFR 778.204 (“[A]n employment contract for purposes of section 7(e)(1) may be either written or oral.”).

\textsuperscript{160} See, e.g., \textit{O’Brien v. Town of Agawam}, 350 F.3d 279, 294 (1st Cir. 2003); \textit{Canaballo v. City of Chicago}, 969 F. Supp. 2d 1008, 1015 (N.D. Ill. 2013); see also 778.200(c).

\textsuperscript{161} See id. 207(g)(3). By contrast, section 7(g)(1) allows for a basic rate to be established for employees employed at piece rates, and section 7(g)(2) allows for a basic rate to be established for employees performing two or more kinds of work for which different hourly or piece rates apply. Id. 207(g)(1)–(2). Only the basic rate provided by section 7(g)(1) is limited to employees paid on a piece rate basis. The Department proposes to clarify the cross reference in §548.1 to the regulations for sections 7(g)(1) and (2), which are at 29 CFR 778.415–421.

\textsuperscript{162} See 29 CFR 548.1; see also id. 778.400–401.

\textsuperscript{163} Section 548.2 provides ten requirements for using a basic rate when calculating overtime compensation.\textsuperscript{164} Section 548.3 discusses six different authorized basic rates that may be used if the criteria in §548.2 are met.\textsuperscript{165} Section 548.300 explains that these basic rates “have been found in use in industry and the Administrator has determined that they are substantially equivalent to the straight-time average hourly earnings of the employee over a representative period of time.”\textsuperscript{166} As relevant to this proposed rulemaking, §548.3 authorizes a basic rate that excludes “additional payments in cash or in kind which, if included in the computation of overtime under the Act, would not increase the total compensation of the employee by more than 50 cents a week on the average for all overtime weeks . . . in the period for which such additional payments are made.”\textsuperscript{167} Section 548.305(b) explains that, under §548.3(e), upon agreement or understanding between an employer and employee, the basic rate may exclude from the computation of overtime “certain incidental payments which have a trivial effect on the overtime compensation due.”\textsuperscript{168} This section provides a nonexhaustive list of examples of payments that may be excluded, so long as the payments would not increase an employee’s total compensation in any workweek by more than $0.50, including “modest housing,” “bonuses or prizes of various sorts,” and compensation “for soliciting or obtaining new business.”\textsuperscript{169} It also provides examples with specific amounts of additional payments to illustrate the application of §548.3(e).\textsuperscript{170} The $0.50 amount is also referenced in §548.400(b). The Department last updated these regulations more than 50 years ago, in 1966.\textsuperscript{171} The Department proposes to update the $0.50 amount in §§548.3, 548.305, and 548.400. Rather than provide a specific dollar or cent amount, however, the Department proposes to replace the $0.50 language in these regulations with “40 percent of the applicable hourly minimum wage under section 6(a) of the Act.” Notably, this is the same methodology that the Department used in the past to update the threshold. In 1955, the Department set the threshold
for excludable amounts in § 548.3(e) at
$0.30—which, at the time, was 40
percent of the hourly minimum wage
required under the FLSA ($0.75 per
hour).172 Similarly, in 1966, after
the minimum wage increased to $1.25 per
hour, the Department correspondingly
increased the threshold amount in
§ 548.3(e) to $0.50—which, again, was
40 percent of the hourly minimum wage
at the time.173 The current minimum
wage is $7.25 per hour, and 40 percent
of $7.25 is $2.90. To avoid the need for
future rulemaking in response to any
further minimum wage increases,
however, the Department proposes to
replace the current $0.50 references in
§§ 548.3, 548.305, and 548.400(b)
with “40 percent of the applicable
minimum hourly wage under section
6(a) of the Act.” Relatedly, the
Department also proposes to update the
examples provided in § 548.305(c), (d),
and (f) with updated dollar amounts,
and to fix a typographical error in
§ 548.305(e) by changing the phrase
“would not exceed” to “would exceed.”
The Department invites comment as to
this proposal, and specifically invites
comment as to (1) whether the
additional payments that are excludable
if they would not increase total overtime
compensation should be tied to a
percentage of the applicable minimum
wage under the Fair Labor Standards
Act, or a percentage of the applicable
minimum wage under state or Federal
law; and (2) whether 40 percent of the
applicable minimum wage is an
appropriate threshold, or if this
proposed percentage should be
increased or decreased.

IV. Paperwork Reduction Act

The Paperwork Reduction Act of 1995
(PRA), 44 U.S.C. 3501 et seq., and
its attendant regulations, 5 CFR part 1320,
require the Department to consider the
agency’s need for its information
collections and their practical utility,
the impact of paperwork and other
information collection burdens imposed
on the public, and how to minimize
those burdens. This NPRM does not
require a collection of information
subject to approval by the Office of
Management and Budget (OMB) under
the PRA, or affect any existing
collections of information. The
Department welcomes comments on this
determination.

171 See 20 FR 5679.
172 See 31 FR 4149 (Mar. 9, 1966); 31 FR 6769.
173 See 20 FR 5679.
174 See 58 FR 51735 (Sept. 30, 1993).
excludable as “similar benefits for employees” under section 7(o)(4):
• A proposal to clarify in §§ 778.202, 778.203, 778.205, and 778.207 that employers do not need a prior contract or agreement with the employee(s) to exclude certain overtime premiums described in sections 7(o)(5) and (6) of the FLSA;
• A proposal to clarify and provide examples in § 778.211 of discretionary bonuses that are excludable from an employee’s regular rate of pay under section 7(o)(3) of the FLSA;
• A proposal to clarify in § 778.1 that the examples of compensation discussed in part 778 of the types of excludable payments under section 7(o)(1)–(8) are not exhaustive; and
• A proposal to increase, from $0.50 to a weekly amount equivalent to 40 percent of the hourly federal minimum wage (currently $2.90, or 40 percent of $7.25), the amount by which total compensation would not be affected by the exclusion of certain additional payments when using the “basic rate” to compute overtime provided by § 548.3(e).

To measure potential costs, cost savings, benefits, and transfers relative to a baseline of current practice, the Department calculated regulatory familiarization costs by multiplying the estimated number of firms likely to review the proposed rule by the estimated time to review the rule and the average hourly compensation of a Compensation, Benefits, and Job Analysis Specialist.

To calculate the cost associated with reviewing the rule, the Department estimated the number of firms likely to review the proposed rule, when finalized. The U.S. Census Bureau’s Statistics of U.S. Businesses (SUSB) data shows that 3,643,737 firms have four or fewer employees. Most small-sized firms are less likely than larger firms to offer perks or benefits similar to those addressed in this rulemaking (e.g., wellness programs, on-site medical or specialty treatment, and so forth) and are typically exempt from legislation mandating paid sick leave or scheduling-related premium pay.

Thus, the Department believes that firms with fewer than five employees are unlikely to review this proposed rule. For the purposes of estimating familiarization costs across all firms, the Department believes that the 2,256,994 firms with five or more employees—approximately 38 percent of all 5.9 million firms—represent a reasonable proxy estimate of the total number of interested firms expected to dedicate time learning about the proposed rule.

Next, the Department estimated the time interested firms would take to review the rule. Because the majority of the proposals discussed in the NPRM are merely clarifications of existing regulatory requirements, the Department estimates that it would take an average of approximately 15 minutes for each interested firm to review and understand the changes in the rule. Some firms might spend more than 15 minutes reviewing the proposed rule, while others might take less time; the Department believes that 15 minutes is a reasonable estimated average for all interested firms.

Finally, the Department estimated the hourly compensation of the employees who would likely review the proposed rule. The Department assumes that a Compensation, Benefits, and Job Analysis Specialist (Standard Occupation Classification 13–1141), or an employee of similar status and comparable pay, would review the rule at each firm. The mean hourly wage of a Compensation, Benefits, and Job Analysis Specialist is $32.29. The Department adjusted this base wage rate to reflect fringe benefits such as health insurance and retirement benefits, as well as overhead costs such as rent, utilities, and office equipment. The Department used a fringe benefits rate of 46 percent of the base rate and an overhead rate of 54 percent of the base rate, resulting in a fully loaded hourly compensation rate for Compensation, Benefits, and Job Analysis Specialists of $64.58 (= $32.29 + ($32.29 × 46%) + ($32.29 × 54%)).

Therefore, regulatory familiarization costs in Year 1 for interested firms are estimated to be $36,439,168 (= (applying to retail employers with at least 20 employees and fast food employers with at least 30 affiliated enterprise or franchise establishments); Seattle, Wash., Mun. Code § 14.22.050 (2017) (applying to retail, food service, and full-service restaurant employers with at least 500 employees). Similar coverage thresholds apply to employers under state paid sick leave laws in Maryland (15 employees), Oregon (10 employees with smaller employers required to provide equivalent unpaid sick leave), and Rhode Island (20 employees with smaller employers required to provide equivalent unpaid sick leave). See Md. Code, Labor & Emp’t § 3–1304; Or. Rev. Stat. §§ 653.606; R.I. Gen. Laws § 28–57–4(c).
2,256,994 firms × 0.25 hours of review time × $64.58 per hour, which amounts to a 10-year annualized cost of $4,147,361 at a discount rate of 3 percent (which is $1.84 per firm) or $3,992,320 at a discount rate of 7 percent (which is $1.77 per firm).

The proposed rule would not impose any new requirements on employers or require any affirmative measures for regulated entities to come into compliance; therefore, there are no other costs attributable to this proposed rule. The Department invites comment on this analysis, including any relevant data or information that may further inform this estimate.

3. Potential Cost Savings

The Department believes that this proposed rule could lead to potential cost savings. The clarifying proposals and updated examples included in this NPRM may reduce the amount of time employers spend attempting to understand their obligations under the law. For example, employers interested in providing an employee discount program, a wellness program, or onsite exercise opportunities would know immediately from the language proposed for inclusion in §788.224 that the cost of providing such programs is excluded from the regular rate, thereby avoiding the need for further research on the issue. In addition, the two proposals that constitute changes to the regulations would also achieve cost savings. For example, the Department expects that the changes to the basic rate regulations will permit employers that use a basic rate plan to give employees additional incidental payments without concern about the impact on their overtime obligations. Increasing the amount by which total compensation would not be affected by the exclusion of certain additional payments when using the “basic rate” to compute overtime would both eliminate avoidable litigation and expand the circumstances in which employers that meet the requirements to use a basic rate may exclude “certain incidental payments which have a trivial effect on the overtime compensation due.”

The Department expects that these cost savings will outweigh regulatory familiarization costs. Unlike familiarization costs, the potential cost savings described in this section will continue into the future, saving employers valuable time and resources.

The Department is unable to provide quantitative estimates for cost savings and other potential effects of the proposed rule due to a lack of data and uncertainty regarding employer responses to the proposals. Employers are not generally required to report to the Department their use of these regulatory provisions, and to the Department’s knowledge, there is no publically available data on items such as employers’ use of basic rate calculations to calculate overtime due. The Department welcomes comments providing data or information regarding possible cost savings attributable to this proposed rule, which may help the Department further quantify these effects in a Final Rule analysis.

The Department is unable to provide quantitative estimates for other potential effects of the proposed rule due to a lack of data and uncertainty regarding employer responses to the proposals. The Department welcomes comments providing data or information regarding possible cost savings attributable to this proposed rule, which may help the Department further quantify these effects in a Final Rule analysis.

4. Potential Benefits

This section analyzes the potential benefits if the rule is finalized as proposed. The Department was unable to provide quantitative estimates for these potential benefits due to a lack of data and uncertainty regarding potential employer responses to the proposed rule. The Department does not know, for example, how many employers will begin offering wellness programs or other benefits to their employees as a result of this rule. The Department welcomes comments providing data or information regarding possible benefits attributable to this proposed rule, which may help the Department quantify these effects in a Final Rule analysis.

Distinct from the potential cost savings described above, if finalized as proposed, the rule will likely yield additional benefits. The Department expects that the added clarity that this rule would provide will encourage some employers to start providing benefits that they may presently refrain from providing due to apprehension about potential overtime consequences. These newly provided benefits might have a positive impact on workplace morale, employee health, employee compensation, and employee retention.

For example, the Department has proposed adding “the cost to the employer of providing wellness programs, such as health risk assessments, biometric screenings, vaccination clinics (including annual flu vaccinations), nutrition classes, weight loss programs, smoking cessation programs, stress reduction programs, exercise programs targeting to help employees meet health goals” to the list of miscellaneous payments excludable from the regular rate provided in §778.224(b). If employers know they can offer wellness programs without the threat of potentially protracted class or collective action litigation and without potentially having to track employee participation in these activities for purposes of calculating the regular rate, employers might feel more encouraged to offer such programs. An increase in the provision of wellness programs similar to those described in the proposed rule (e.g., smoking cessation programs, vaccine clinics, and so forth) may improve worker health and reduce healthcare costs. Such improvements benefit both the worker and the employer with added value to each.

The proposed rule would also provide employers greater flexibility and incentivize greater creativity in their employee-benefits practices. This room to innovate may help workers and increase retention and productivity by allowing employers the chance to provide unique benefits that their employees want and that improve workers’ physical and mental health, work environment, and morale. As noted earlier in this NPRM, the Department cannot feasibly list every permissible benefit that employers may provide, employers may create new and desirable benefits in the future. But the Department believes that the changes it proposes here would foster that innovation.

In addition, the Department believes that clarifying the regulations would prevent many avoidable “regular rate” disputes. For example, the omission of unused sick leave in the current version of §778.219 could be responsible for disputes over whether payments for unused sick leave should be included in the regular rate. Although the Department’s proposal to amend §778.219 simply reflects the Department’s current guidance, the added clarity provided by changing the text of the regulations might prevent future expenses stemming from avoidable workplace disputes. Due to uncertainty regarding the costs and prevalence of FLSA-related settlement agreements, arbitration actions, and state court filings, the Department has only estimated cost savings attributable.
to an expected reduction in federal FLSA regular rate lawsuits—which may represent only a fraction of all regular rate litigation.

To estimate the number of federal lawsuits that the proposed rule may prevent, the Department first attempted to determine the percentage of FLSA lawsuits that predominantly or exclusively feature a “regular rate” dispute. Here, the Department studied two sets of data. First, the Department examined a randomly selected sample of federal FLSA court filings from 2014 taken from the U.S. Court’s Public Access to Court Electronic Records (PACER). After reviewing each of the 521 FLSA cases in this sample for relevant information, the Department found that 6.5 percent of the cases (34 out of 521) primarily featured a regular rate dispute. To corroborate the PACER data, the Department separately reviewed a sample of 258 federal court decisions from 2017 involving FLSA collective action certification claims, and found that 3.9 percent of these cases primarily centered around a regular rate dispute. Given data limitations, if the Department assumes for purposes of this analysis that this proposed rule would prevent approximately 5 percent of all FLSA cases primarily or exclusively involve a regular rate dispute.

According to the Transactional Records Access Clearinghouse, 25,605 federal FLSA lawsuits were filed in Fiscal Years 2015, 2016, and 2017, averaging 8,535 lawsuits per year. Assuming there are approximately 8,535 FLSA lawsuits per year, the Department estimates that about 427 cases, or 5 percent of 8,535, primarily or exclusively involve a regular rate dispute. Given data limitations, if the Department assumes for purposes of this analysis that this proposed rule would prevent approximately 5 percent of FLSA cases primarily or exclusively featuring a regular rate dispute then this proposed rule would prevent approximately 43 FLSA regular rate lawsuits per year.

To quantify the cost savings for an expected reduction in FLSA lawsuits, the Department must estimate the average cost of an FLSA lawsuit. Here, the Department examined a selection of 56 FLSA cases concluded between 2012 and 2015 that contained litigation cost information. To calculate average litigation costs associated with these cases, the Department first examined records of court filings in the Westlaw Case Evaluator tool and on PACER to ascertain how much plaintiffs in these cases received for attorney fees, administrative fees, and/or other costs, apart from any monetary damages attributable to the alleged FLSA violations. (The FLSA provides for successful plaintiffs to be awarded reasonable attorney’s fees and costs, so this data is available in some FLSA cases.) After determining the plaintiff’s total litigation costs for each case, the Department then doubled the figures to account for litigation costs that the defendant employers incurred. According to this analysis, the average litigation cost for FLSA cases concluded between 2012 and 2015 was $654,182 per case. Applying this figure to approximately 43 federal regular rate cases that this proposed rulemaking could prevent, the Department estimated that avoided litigation costs resulting from the rule may total approximately $28.1 million per year. Once again, the Department believes this total may underestimate total litigation costs because some FLSA regular rate cases are heard in state court and thus were not captured by PACER; some FLSA regular rate matters are resolved before litigation or by alternative dispute resolution; and some attorneys representing FLSA regular rate plaintiffs may take a contingency fee atop their statutorily awarded fees and costs. The Department solicits comments or available data on this issue.

5. Potential Transfers

Transfer payments occur when income is redistributed from one party to another. The Department has identified two possible transfer payments between employers and employees that could occur if the rule is finalized as proposed, flowing in opposite directions. On the one hand, income might transfer from employers to employees if some employers respond by newly providing certain payments or benefits they did not previously provide. On the other hand, income might transfer from employees to employers if some employers respond to the proposed rule by newly excluding certain payments from their employees’ regular rates without changing any other compensation practices. As discussed above, the Department is unable to quantify an estimated net transfer amount to employers or employees due to a lack of data on the kinds of payments employers presently provide, and the inherent uncertainty in predicting how employers will respond to this rule. The Department invites comment on this analysis, including any relevant data or information that might allow for a quantitative analysis of transfer effects in the Final Rule.

6. Summary

The Department above discussed qualitatively the potential cost savings associated with reduced litigation, and estimates those cost savings at $281 over 10 years, or $28.1 per year. The Department estimates that this proposed rule, if finalized, would result in one-time regulatory familiarization costs of $36.4 million, which would result in a 10-year annualized cost of $4.147,361 at a discount rate of 3 percent or $3,902,320 at a discount rate of 7 percent.

VI. Regulatory Flexibility Analysis

In accordance with the Regulatory Flexibility Act, the Department examined the regulatory requirements of the proposed rule to determine whether they would have a significant economic impact on a substantial number of small entities. The Department believes that this proposed rule would achieve long-term cost savings that outweigh initial regulatory familiarization costs. For
example, the Department believes that removing ambiguous language and adding updated examples to the FLSA’s overtime regulations should reduce compliance costs and litigation risks that small business entities would otherwise continue to bear.

As discussed above, the Department used data from the U.S. Census Bureau’s Statistics of U.S. Businesses (SUSB) to calculate the number of firms likely to review the proposed rule, when finalized. The SUSB data show that there are 5,900,731 firms in the U.S., 3,643,737 of which have four or fewer employees. Also, as discussed above, the Department believes that firms with fewer than five employees are unlikely to review this proposed rule, because these small-sized firms are less likely than larger firms to offer perks or benefits similar to those addressed in this rulemaking (e.g., wellness programs, on-site medical or specialty treatment, and so forth) and are typically exempt from legislation mandating paid sick leave or scheduling-related premium pay. Estimated familiarization costs would therefore be zero for small businesses with fewer than five employees. The Department did estimate familiarization costs across all 2,256,994 firms with five or more employees, and found that the annualized familiarization cost per firm is $1.84 annually at a discount rate of 3 percent and $1.77 annually at a discount rate of 7 percent.

Estimated familiarization costs would be trivial for small business entities, and would be well below one percent of their gross annual revenues. The average annual gross revenue for the smallest businesses is typically $100,000 or higher. Therefore, the Department certifies that the rule does not have a significant economic impact on a substantial number of small entities.

VII. Unfunded Mandates Reform Act Analysis

The Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1532, requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing any federal mandate that may result in excess of $100 million (adjusted annually for inflation) in expenditures in any one year by state, local, and tribal governments in the aggregate, or by the private sector. While this rulemaking would affect employers in the private sector, it is not expected to result in expenditures greater than $100 million in any one year. Please see Section V for an assessment of anticipated costs and benefits to the private sector.

VIII. Executive Order 13132, Federalism

The Department has reviewed this proposed rule in accordance with Executive Order 13132 regarding federalism and determined that it does not have federalism implications. The proposed rule would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

IX. Executive Order 13175, Indian Tribal Governments

This proposed rule would not have substantial direct effects 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.

List of Subjects

29 CFR Part 548
Wages.
29 CFR Part 778
Wages.

Signed at Washington, DC, this 20th day of March, 2019.
Keith E. Sonderling,
Acting Administrator, Wage and Hour Division.

For the reasons set out in the preamble, the Department of Labor proposes to amend title 29 of the Code of Federal Regulations parts 548 and 778 as follows:

PART 548—AUTHORIZATION OF ESTABLISHED BASIC RATES FOR COMPUTING OVERTIME PAY

1. The authority citation for Part 548 continues to read as follows:

Authority: Sec. 7. 52 Stat. 1063, as amended; 29 U.S.C. 207, unless otherwise noted.

2. Amend §548.1 by revising the second sentence to read as follows:

§548.1 Scope and effect of regulations. * * * * *

The regulations for computing overtime pay under sections 7(g)(1) and 7(g)(2) of the Act for employees paid on the basis of a piece rate, or at a variety of hourly rates or piece rates, or a combination thereof, are set forth in 29 CFR 778.415–778.421.

3. Revise paragraph (e) of §548.3 to read as follows:

§548.3 Authorized basic rates. * * * * *

(e) The rate or rates (not less than the rates required by section 6 (a) and (b) of the Act) which may be used under the Act to compute overtime compensation of the employee but excluding additional payments in cash or in kind which, if included in the computation of overtime under the Act, would not increase the total compensation of the employee by more than 40 percent of the applicable hourly minimum wage under section 6(a) of the Act per week on the average for all overtime weeks (in excess of the number of hours applicable under section 7(a) of the Act) in the period for which such additional payments are made.

* * * * *

4. Amend §548.305 by revising paragraphs (a), (c), (d), (e), (f) to read:

§548.305 Excluding certain additions to wages.

(a) Section 548.3(e) authorizes as established basic rates the rate or rates (not less than the minimum wages required by section 6(a) and (b) of the Act which may be used under the Act to compute overtime compensation of employees but excluding additional cash or in kind payments which, if included in the computation of overtime, would not increase the total compensation of an employee by more than 40 percent of the applicable hourly minimum wage under section 6(a) of the Act per week on the average for all overtime weeks in the period for which such additional payments are made.

* * * * *

(c) The exclusion of one or more additional payments under §548.3(e) must not affect the overtime.
compensation of the employee by more than 40 percent of the applicable hourly minimum wage under section 6(a) of the Act per week on the average for the overtime weeks.

(1) Example. An employee, who normally would come within the 40-hour provision of section 7(a) of the Act, is paid a cost-of-living bonus of $1300 each calendar quarter, or $100 per week. The employee works overtime in only 2 weeks in the 13-week period, and in each of these overtime weeks he works 50 hours. He is therefore entitled to $10 as overtime compensation on the bonus for each week in which overtime was worked (i.e., $100 bonus divided by 50 hours equals $2 an hour; 10 overtime hours, times one-half, times $2 an hour, equals $10 per week). Forty percent of the minimum wage of $7.25 is $2.90. Since the overtime on the bonus is more than $2.90 on the average for the 2 overtime weeks, this cost-of-living bonus would be included in the overtime computation under § 548.3(e).

(2) Reserved.

(d) It is not always necessary to make elaborate computations to determine whether the effect of the exclusion of a bonus or other incidental payment on the employee’s total compensation will exceed 40 percent of the applicable hourly minimum wage under section 6(a) of the Act cents per week on the average. Frequently the addition to regular wages is so small or the number of overtime hours is so limited that under any conceivable circumstances exclusion of the additional payments from the rate used to compute the employee’s overtime compensation would not affect the employee’s total earnings by more than 40 percent of the applicable hourly minimum wage under section 6(a) of the Act per week. The determination that this is so may be made by inspection of the payroll records or knowledge of the normal working hours.

(1) Example. An employer has a policy of giving employees who have a perfect attendance record during a 4-week period a bonus of $50. The employee never works more than 50 hours a week. It is obvious that exclusion of this attendance bonus from the rate of pay used to compute overtime compensation could not affect the employee’s total earnings by more than $2.90 per week (i.e., 40 percent of the minimum wage of $7.25).14

(2) Reserved.

(e) There are many situations in which the employer and employee cannot predict with any degree of certainty the amount of bonus to be paid at the end of the bonus period. They may not be able to anticipate with any degree of certainty the number of hours an employee might work each week during the bonus period. In such situations, the employer and employee may agree prior to the performance of the work that a bonus will be disregarded in the computation of overtime pay if the employee’s total earnings are not affected by more than 40 percent of the applicable hourly minimum wage under section 6(a) of the Act per week on the average for all overtime weeks during the bonus period. If it turns out at the end of the bonus period that the effect on the employee’s total compensation would exceed 40 percent of the applicable minimum wage under section 6(a) of the Act per week on the average, then additional overtime compensation must be paid on the bonus. (See § 778.209 of this chapter, for an explanation of how to compute overtime on the bonus).

(f) In order to determine whether the exclusion of a bonus or other incidental payment would affect the total compensation of the employee by not more than 40 percent of the applicable hourly minimum wage under section 6(a) of the Act per week on the average, a comparison is made between his total compensation computed under the employment agreement and his total compensation computed in accordance with the applicable overtime provisions of the Act.

(1) Example. An employee, who normally would come within the 40-hour provision of section 7(a) of the Act, is paid at piece rates and at one and one-half times the applicable piece rate for work performed during hours in excess of 40 in the workweek. The employee is also paid a bonus, which when apportioned over the bonus period, amounts to $10 a week. He never works more than 50 hours a week. The piece rates could be established as basic rates under the employment agreement and no additional overtime compensation paid on the bonus. The employee’s total compensation computed in accordance with the applicable overtime provision of the Act, section 7(g)(1)15 would be affected by not more than $1 in any week by not paying overtime compensation on the bonus.16

(2) Reserved.

14 For a 50-hour week, an employee’s bonus would have to exceed $29 a week to affect his overtime compensation by more than $2.90 (i.e., 40 percent of the minimum wage of $7.25). ($30 + 50 hours worked × $0.50 overtime hours × 0.5)

15 Section 7(g)(1) of the Act provides that overtime compensation may be paid at one and one-half times the applicable piece rate but extra overtime compensation must be properly computed and paid on additional pay required to be included in computing the regular rate.

16 Bonus of $10 divided by fifty hours equals 20 cents an hour. Half of this hourly rate multiplied by ten overtime hours equals $1.

5. Revise paragraph (b) of § 548.400 to read as follows:

§ 548.400 Procedures.
* * * * *

(b) Prior approval of the Administrator is also required if the employer desires to use a basic rate or basic rates which come within the scope of a combination of two or more of the paragraphs in § 548.3 unless the basic rate or rates sought to be adopted meet the requirements of a single paragraph in § 548.3. For instance, an employee may receive free lunches, the cost of which, by agreement or understanding, is to be included in the rate used to compute overtime compensation.17 In addition, the employee may receive an attendance bonus which, by agreement or understanding, is to be excluded from the rate used to compute overtime compensation.18 Since these exclusions involve two paragraphs of § 548.3, prior approval of the Administrator would be necessary unless the exclusion of the cost of the free lunches together with the attendance bonus do not affect the employee’s overtime compensation by more than 40 percent of the applicable hourly minimum wage under section 6(a) of the Act per week on the average, in which case the employer and the employee may treat the situation as one falling within a single paragraph, § 548.3(e).

17 See § 548.304.
18 See § 548.305.

PART 778—OVERTIME COMPENSATION

6. The authority citation for part 778 continues to read as follows:

Authority: 52 Stat. 1060, as amended; 29 U.S.C. 201 et seq. Section 778.200 also issued under Public Law 106–202, 114 Stat. 308 (29 U.S.C. 207(o) and (b)).

7. Revise § 778.1 to read as follows:

§ 778.1 Purpose of interpretive bulletin.

(a) This part 778 constitutes the official interpretation of the Department of Labor with respect to the meaning and application of the maximum hours and overtime pay requirements contained in section 7 of the Fair Labor Standards Act (the Act). It is the purpose of this bulletin to make available in one place the interpretations of these provisions which will guide the Secretary of Labor and the Administrator in the performance of their duties under the
Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. These official interpretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorg. Pl. 6 of 1950, 64 Stat. 1263; Gen. Ord. 45A, May 24, 1950, 15 FR 3290).

(b) The Department recognizes that compensation practices can vary significantly and will continue to evolve in the future. The Department also recognizes that it is not feasible to address all of the various compensation and benefits arrangements that may exist between employers and employees, both currently and in the future. In general, the FLSA does not restrict the forms of “remuneration” that an employer may pay—which may include an hourly rate, salary, commission, piece rate, a combination thereof, or any other method—as long as the regular rate is equal to at least the applicable minimum wage and the types of compensation that may be excluded from the regular rate and compensation for overtime hours worked is paid at the rate of at least one and one-half times the regular rate. While the eight categories of payments in section 7(e)(1)–(8) of the Act are the exhaustive list of payments excludable from the regular rate, Part 778 does not contain an exhaustive list of permissible or impermissible compensation practices under section 7(e) of the Act, unless otherwise indicated. Rather, it provides examples of regular rate and overtime calculations under the FLSA and the types of compensation that may be excluded from regular rate calculations under section 7(e) of the FLSA.

8. Revise paragraphs (a), (b), (c), and (e) of §778.202 to read as follows:

§ 778.202 Premium pay for hours in excess of a daily or weekly standard.
(a) Hours in excess of 8 per day or statutory weekly standard. Many employers provide for the payment of overtime compensation for hours worked in excess of 8 per day or 40 per week. If the payment of such overtime compensation is in fact contingent upon the employee’s having worked in excess of 8 hours in a day or in excess of the number of hours in the workweek specified in section 7(a) of the Act as the weekly maximum and such hours are reflected in an agreement or by established practice, the extra premium compensation paid for the excess hours is excludable from the regular rate under section 7(e)(5) of the Act and may be credited toward statutory overtime payments pursuant to section 7(h) of the Act. In applying these rules to situations where it is the custom to pay employees for hours during which no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, as these terms are explained in §§778.216–778.224, it is permissible (but not required) to count these hours as hours worked in determining the amount of overtime premium pay, due for hours in excess of 8 per day or the applicable maximum hours standard, which may be excluded from the regular rate and credited toward the statutory overtime compensation.
(b) Hours in excess of normal or regular working hours. Similarly, where the employee’s normal or regular daily or weekly working hours are greater or fewer than 8 hours and 40 hours respectively and such hours are reflected in an agreement or by established practice, and the employee receives payment of premium rates for work in excess of such normal or regular hours of work for the day or week (such as 7 in a day or 35 in a week), the extra compensation provided by such premium rates, paid for excessive hours, is a true overtime premium to be excluded from the regular rate and it may be credited toward overtime compensation due under the Act.
(c) Premiums for excessive daily hours. If an employee whose maximum hours standard is 40 hours is hired at the rate of $12 an hour and receives, as overtime compensation under his contract, $12.50 per hour for each hour actually worked in excess of 8 per day (or in excess of his normal or regular daily working hours), his employer may exclude the premium portion of the overtime rate from the employee’s regular rate and credit the total of the extra 50-cent payments thus made for daily overtime hours against the overtime compensation which is due under the statute for hours in excess of 40 in that workweek. If the same contract further provided for the payment of $13 for hours in excess of 12 per day, the extra $1 payments could likewise be credited toward overtime compensation due under the Act. To qualify as overtime premiums under section 7(e)(5) of the Act, the daily overtime premium payments must be made for hours in excess of 8 hours per day or the employee’s normal or regular working hours. If the normal workday is artificially divided into a “straight time” period to which one rate is assigned, followed by a so-called “overtime” period for which a higher “rate” is specified, such payment will be regarded as a device to contravene the statutory purposes and the premiums will be considered part of the regular rate. For a fuller discussion of this problem, see §778.501.

§ 778.203 Premium Pay for work on Saturdays, Sundays, and other “special days”.

(d) Payment of premiums for work performed on the “special day”: To qualify as an overtime premium under section 7(e)(6) of the Act, the premium must be paid because work is performed on the days specified and not for some other reason which would not qualify the premium as an overtime premium under sections 7(e)(5), (6), or (7) of the Act. (For examples distinguishing pay for work on a holiday from idle holiday pay, see §778.219.) Thus a premium rate paid to an employee only when he received less than 24 hours’ notice that he is required to report for work on his regular day of rest is not a premium paid for work on one of the specified days; it is a premium imposed as a penalty upon the employer for failure to give adequate notice to compensate the employee for the inconvenience of disarranging his private life. The extra compensation is not an overtime premium. It is part of his regular rate of pay unless such extra compensation is paid the employee so as to qualify for exclusion under section 7(e)(2) of the Act in which event it need not be included in computing his regular rate of pay, as explained in §778.222.

10. Revise §778.205 to read as follows:

§ 778.205 Premiums for weekend and holiday work—example.

The application of section 7(e)(6) of the Act may be illustrated by the following example: Suppose, based on an established practice by an employer, an employee earns $18 an hour for all hours worked on a holiday or on Sunday in the operation of machines by operators whose maximum hours standard is 40 hours and who are paid a bona fide hourly rate of $12 for like work performed during nonovertime
hours on other days. Suppose further that the workweek of such an employee begins at 12:01 a.m. Sunday, and in a particular week he works a schedule of 8 hours on Sunday and on each day from Monday through Saturday, making a total of 56 hours worked in the workweek. Tuesday is a holiday. The payment of $768 to which the employee is entitled will satisfy the requirements of the Act since the employer may properly exclude from the regular rate the extra $48 paid for work on Sunday and the extra $48 paid for holiday work and credit himself with such amount against the statutory overtime premium required to be paid for the 16 hours worked over 40.

11. Revise paragraph (a) of § 778.207 to read as follows:

§ 778.207 Other types of contract premium pay distinguished.

(a) Overtime premiums are those defined by the statute. The various types of premium payments which provide extra compensation qualifying as overtime premiums to be excluded from the regular rate (under sections 7(e)(5), (6), and (7) of the Act and credited toward statutory overtime pay requirements (under section 7(h)) have been described in §§ 778.201 through 778.206. The plain wording of the statute makes it clear that extra compensation provided by premium rates other than those described in the statute cannot be treated as overtime premiums. When such other premiums are paid, they must be included in the employee’s regular rate before statutory overtime compensation is computed; no part of such premiums may be credited toward statutory overtime pay.

12. Revise paragraphs (c) and (d) of § 778.211 to read as follows:

§ 778.211 Discretionary bonuses.

(c) Promised bonuses not excluded. The bonus, to be excluded under section 7(e)(3)(a) of the Act, must not be paid “pursuant to any prior contract, agreement, or promise.” For example, any bonus which is promised to employees upon hiring or which is the result of collective bargaining would not be excluded from the regular rate under this provision of the Act. Bonuses which are announced to employees to induce them to work more steadily or more rapidly or more efficiently or to remain with the firm are regarded as part of the regular rate of pay. Most attendance bonuses, individual or group production bonuses, bonuses for quality and accuracy of work, bonuses contingent upon the employee’s continuing in employment until the time the payment is to be made and the like are in this category; in such circumstances they must be included in the regular rate of pay.

(d) Labels are not determinative. The label assigned to a bonus does not conclusively determine whether a bonus is discretionary under section 7(e)(3) of the Act. Instead, the terms of the statute and the facts specific to the bonus at issue determine whether bonuses are excludable discretionary bonuses. Thus, regardless of the label or name assigned to bonuses, bonuses are discretionary and excludable if both the fact that the bonuses are to be paid and the amounts are determined at the sole discretion of the employer at or near the end of the periods to which the bonuses correspond and they are not paid pursuant to any prior contract, agreement, or promise causing the employee to expect such payments regularly. Examples of bonuses that may be discretionary include bonuses to employees who made unique or extraordinary efforts which are not awarded according to pre-established criteria, severance bonuses, bonuses for overcoming challenging or stressful situations, employee-of-the-month bonuses, and other similar compensation. Such bonuses are usually not promised in advance and the fact and amount of payment is in the sole discretion of the employer until at or near the end of the period to which the bonus corresponds.

13. Amend § 778.215 by revising paragraphs (a)(1), (a)(2), and (b) to read as follows:

§ 778.215 Conditions for exclusion of benefit-plan contributions under section 7(e)(4).

(a) * * *

(1) The contributions must be made pursuant to a specific plan or program adopted by the employer, or by contract as a result of collective bargaining, and overcoming the exigency of the employer. This may be either a company-financed plan or an employer-employee contributory plan.

(2) The primary purpose of the plan must be to provide systematically for the payment of benefits to employees on account of death, disability, advanced age, retirement, illness, medical expenses, hospitalization, accident, unemployment, legal services, or the like.

(b) Plans under section 401(a) of the Internal Revenue Code. Where the benefit plan or trust has been approved by the Internal Revenue Service as satisfying the requirements of section 401(a) of the Internal Revenue Code, in the absence of evidence to the contrary, the plan or trust will be considered to meet the conditions specified in paragraphs (a)(1), (4), and (5) of this section.

14. Amend § 778.217 by revising paragraphs (a) and (c) to read as follows:

§ 778.217 Reimbursement for expenses.

(a) General rule. Where an employee incurs expenses on his employer’s behalf or where he is required to expend sums by reason of action taken for the convenience of his employer, section 7(e)(2) is applicable to reimbursement for such expenses. Payments made by the employer to cover such expenses are not included in the employee’s regular rate (if the amount of the reimbursement reasonably approximates the expense incurred). Such payment is not compensation for services rendered by the employees during any hours worked in the workweek.

(c)(1) Payments excluding expenses. It should be noted that only the actual or reasonably approximate amount of the expense is excludable from the regular rate. If the amount paid as “reimbursement” is disproportionately large, the excess amount will be included in the regular rate.

(2) A reimbursement amount for an employee traveling on his or her employer’s business is per se reasonable, and not disproportionately large, if it:

(i) Is the same or less than the maximum reimbursement payment or per diem permitted for the same type of expense under the Federal Travel Regulation System, 41 CFR Subtitle F, or any successor provision; and

(ii) Otherwise meets the requirements of this section.

(3) Paragraph (c)(2) of this section creates no inference that a reimbursement for an employee traveling on his or her employer’s business exceeding the amount permitted under the Federal Travel Regulation System is unreasonable.

15. Revise paragraph (b) of § 778.218 to read as follows:

§ 778.218 Pay for certain idle hours.

(b) Limitations on exclusion. This provision of section 7(e)(2) of the Act deals with the type of absences which are infrequent or sporadic or unpredictable. It has no relation to regular “absences” such as regularly scheduled days of rest. Sundays may not be workdays in a particular establishment, but this does not make
them either “holidays” or “vacations,” or days on which the employee is absent because of the failure of the employer to provide sufficient work. The term holiday is read in its ordinary usage to refer to those days customarily observed in the community in celebration of some historical or religious occasion; it does not refer to days of rest given to employees in lieu of or as an addition to compensation for working on other days.

* * * * *

16. Revise §778.219 to read as follows:

§ 778.219 Pay for forgoing holidays and unused leave.

(a) As explained in §778.218, certain payments made to an employee for periods during which he performs no work because of a holiday, vacation, or illness are not required to be included in the regular rate because they are not regarded as compensation for working. When an employee who is entitled to such paid leave forgoes the use of leave and instead receives a payment that is the approximate equivalent to the employees’ normal earnings for a similar period of working time, and is in addition to the employee’s normal compensation for hours worked, the sum allocable to the forgone leave may be excluded from the regular rate. Such payments may be excluded whether paid out during the pay period in which the holiday or prescheduled leave is forgone or as a lump sum at a later point in time. Since it is not compensation for work, pay for unused leave may not be credited toward overtime compensation due under the Act. Three examples in which the maximum hours standard is 40 hours may serve to illustrate this principle:

(1) An employee whose rate of pay is $12 an hour and who usually works a 6-day, 48-hour week is entitled, under his employment contract, to a week’s paid vacation in the amount of his usual straight-time earnings—$376. He forgoes his vacation and works 50 hours in the week in question. He is owed $600 as his total straight-time earnings for the week, and $576 in addition as his vacation pay. Under the statute (which does not require premium pay for a holiday) he is owed $660 for a workweek of 50 hours at a rate of $12 an hour. Since the holiday premium is one and one-half times the established rate for nonholiday work, it does not increase the regular rate because it qualifies as an overtime premium under section 7(e)(6), and the employer may credit it toward statutory overtime compensation due and need pay the employee only the additional sum of $6 to meet the statutory requirements. (For a discussion of holiday premiums see §778.203.)

(2) An employee who is entitled under his employment contract to 8 hours’ pay at his rate of $12 an hour for the Christmas holiday, forgoes his holiday and works 9 hours on that day. During the entire week, he works a total of 50 hours. He is paid under his contract $600 as straight-time compensation for 50 hours plus $96 as idle holiday pay. He is owed, under the statute, an additional $60 as overtime premium (additional half-time) for the 10 hours in excess of 40. His regular rate of $12 per hour has not been increased by virtue of the holiday pay but no part of the $96 holiday pay may be credited toward statutory overtime compensation due.

(3) An employee whose rate of pay is $12 an hour and who usually works a 40-hour week is entitled to two weeks of paid time off per year per his or her employer’s policies. The employee takes one week of paid time off during the year and is paid $480 pursuant to employer policy for the one week of unused paid time off at the end of the year. The leave payout may be excluded from the employee’s regular rate of pay, but no part of the payout may be credited toward statutory overtime compensation due.

(b) Premiums for holiday work distinguished. The example in paragraph (a)(2) of this section should be distinguished from a situation in which an employee is entitled to idle holiday pay under the employment agreement only when he is actually idle on the holiday, and who, if he forgoes his holiday also, under his contract, forgos his idle holiday pay.

(1) The typical situation is one in which an employee is entitled by contract to 8 hours’ pay at his rate of $12 an hour for certain named holidays when no work is performed. If, however, he is required to work on such days, he does not receive his idle holiday pay. Instead he receives a premium rate of $18 (time and one-half) for each hour worked on the holiday. If he worked 9 hours on the holiday and a total of 50 hours for the week, he would be owed, under his contract, $162 (9 hours work and $492 for the other 41 hours worked in the week, a total of $654. Under the statute which does not require premium pay for a holiday) he is owed $660 for a workweek of 50 hours at a rate of $12 an hour. Since the holiday premium is one and one-half times the established rate for nonholiday work, it does not increase the regular rate because it qualifies as an overtime premium under section 7(e)(6), and the employer may credit it toward statutory overtime compensation due and need pay the employee only the additional sum of $6 to meet the statutory requirements. (For a discussion of holiday premiums see §778.203.)

(2) If all other conditions remained the same but the contract called for the payment of $24 (double time) for each hour worked on the holiday, the employee would receive, under his contract $216 (9 x $24) for the holiday work in addition to $492 for the other 41 hours worked, a total of $708. Since this holiday premium is also an overtime premium under section 7(e)(6), it is excludable from the regular rate and the employer may credit it toward statutory overtime compensation due. Because the total thus paid exceeds the statutory requirements, no additional compensation is due under the Act. In distinguishing this situation from that in the example in paragraph (a)(2) of this section, it should be noted that the contract provisions in the two situations are different and result in the payment of different amounts.

In the example in paragraph (a)(2) of this section, the employee received a total of $204 attributable to the holiday: 8 hours’ idle holiday pay at $12 an hour (8 x $12), due him whether he worked or not, and $108 pay at the non-holiday rate for 9 hours’ work on the holiday. In the situation discussed in this paragraph, the employee received $216 pay for working on the holiday—double time for 9 hours of work. All of the pay in this situation is paid for and directly related to the number of hours worked on the holiday.

17. Revise §778.221 to read as follows:

§ 778.221 “Call-back” pay.

(a) General. Typically, “call-back” or “call-out” payments are made pursuant to agreement or established practice and consist of a specified number of hours’ pay at the applicable straight time or overtime rates received by an employee on occasions when, after his scheduled hours of work have ended and without prearrangement, he responds to a call from his employer to perform extra work. The amount by which the specified number of hours’ pay exceeds the compensation for hours actually worked is considered as a payment that
is not made for hours worked. As such, it may be excluded from the computation of the employee’s regular rate and cannot be credited toward statutory overtime compensation due the employee. Payments that are so regular that they are essentially prearranged, however, may not be excluded from the regular rate. For example, if an employer retailer called in an employee to help clean up the store for 3 hours after an unexpected roof leak, and then again 3 weeks later for 2 hours to cover for a coworker who left work for a family emergency, payments for those instances would be without prearrangement and any call-back pay that exceeded the amount the employee would receive for the hours worked would be excludable. However, when payments under §§ 778.221 and 778.222 are so regular that they, in effect, are prearranged, they are compensation for work. For example, if an employer restaurant called an employee server for two hours of supposedly emergency help during the busiest part of Saturday evening for 6 weeks out of 2 months in a row, that would be essentially prearranged and all of the call-back pay would be included in the regular rate.

(b) Application illustrated. The application of these principles to call-back payments may be illustrated as follows: An employment agreement provides a minimum of 3 hours’ pay at time and one-half for any employee called back to work outside his scheduled hours. The employees covered by the agreement, who are entitled to overtime pay after 40 hours a week, normally work 8 hours each day, Monday through Friday, inclusive, in a workweek beginning on Monday, and are paid overtime compensation at time and one-half for all hours worked in excess of 8 in any day or 40 in any workweek. Assume that an employee covered by this agreement and paid at the rate of $12 an hour works 1 hour overtime or a total of 9 hours on Monday, and works 8 hours each on Tuesday through Friday, inclusive. After he has gone home on Friday evening, he is called back to perform an emergency job. His hours worked on the call total 2 hours and he receives 3 hours’ pay at time and one-half, or $54, under the call-back provision, in addition to $480 for working his regular schedule and $18 for overtime worked on Monday evening. In computing overtime compensation due this employee under the Act, the 43 actual hours (not 44) are counted as working time during the week. In addition to $516 pay at the $12 rate for all these hours, he has received under the agreement a premium of $6 for the 1 overtime hour on Monday and of $12 for the 2 hours of overtime work on the call, plus an extra sum of $18 paid by reason of the provision for minimum call-back pay. For purposes of the Act, the extra premiums paid for actual hours of overtime work on Monday and on the Friday call (a total of $18) may be excluded as true overtime premiums in computing his regular rate for the week and may be credited toward compensation due under the Act, but the extra $18 received under the call-back provision is not regarded as paid for hours worked; thus, it may be excluded from the regular rate, but it cannot be credited toward overtime compensation due under the Act. The regular rate of the employee, therefore, remains $12, and he has received an overtime premium of $6 an hour for 3 overtime hours of work. This satisfies the requirements of section 7 of the Act. The same would be true, of course, if in the foregoing example, the employee was called back outside his scheduled hours for the 2-hour emergency job on another night of the week or on Saturday or Sunday, instead of on Friday night.

18. Revise § 778.222 to read as follows:

§ 778.222 Other payments similar to “call-back” pay.

(a) The principles discussed in § 778.221 are also applied with respect to certain types of extra payments which are similar to call-back pay, such as:

(1) Extra payments made to employees for failure to give the employee sufficient notice to report for work on regular days of rest or during hours outside of his regular work schedule; and

(2) Extra payments made solely because the employee has been called back to work before the expiration of a specified number of hours between shifts or tours of duty, sometimes referred to as a “rest period.”

(b) The extra payment, over and above the employee’s earnings for the hours actually worked at his applicable rate (straight time or overtime, as the case may be), is considered as a payment that is not made for hours worked. Payments that are so regular that they are essentially prearranged, however, may not be excluded from the regular rate.

19. Amend § 778.224 by revising paragraph (b) to read as follows:

§ 778.224 “Other similar payments”.

* * * * * * *

(b) Examples of other excludable payments. A few examples may serve to illustrate some of the types of payments intended to be excluded as “other similar payments”:

(1) Sums paid to an employee for the rental of his truck or car.

(2) Loans or advances made by the employer to the employee.

(3) The cost to the employer of conveniences furnished to the employee such as

(i) Parking spaces;

(ii) Restrooms and lockers;

(iii) On-the-job medical care;

(iv) Treatment provided on-site from specialists such as chiropractors, massage therapists, physical therapists, personal trainers, counselors, or Employee Assistance Programs;

(v) Gym access, gym memberships, fitness classes, and recreational facilities;

(4) The cost to the employer of providing wellness programs, such as health risk assessments, biometric screenings, vaccination clinics (including annual flu vaccinations), nutrition classes, weight loss programs, smoking cessation programs, stress reduction programs, exercise programs, and coaching to help employees meet health goals; and

(5) Discounts on employer-provided retail goods and services, and tuition benefits, provided such discounts and benefits are not tied to an employee’s hours worked, services rendered, or other conditions related to the quality or quantity of work performed (except for fundamental conditions such as an initial waiting period for eligibility or a repayment requirement for employee misconduct).

20. Revise § 778.320 to read as follows:

§ 778.320 Hours that would not be hours worked if not paid for.

In some cases an agreement or established practice provides for compensation for hours spent in certain types of activities which would not be regarded as working time under the Act if no compensation were provided. Preliminary and postliminary activities and time spent in eating meals between working hours fall in this category. Compensation for such hours does not convert them into hours worked unless it appears from all the pertinent facts that the parties have treated such time as hours worked. Except for certain activity governed by the Portal-to-Portal Act (see paragraph (b) of this section), the agreement or established practice of the parties will be respected, if reasonable.

(a) Time treated as hours worked.

Where the parties have reasonably agreed to include as hours worked time
devoted to activities of the type described above, payments for such hours will not have the mathematical effect of increasing or decreasing the regular rate of an employee if the hours are compensated at the same rate as other working hours. The requirements of section 7(a) of the Act will be considered to be met where overtime compensation at one and one-half times such rate is paid for the hours so compensated in the workweek which are in excess of the statutory maximum. (b) Time not treated as hours worked. Under the principles set forth in §778.319, where the payments are made for time spent in an activity which, if compensable under contract, custom, or practice, is required to be counted as hours worked under the Act by virtue of Section 4 of the Portal-to-Portal Act of 1947 (see parts 785 and 790 of this chapter), no agreement by the parties to exclude such compensable time from hours worked would be valid. On the other hand, in the case of time spent in an activity which would not be hours worked under the Act if not compensated and would not become hours worked under the Portal-to-Portal Act even if made compensable by contract, custom, or practice, such time will not be counted as hours worked unless agreement or established practice indicates that the parties have treated the time as hours worked. Such time includes bona fide meal periods, see § 785.19. Unless it appears from all the pertinent facts that the parties have treated such activities as hours worked, payments for such time will be regarded as qualifying for exclusion from the regular rate under the provisions of section 7(e)(2), as explained in §§778.216 to 778.224. The payments for such hours cannot, of course, qualify as overtime premiums creditable toward overtime compensation under section 7(h) of the Act.

SUMMARY: The Coast Guard proposes to revise the operating schedule that governs the South Park Highway drawbridge, across the Duwamish Waterway mile 3.8, at Seattle, WA. Due to infrequent bridge opening requests, King County, the bridge owner, is requesting to change the current regulation to reduce the bridge operating costs by eliminating the nighttime bridge operator, and replace the operator with an as needed operator. The modified rule would change from opening on-demand to a 12 hour advance notice for a late evening to early morning opening.

DATES: Comments and related material must reach the Coast Guard on or before April 29, 2019.


See the “Public Participation and Request for Comments” portion of the SUPPLEMENTARY INFORMATION section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Steven Fischer, Thirteenth District Bridge Administrator, Coast Guard; telephone 206–220–7282, email, d13-pf-d13bridges@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section

II. Background, Purpose and Legal Basis

King County owns the South Park Highway drawbridge across the Duwamish Waterway at mile 3.8, but the Seattle Department of Transportation (SDOT) operates the South Park Highway Bridge. On behalf of SDOT, King County is requesting a permanent change to the existing operating regulation. Due to infrequent bridge opening requests from 11 p.m. to 7 a.m., King County is proposing to eliminate the nighttime bridge operator. The proposed regulation change would allow SDOT to not have a bridge operator attending the subject bridge from 11 p.m. to 7 a.m. unless at least 12 hours notice has been received prior to an opening request.

Marine traffic on the Duwamish Waterway consists of vessels ranging from small pleasure craft, small tribal fishing boats, large size pleasure motor vessels and large commercial vessels and barges. The subject bridge currently operates in accordance in 33 CFR 117.1041(a)(2). This bridge provides a vertical clearance in the closed-to-navigation position approximately 34 feet in the center of the span and 27 feet at the sides of the span above mean high water.

III. Discussion of Proposed Rule

This proposed rule amends 33 CFR 117.1041(a)(2) to provide specific requirements for the operation of the South Park Bridge. The 2017 South Park Bridge log book shows a low number of drawbridge opening requests during late nighttime hours. Of the 524 openings in 2017, approximately 4.5 percent, or 24 total requests occurred between the 11 p.m. and 7 a.m. Openings from 11 p.m. to 7 a.m. for 2014, 2015 and 2016 ranged from 5% to 10% of all openings. Based off of the historical data obtained from the bridge opening logs, King County is proposing that the subject bridge need not open for vessel traffic from 11 p.m. to 7 a.m. unless a 12 hour notice is given to the South Park Bridge. Further, King County is proposing between 11 p.m. and 7 a.m., vessels engaged in seatrials or dredging activities may request a standby operator if at least a 24 hour notice is given to the South Park Bridge.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2019–0001]

RIN 1625–AA09

Drawbridge Operation Regulation;
Drawbridge Operation Regulation;
Duwamish Waterway, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

BILLING CODE 4510–27–P
commenter raised concern that the 45 minute response time for an emergency opening is unnecessarily long. The South Park Bridge will open on signal from 11 p.m. to 7 a.m., if at least a 12 hour notice is given to the bridge operator. From 7 a.m. to 11 p.m. the South Park Bridge will have a bridge operator. The SDOT has performed travel time tests between the Fremont Bridge and the South Park Bridge between 11 p.m. and 7 a.m. In all cases, the response time was less than the 45 minutes that Seattle Fire Department needs to respond. We have not identified any impacts on marine navigation with this proposed rule.

B. The second commenter discusses the regulation’s impact on small entities. The Coast Guard’s response is contained in Section III(B).

III. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the ability for the subject bridge to open on signal from 11 p.m. to 7 a.m. after receiving at least 12 hour notice by telephone or VHF radio. This proposed rule also applies to opening the subject bridge for marine vessels engaged in emergency responses from 11 p.m. to 7 a.m. Emergency responders will give at least 45 minutes of notice to the Fremont Bridge operator to open the South Park Bridge on signal. The only emergency response vessel that requires an opening of the subject bridge is the Seattle Fire Department’s (SFD) large fireboat. The SFD has agreed, and will change their response procedures, to notify the Fremont Bridge when an emergency call is received for the Duwamish Waterway.

The SFD’s large fireboat response time for the Duwamish Waterway is 45 minutes, and making a notification of 45 minutes for a South Park Bridge opening will be implemented. The SFD has a smaller response vessel that does not require an opening of the subject bridge, and this fireboat has a faster response time to the Duwamish Waterway. SFD stated for a Duwamish Waterway marine fire, the small vessel will be the first to respond, and request assistance from the larger fireboat after the vessel arrives on scene. The Coast Guard has made this finding based on the fact that the proposed change still allows any vessel needing a drawbridge opening to transit past the bridge will still receive an opening with the proper advance notice.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ‘small entity’ comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. The Coast Guard has made this finding based on the fact that the proposed change still allows any vessel needing a drawbridge opening will receive an opening with at least 12 hours of notice, and may request a standby bridge operator during sea-trials and/or dredging operations, if at least a 24 hour notice is given to the South Park Bridge operator. The Coast Guard tested this proposed regulation change with a temporary test deviation from March 22, 2018 to September 17, 2018 to ensure the rule would not unreasonably obstruct navigation or negatively impact small maritime business. We received no complaints during the test deviation. 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, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction, and you have questions concerning its provisions or options for compliance, please contact the person listed in the FOR FURTHER INFORMATION CONTACT, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01...
and Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this proposed rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at http://www.regulations.gov. If your material cannot be submitted using http://www.regulations.gov, contact the person in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to http://www.regulations.gov and will include any personal information you have provided. For more about privacy and the docket, visit http://www.regulations.gov/privacynotice.

Documents mentioned in this NPRM as being available in this docket and all public comments, will be in our online docket at http://www.regulations.gov and can be viewed by following that website’s instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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


2. Amend § 117.1041 by revising paragraph (a)(3) to read as follows:

§ 117.1041 Drawbridge Operation Regulation; Duwamish Waterway; Seattle, WA.

(a) * * *

(1) * * *

(2) The draw of the South Park Bridge, mile 3.8, need not be opened for the passage of vessels from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5 p.m., Monday through Friday, except Federal holidays other than Columbus Day.

(3) Between the hours of 11 p.m. and 7 a.m., Monday through Sunday, the South Park Bridge shall open if at least a 12 hour notice is given by telephone or VHF radio to the drawtender at the South Park Bridge. If emergency responders require a bridge opening between 11 p.m. and 7 a.m., the South Park Bridge shall open within 45 minutes from initial notification to the Fremont Bridge operator. Vessels engaged in sea-trials or dredging activities may request a standby drawtender to open the bridge, on demand, during sea-trials and/or dredging operations, if at least a 24 hour notice is given to the South Park Bridge drawtender.

David G. Throop,
Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 2019–06078 Filed 3–28–19; 8:45 am]

BILLING CODE 9110–04–P
and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Febres can be reached via telephone at (404) 562–8966, or via electronic mail at febres-martinez.andres@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking?

EPA is proposing to approve changes to the Alabama SIP that were provided to EPA through two letters dated May 7, 2012, and August 27, 2018. Specifically, EPA is proposing to approve two SIP revisions that include changes to Alabama’s PSD permitting regulations as part of the State’s New Source Review (NSR) permitting program, found in ADEM Administrative Code Rule 335–3–14–.04—Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)].

Alabama’s May 7, 2012, SIP revision changes the PSD regulations at Rule 335–3–14–.04 by adding a definition of “replacement unit” and by modifying the definition of “emissions unit” to expressly include replacement units as existing emissions units. Portions of this submittal were later withdrawn through a May 5, 2017, letter, discussed in Section III below. Alabama’s August 27, 2018, SIP revision makes further changes to ADEM’s PSD regulations by adding a fifth condition to the new definition of a “Replacement Unit” added in the May 7, 2012, SIP revision.

II. Background

As mentioned in Section I above, on May 7, 2012, Alabama submitted several changes to Rule 335–3–14–.04, with some changes withdrawn through a May 5, 2017, withdrawal letter. On August 24, 2017 (82 FR 40072 and 82 FR 40085), EPA published a direct final rule, together with a simultaneous proposal, to approve these changes into the Alabama SIP. Due to the receipt of adverse comments, EPA withdrew the direct final rule on October 12, 2017 (82 FR 47397) and is not taking final action on the August 24, 2017, proposed rule.

Rather, through this proposed rulemaking, EPA is re-proposing action on the changes to Rule 335–3–14–.04, as provided in Alabama’s May 7, 2012, SIP revision (with the exception of portions withdrawn by the State through the May 5, 2017, withdrawal letter), together with the additional changes provided in Alabama’s August 27, 2018, SIP revision. The following paragraphs contain background information related to the action being proposed. Section III contains EPA’s analysis of the state submittals, as well as the rationale for proposing to approve the changes previously mentioned.

A. NSR Reform

On December 31, 2002 (67 FR 80186) (hereinafter referred to as the 2002 NSR Rule), EPA published final rule revisions to the CAA’s PSD and NNSR programs. The revisions included several major changes to the NSR program, including the addition of an actual-to-projected-actual emissions test for determining NSR applicability for existing emissions. Following publication, EPA received numerous petitions requesting reconsideration of several aspects of the final rule. On July 30, 2003 (68 FR 44624), EPA granted reconsideration on six issues, including whether replacement units should be allowed to use the actual-to-projected-actual applicability test to determine whether installing a replacement unit results in a significant emissions increase. On November 7, 2003 (68 FR 63021), EPA published a rule titled “Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration.” See 68 FR 63021 (November 7, 2003) (hereinafter referred to as the NSR Reform Reconsideration Rule).

In the Reconsideration Rule, EPA continued to allow the owner or operator of a major stationary source to use the actual-to-projected-actual applicability test to determine whether installing a replacement unit results in a significant emissions increase. Concurrently, EPA also modified the rules by: (1) Adding a definition of “replacement unit,” and (2) revising the definition of “emissions unit” to clarify that a replacement unit is considered an existing emissions unit and therefore is eligible for the actual-to-projected-actual test for major NSR applicability determinations. The 2002 NSR Rule and the NSR Reform Reconsideration Rule are hereinafter collectively referred to as the “2002 NSR Reform Rules,” and are codified at 40 CFR 51.165, 51.166, and 52.21.

B. Equipment Replacement Provision

Under Federal regulations, certain activities are not considered to be a physical change or a change in the method of operation at a source, and thus do not trigger NSR review. One category of such activities is routine maintenance, repair and replacement (RMRR). On October 27, 2003 (68 FR 61248), EPA published a rule titled “Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion” (hereinafter referred to as the ERP Rule). The ERP Rule provided criteria for determining whether an activity falls within the RMRR exemption. The ERP Rule provided a list of equipment replacement activities that are exempt from NSR permitting requirements, while ensuring that industries maintain safe, reliable, and efficient operations that will have little or no impact on emissions. Under the ERP Rule, a facility undergoing equipment replacement would not be required to undergo NSR review if the facility replaced any component of a process unit with an identical or functionally
equivalent component. The rule included several modifications to the NSR rules to explain what would qualify as an identical or functionally equivalent component.

Shortly after the October 27, 2003, rulemaking, several parties filed petitions for review of the ERP Rule in the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit). The D.C. Circuit stayed the effective date of the rule pending resolution of the petitions. A collection of environmental groups, public interest groups, and States, subsequently filed a petition for reconsideration with EPA, requesting that the Agency reconsider certain aspects of the ERP Rule. EPA granted the petition for reconsideration on July 1, 2004 (69 FR 40278).6 After the reconsideration, EPA published its final response on June 10, 2005 (70 FR 33838), which stated that the Agency would not change any aspects of the ERP. On March 17, 2006, the D.C. Circuit acted on the petitions for review and vacated the ERP Rule.7

III. Analysis of State’s Submittal

Alabama’s May 7, 2012, SIP revision makes changes to the State’s PSD permitting regulations by adding a definition of “replacement unit” at Rule 335–3–14–04(2)(bbb) and by modifying the definition of “emissions unit” at Rule 335–3–14–04(2)(g) to expressly include replacement units as existing emissions units. These changes were intended to reflect revisions to the Federal regulations regarding replacement units included in the NSR Reform Reconsideration Rule and to reflect revisions regarding functionally equivalent components in the ERP Rule, as described in Sections II.A and II.B of this action, above.

The SIP revision initially sought to add a definition of “replacement unit” at Rule 335–3–14–04(2)(bbb) that combined the Federal definition of “replacement unit” with language concerning functionally equivalent units and basic design parameters from the ERP Rule, but the language from the ERP Rule was vacated.8 Accordingly, on May 5, 2017, Alabama submitted a letter to EPA withdrawing the portions of the definition of “replacement unit” from Rule 335–3–14–04(2)(bbb), which corresponded to the vacated language of the ERP Rule.

Alabama withdrew all language related to the ERP Rule, with the exception of one sentence in subparagraph (bbb)(3) that provides an example of what should be considered a “basic design parameter” as it relates to a replacement unit. EPA has evaluated the sentence, which states that “basic design parameters of a replaced unit shall also include all source specific emission limits and/or monitoring requirements.” The Agency believes that this language is simply an illustrative example of what shall be considered and that it does not change how Alabama’s PSD regulations operate. Alabama’s provisions relating to RMRR remain consistent with Federal provisions and the CAA regarding RMRR and therefore remain as stringent as the Federal PSD regulations under 40 CFR 51.166.

Additionally, on August 27, 2018, Alabama submitted a supplemental SIP revision that further modifies the definition of “replacement unit” proposed for adoption in the May 7, 2012, SIP revision, by adding a fifth condition under subparagraph (bbb)(5). The additional fifth condition requires replacement units, as defined under Rule 335–3–14–04(2)(bbb), to use the “Actual-to-projected actual” test for determining PSD applicability under subparagraph (1)(f) of the same rule. The new rule 335–3–14–04(2)(bbb) would read as follows:

(bb) Replacement unit means an emissions unit for which all the criteria listed in subparagraphs (2)(bbb)1. through 4. of this section are met. No creditable emission reduction shall be generated from shutting down the existing emissions unit that is replaced. A replacement unit is subject to all permitting requirements for modifications under this rule.

1. The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.

2. The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

3. The replacement does not alter the basic design parameters of the process unit. Basic design parameters of a replaced unit shall also include all source specific emission limits and/or monitoring requirements.

4. The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter.

5. A Replacement Unit as defined in this subparagraph shall be subject to the applicability test in subparagraph (1)(f) of this rule for any modification.

The adoption of Rule 335–3–14–04(2)(bbb) is essentially a new definition of “replacement unit” under Alabama’s PSD regulations, although it is consistent with the Federal definition of “replacement unit” at 40 CFR 51.166 (33). Based on the change proposed in the May 7, 2012, SIP revision, Rule 335–3–14–04(2)(g) would read as follows:

(g) “Emissions Unit” shall mean any part of a stationary source which emits or would have the potential to emit any regulated NSR pollutant including an electric utility steam generating unit as defined in subparagraph (2)(v) of this rule. For purposes of this rule, there are two types of emissions units as

6 The reconsideration granted by EPA opened a new 60-day public comment period, including a new public hearing, on three issues of the ERP: (1) the basis for determining that the ERP was allowable under the CAA; (2) the basis for selecting the cost threshold (20 percent of the replacement cost of the process unit) that was used in the final rule to determine if a replacement was routine; and (3) a simplified procedure for incorporating a Federal Implementation Plan into State Plans to accommodate changes to the NSR rules.

7 New York v. EPA, 443 F.3d 880 (D.C. Cir. 2006).

8 As mentioned in Section II of this rulemaking, the ERP rule was vacated by the D.C. Circuit on March 17, 2006. However, the ERP rule was previously stayed indefinitely, on December 24, 2003. EPA has not taken action to remove the language of the ERP rule from the federal NSR regulations (including language found at 40 CFR 51.165, 51.166, and 52.21), but a note remains stating that the language is stayed indefinitely, and that the stayed provisions will become effective immediately if the Court terminates the stay.
described in subparagraphs (2)(g)1. and 2. of this rule.
1. A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.
2. An existing emissions unit is any emissions unit that does not meet the requirements of subparagraph (2)(g)1. of this rule. A replacement unit, as defined in subparagraph (bbb) of this rule, is an existing emissions unit.
EPA has preliminarily concluded that these changes to Rule 335–3–14–.04(2)(g) and the adoption of Rule 335–3–14–.04(2)(bbb) will not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the CAA. The aforementioned changes align Alabama’s PSD regulations regarding replacement units, which are found at Rule 335–3–14–.04, with the Federal PSD regulations. Therefore, EPA is proposing to approve these changes into the Alabama SIP.

IV. 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 ADEM Administrative Code Rule 335–3–14–.04(2)(g) and 335–3–14–.04(2)(bbb), which add a definition of “replacement unit” and provide that a replacement unit is a type of existing emissions unit under the definition of “emissions unit,” state effective on October 5, 2018. 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).

V. Proposed Action
EPA is proposing to approve changes to the Alabama SIP, that were provided to EPA through Alabama’s May 7, 2012, SIP revision, with the exception of portions that were withdrawn in the May 7, 2017, withdrawal letter, as well as changes provided to EPA through Alabama’s August 27, 2018, SIP revision. Specifically, EPA is proposing to approve changes to ADEM Administrative Code Rule 335–3–14–.04(2)(g), as well as new Rule 335–3–14–.04(2)(bbb), as described above, in order to make Alabama’s SIP program consistent with Federal provisions and the CAA regarding RMRR. This action is limited to the two rules currently before the Agency and does not modify any other PSD rules in Alabama’s SIP.

VI. Statutory and Executive Order Reviews
Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the 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); and
• 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: March 18, 2019.

Mary S. Walker,
Acting Regional Administrator, Region 4.

[FR Doc. 2019–06108 Filed 3–28–19; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Air Plan Approval; Tennessee; Updates to the National Ambient Air Quality Standards for Chattanooga

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Chattanooga portion of the Tennessee State Implementation Plan (SIP), provided by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC) from Chattanooga/Hamilton County Air Pollution Control Bureau by a letter dated September 12, 2018. The revision updates the National Ambient Air Quality Standards (NAAQS) in the Chattanooga portion of the Tennessee SIP to reflect recent revisions made to the NAAQS. EPA is proposing to approve the changes because they are consistent with the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before April 29, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2019–0004 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

Sections 108 and 109 of the CAA govern the establishment, review, and revision, as appropriate, of the NAAQS to protect public health and welfare for six criteria pollutants: ozone (O3), particulate matter (PM) (including fine particulate matter, or PM2.5), carbon monoxide (CO), lead (Pb), sulfur dioxide (SO2), and nitrogen dioxide (NO2). The CAA requires periodic review of the air quality criteria, the science upon which the standards are based, and the standards themselves. EPA's regulatory provisions that govern the NAAQS are found at 40 CFR 50 National Primary and Secondary Ambient Air Quality Standards.

On September 12, 2018, TDEC submitted to EPA a SIP revision to the Chattanooga portion of the Tennessee SIP that contains changes to several of Chattanooga-Hamilton County's air quality rules in Part II, Chapter 4, Article II, Section 4–41.1 Through this action, EPA is proposing to approve changes to the SIP that delete the current version and substitute a revised version of Part II, Chapter 4, Article II, Section 4–41, Rule 21 of the Chattanooga City Code “Ambient Air Quality Standards.” Hamilton County revised its rule to be consistent with changes to federal NAAQS.

II. Analysis of State's Submittal

Through a letter dated September 12, 2018, TDEC submitted a SIP revision to EPA for review and approval. The revision deletes the current version and substitutes a revised version of Part II, Chapter 4, Article II, Section 4–41, Rule 21 of the Chattanooga City Code, “Ambient Air Quality Standards.” Chattanooga/Hamilton County revised Rule 21 to update the NAAQS in the SIP for each criteria pollutant—CO, Pb, NO2, O3, PM, and SO2—to maintain consistency with the federal NAAQS. See Review of National Ambient Air Quality Standards for Carbon Monoxide, 76 FR 54294 (August 31, 2011); Review of the National Ambient Air Quality Standards for Lead, 81 FR 71906 (October 18, 2016); Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen, 83 FR 17226 (April 18, 2018) (as measured by NO2); Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Sulfur, 77 FR 20218 (April 3, 2012); National Ambient Air Quality Standards for Ozone, 80 FR 65292 (October 26, 2015); National Ambient Air Quality Standards for Particulate Matter,2 78 FR 3086 (January 15, 2013) (addressing fine and coarse particulate matter); and Primary National Ambient Air Quality Standard for Sulfur Dioxide,3 75 FR 35520 (June 22, 2010). EPA is approving this revision to this Chattanooga portion of the Tennessee SIP to maintain consistency with the NAAQS. The Chattanooga/Hamilton County rule revision became state-effective on January 23, 2017. EPA has reviewed these changes to the Chattanooga/Hamilton County regulations for CO, Pb, NO2, PM, O3 and SO2 and has made the preliminary determination that these changes are consistent with federal regulations.

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 incorporating by reference changes to the Chattanooga portion of the Tennessee SIP at Part II, Chapter 4, Article II, Section 4–41, Rule 21, effective January 23, 2017. The amendments update the criteria pollutant standards to reflect the federal regulations. 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

EPA is proposing to approve the aforementioned changes to the Chattanooga portion of the Tennessee SIP because the changes are consistent with section 110 of the CAA. The changes in Part II, Chapter 4, Article II, Section 4–41, Rule 21, of the Chattanooga Code incorporate changes to the criteria pollutant standards to reflect the changes in the Code of Federal Regulations. See 40 CFR part 50. EPA views these changes as being 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:

1 EPA notes that the Agency received the SIP revisions on September 18, 2018, along with other revisions to the Chattanooga portion of the
• 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, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds, Lead, Carbon Monoxide.

Authority: 42 U.S.C. 7401 et seq.
Dated: March 18, 2019.
Mary S. Walker,
Acting Regional Administrator, Region 4.
[FR Doc. 2019–06615 Filed 3–28–19; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52
Air Plan Approval; Kentucky; Jefferson County Existing and New VOC Water Separators Rule Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve two revisions to the Jefferson County portion of the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky, through the Kentucky Division of Air Quality (KDAQ), through a letter dated March 15, 2018. The changes were submitted by KDAQ on behalf of the Louisville Metro Air Pollution Control District (LMAPCD) (also referred to herein as Jefferson County) and make minor ministerial amendments to applicability dates and clarify standards applicable to both existing and new volatile organic compounds (VOC) water separators.

EPA is proposing to approve these changes because they are consistent with the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before April 29, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2018–0807 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. The telephone number is (404) 562–9009. Mr. Adams can also be reached via electronic mail at adams.evan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What action is EPA proposing?

Through a letter dated March 15, 2018, KDAQ provided SIP revisions to EPA for the approval of changes to the Jefferson County Regulations 6.26 and 7.36. EPA is proposing to approve the changes to Jefferson County Regulation 6.26, Standards of Performance for Existing VOC Water Separators, and Regulation 7.36, Standards of Performance for New VOC Water Separators. The SIP revisions update the current SIP-approved versions of Regulation 6.26 (Version 2) and Regulation 7.36 (Version 3) to Version 3 and Version 4, respectively. The changes that are being proposed for approval in this rulemaking, and EPA’s rationale for proposing approval, are described in more detail below.

II. EPA’s Analysis of the State Submittal

The changes to Jefferson County Air Quality Regulations 6.26 and 7.36 are administrative in nature. The changes to each regulation’s Section 1, Applicability, better align the two regulations, reconciling and clarifying their respective applicability based on the date of a facility’s existence, construction, modification, or reconstruction. In the current SIP-approved versions, the regulations’ applicability overlaps by approximately four years, with Regulation 6.26 covering facilities built before that regulation’s original effective date (which is September 1, 1976), and Regulation 7.36 covering facilities built on or after that regulation’s original effective date.
effective date (which is April 19, 1972). Previously, the regulations’ Applicability sections both referenced the “effective date of this regulation.” Jefferson County has changed both regulations to identify specifically the relevant applicability date, April 19, 1972. Regulation 6.26, Standards of Performance for Existing Volatile Organic Compound Water Separators, applies to VOC water separators that commenced construction, modification, or reconstruction on or before April 19, 1972. Regulation 7.36, Standards of Performance for New Volatile Organic Compound Water Separators, applies to VOC water separators that commenced construction, modification, or reconstruction after April 19, 1972. The addition of the specific date is an administrative change that clarifies the applicability of Regulations 6.26 and 7.36.

III. Why is EPA proposing this action?
The March 15, 2018, SIP revisions that are the subject of this proposed rulemaking address the overlap of four years between the applicability dates of standards for new and existing VOC water separators. The SIP revisions clarify the regulations’ applicability by eliminating the date overlap. They also clarify that all VOC water separators, whether in being as of April 19, 1972, or having commenced construction, modification or reconstruction after this specified date, are subject to a regulation. EPA preliminarily agrees that these changes make the regulations for VOC water separators clearer and therefore is proposing approval of these changes to the Kentucky SIP. EPA views these changes as administrative in nature and does not anticipate that they will result in a change in emissions.

IV. 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 changes to the Louisville Metro Air Pollution Control District portion of the Kentucky SIP at Regulation 6.26, Standards of Performance for Existing Volatile Organic Compound Water Separators, Version 3, and Regulation 7.36, Standards of Performance for New Volatile Organic Compound Water Separators, Version 4, state effective January 17, 2018. 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].

V. Proposed Action
EPA is proposing to approve the aforementioned changes to the Jefferson County portion of the Kentucky SIP because the changes are consistent with section 110 of the CAA and will not interfere with the NAAQS or any other applicable requirement of the Act. The changes are administrative in nature and clarify the regulations’ applicability.

VI. Statutory and Executive Order Reviews
Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the 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 6320, March 13, 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, Ozone, Volatile organic compounds.

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

Dated: March 18, 2019.
Mary S. Walker,
Acting Regional Administrator, Region 4.
[FR Doc. 2019–06111 Filed 3–28–19; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY
48 CFR Parts 1516 and 1552

Environmental Protection Agency Acquisition Regulation (EPAAR); Award Term Incentive
AGENCY: Environmental Protection Agency (EPA).
ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is issuing a proposed rule to amend EPA Acquisition Regulation (EPAAR) award term incentive policy, procedures, and clauses to remove ambiguity and provide clarity with respect to what is required for a contractor to successfully earn award terms.
DATES: Comments must be received on or before May 28, 2019.
ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OARM–2018–0610, at https://www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be
ed or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit any information electronically that you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit: http://www2.epa.gov/dockets/commenting-eapa-dockets.

FOR FURTHER INFORMATION CONTACT:
Shakethia Allen, Policy, Training, and Oversight Division, Acquisition Policy and Training Service Center (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–5157; email address: allen.shakethia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

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

2. Tips for Preparing Your Comments. When submitting comments, remember to:

• Identify the rulemaking by docket number and other identifying information (subject heading, Federal Register date and page number).

• Follow directions -The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) Part or section number.

• Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.

• Describe any assumptions and provide any technical information and/or data that you used.

• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

• Provide specific examples to illustrate your concerns, and suggest alternatives.

• Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

• Make sure to submit your comments by the comment period deadline identified.

II. Background

Award terms are a form of incentive contract, offering additional periods of performance without a new competition, rather than additional profit or fee as a reward for achieving prescribed performance measures. Award term incentives were developed in 1997 by the Department of the Air Force and are not described in the Federal Acquisition Regulation (FAR). In order to assist EPA contracting officers seeking to use award term incentives, it is necessary to amend the EPAAR to provide clear language of the requirements needed to successfully award and earn award terms.

III. Proposed Rule

The proposed rule amends EPAAR part 1516—Types of Contracts, Subpart 1516.4—Incentive Contracts, 1516.406 Contract Clauses, 1516.401–70 Award Term Incentives, and 1516.401–270 Definition. The proposed rule also amends EPAAR part 1552—Solicitation Provisions and Contract Clauses, 1552.216–78 —Award Term Incentive Plan.

1. EPAAR § 1516.406 establishes the prescription for use of related EPAAR clauses, including 1552.216–77, Award Term Incentive, 1552.216–78, Award Term Incentive Plan, and 1552.216–79, Award Term Availability of Funds, in solicitations and contracts when award term incentives are contemplated.

2. EPAAR § 1516.401–270 defines Acceptable Quality Level (AQL) as the minimum percent of deliverables which are compliant with a given performance standard that would permit a contractor to become eligible for an award term incentive.

3. EPAAR § 1516.401–70 sets forth the overall framework governing award term incentives including the prescribed performance measures; i.e., the acceptable quality levels (AQL) which must be achieved by a contractor to become eligible for an award term.

4. EPAAR § 1552.216–78 sets forth the performance criteria and evaluation periods which will serve as the basis for the EPA’s decision on whether the contractor is eligible for an award term incentive.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a “significant regulatory action” under the terms of Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the E.O.

B. Paperwork Reduction Act

This action does not impose an information collection burden, as defined at 5 CFR 1320.3(b), under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et. seq.

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute; unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impact of this final rule on small entities, “small entity” is defined as: (1) A small business that meets the definition of a small business found in the Small Business Act and codified at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. After considering the economic impacts of this rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities.
The economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. Award term incentives will be available equally to large and small entities, so this rule will not have a significant economic impact on small entities. Also, this rule seeks to only clarify existing regulations. We continue to be interested in the potential impacts of the rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104-4), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, Local, and Tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of the Title II of the UMRA) for State, Local, and Tribal governments or the private sector. The rule imposes no enforceable duty on any State, Local or Tribal governments or the private sector. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This rule does not have tribal implications as specified in Executive Order 13175.

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

Executive Order 13045, entitled “Protection of Children from Environmental Health and Safety Risks” (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under E.O. 12886, and (2) concerns an environmental health or safety risk that may have a proportionate effect on children. This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environment health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use” (66 FR 28335 (May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) (15 U.S.C. 272 note) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed and adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

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

Executive Order 12898 (59 FR 7629 (February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment in the general public.

K. Congressional Review Act

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 major 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. Section 804(2) defines a “major rule” as any rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in (1) an annual effect on the economy of $100,000,000 or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. EPA is not required to submit a rule report regarding this action under section 801 as this is not a major rule by definition.

List of Subjects in 48 CFR Parts 1516 and 1552

Government procurement, Reporting and recordkeeping requirements.


Kimberly Patrick,
Director, Office of Acquisition Management.

For the reasons stated in the preamble, 48 CFR parts 1516 and 1552 are proposed to be amended as set forth below:
PART 1516—TYPES OF CONTRACTS

1. The authority citation for part 1516 continues to read as follows:


2. Amend section 1516.401–70 by revising paragraph (b) to read as follows:

1516.401–70 Award term incentives.

(b) Award term incentives are designed to motivate contractors to provide superior performance. Superior performance must be defined in the Award Term Incentive Plan. Accordingly, the prescribed performance measures, i.e., acceptable quality levels (AQL), which must be achieved by a contractor to become eligible for an award term will be in excess of the AQLs necessary for Government acceptance of contract deliverables, unless rationale is documented that such service is beyond the contractor’s capability or control.

3. Revise section 1516.401–270 to read as follows:

1516.401–270 Definition.

Acceptable quality level (AQL) as used in this subpart means the minimum percent of deliverables which are compliant with a given performance standard that would permit a contractor to become eligible for an award term incentive. The performance necessary for eligibility for the award term incentive must be in excess of that necessary for the Government acceptance of contract deliverables. The AQLs associated with the award term incentive shall exceed the AQLs associated with the acceptance of contract deliverables. For example, under contract X, acceptable performance is 75 percent of reports submitted to the Government within five days. However, to be eligible for an award term incentive, 85 percent of reports must be submitted to the Government within five days.

4. Amend section 1516.406 by revising paragraphs (c) and (d) to read as follows:

1516.406 Contract clauses.

(c) The Contracting Officer shall insert the clauses at 1552.216–77, Award Term Incentive, 1552.216–78, Award Term Incentive Plan, and 1552.216–79, Award Term Availability of Funds, in solicitations and contracts when award term incentives are contemplated. The clauses at 1552.216–77 and 1552.216–78 may be used on substantially the same basis.

(d) If the Contracting Officer wishes to use the ratings set forth in the Department of Defense Contractor Performance Assessment Reporting System on the contract at hand as the basis for contractor eligibility for an award term incentive, the Contracting Officer shall insert the clause at 1552.216–78.

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. The authority citation for part 1552 continues to read as follows:


6. Amend section 1552.216–78 by revising paragraph (e) to read as follows:

1552.216–78 Award term incentive plan.

(e) If the contract will contain a quality assurance surveillance plan (QASP), reference the QASP, e.g., attachment 2. Typically, the performance standards and AQLs will be defined in the QASP.

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 190207082–9233–01]

RIN 0648–XG800

Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2019 and Projected 2020–2021 Specifications

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes specifications for the 2019 spiny dogfish fishery and projected specifications for fishing years 2020 and 2021. The specifications are necessary to establish allowable harvest levels and other management measures to prevent overfishing while allowing optimum yield. This action is also intended to inform and provide an opportunity for public comment on the public use of these proposed specifications for the 2019 fishing year and projected specifications for 2020 and 2021.

DATES: Comments must be received on or before April 15, 2019.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2019–0008, by either of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.


2. Click the “Comment Now!” icon, complete the required fields, and submit voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

A draft environmental assessment (EA) has been prepared for this action that describes the proposed measures and other considered alternatives, as well as provides an analysis of the impacts of the proposed measures and alternatives. Copies of the specifications document, including the EA and the Initial Regulatory Flexibility Analysis (IRFA), are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at http://www.mafinc.org.

FOR FURTHER INFORMATION CONTACT:

Cynthia Ferrio, Fishery Management Specialist, (978) 281–9180.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic spiny dogfish fishery is jointly managed in Federal waters by the New England and Mid-Atlantic
Fishery Management Councils. Additionally, the Atlantic States Marine Fisheries Commission manages the spiny dogfish fishery in state waters from Maine to North Carolina through an interstate fishery management plan. The Spiny Dogfish Fishery Management Plan (FMP) requires the specification of an annual catch limit (ACL), annual catch target (ACT), and the total allowable landings (TAL). These limits and other management measures may be set for up to five fishing years at a time, with each fishing year running from May 1 through April 30. This action proposes specifications for fishing year 2019 and projected specifications for fishing years 2020–2021.

In 2018, the Northeast Fisheries Science Center completed an assessment update for the spiny dogfish stock, using the most recent and best available catch and biomass estimates from spring trawl surveys. This update indicates that the spiny dogfish stock is not currently overfished or experiencing overfishing. However, general biomass (specifically female spawning stock biomass) has been declining due to a combination of poor pup production and recruitment. Complications with several spring trawl surveys in recent years have also resulted in some data deficiencies for the stock. The Mid-Atlantic Council’s Scientific and Statistical Committee (SSC) reviewed the assessment update and recommended reducing the acceptable biological catch (ABC) in fishing years 2019–2021. The recommended ABC for 2019 would be a 43-percent decrease from the current 2018 ABC of 22,635 mt, followed by increases to the ABC in 2020 and 2021. This recommendation is based on the Mid-Atlantic Council’s Risk Policy to prevent overfishing from occurring. The quota increases in the later years of the cycle are due to a projected growth in biomass and subsequent reduced risk of overfishing. The joint New England and Mid-Atlantic Council Spiny Dogfish Monitoring Committee (MC) derived an adjusted overfishing limit (OFL), ABC, ACL, ACT, and TAL from the SSC’s recommended ABC and expected fishery data. The SSC only provided an OFL recommendation for 2019 that will be revisited as specifications are developed in the subsequent years. To calculate the portion of the total ABC available for the U.S. commercial quota each year, the MC followed the FMP’s process in their recommendations and made deductions from the ABC to account for expected Canadian landings (49 mt), U.S. discards (3,475 mt), and U.S. recreational harvest (81 mt). The proposed specifications for 2020 and 2021 are consistent with the Mid-Atlantic and New England Councils and the Commission, which all reviewed them and submitted their own consistent recommendations. The recommended ABC and resulting commercial quota for 2019 are substantially reduced to decrease the risk of spiny dogfish becoming overfished. However, the assessment update projects an increase in the spiny dogfish stock over the next several years. Thus, there is an allowance for quota increases in the recommendations for 2020 and 2021.

### Proposed Specifications

This action proposes the Councils’ recommended spiny dogfish specifications for 2019–2021. The specifications are consistent with the SSC, Monitoring Committee, and Commission’s recommended catch and landings limits. These recommendations are a substantial reduction in coastwide commercial quota from fishing year 2018 to 2019 in order to ensure overfishing does not occur. However, quotas are projected to increase in 2020 and 2021 as the spiny dogfish biomass is projected to increase, and the risk of overfishing declines. Table 1 provides a summary of the proposed specifications.

<table>
<thead>
<tr>
<th>Year</th>
<th>2019 (mt)</th>
<th>2019 (lb)</th>
<th>2020 (mt)</th>
<th>2020 (lb)</th>
<th>2021 (mt)</th>
<th>2021 (lb)</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFL</td>
<td>21,549</td>
<td>47,507,413</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>ABC</td>
<td>12,914</td>
<td>28,470,497</td>
<td>14,126</td>
<td>31,142,499</td>
<td>16,043</td>
<td>35,368,761</td>
</tr>
<tr>
<td>ACL</td>
<td>12,865</td>
<td>28,362,470</td>
<td>14,077</td>
<td>31,034,477</td>
<td>15,994</td>
<td>35,260,734</td>
</tr>
<tr>
<td>TAL</td>
<td>9,390</td>
<td>20,701,000</td>
<td>10,602</td>
<td>23,373,409</td>
<td>12,519</td>
<td>27,599,671</td>
</tr>
<tr>
<td>Commercial Quota</td>
<td>9,309</td>
<td>20,522,832</td>
<td>10,521</td>
<td>23,194,835</td>
<td>12,438</td>
<td>27,421,096</td>
</tr>
<tr>
<td>Percent Change in Quota from Previous Year</td>
<td>-46</td>
<td>-46</td>
<td>+13</td>
<td>+13</td>
<td>+18</td>
<td>+18</td>
</tr>
</tbody>
</table>

The recommended decrease in commercial quota is not expected to result in catch overages or revenue losses in the spiny dogfish fishery, as the fishery caught less than 42 percent of the 39,099,717-lb (17,735-mt) quota in 2017, and current reported landings for fishing year 2018 are behind those of 2017 at this time.

The Councils did not recommend changes to any other regulations for the spiny dogfish fishery. All other fishery management measures, including the 6,000-lb (2,722-kg) federal trip limit, remain unchanged for fishing years 2019–2021. Changes to the trip limit were discussed and may be pursued in a future action. The Councils and NMFS will review the specifications for fishing years 2020 and 2021 to determine if any changes need to be made prior to their implementation. NMFS will publish a notice prior to each fishing year to confirm the projected specifications are effective unchanged or announce any necessary changes for those years.

### Classification

Pursuant to section 304(b)(1)(A) of the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Spiny Dogfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule is exempt from review under Executive Order 12866 because this action contains no implementing regulations.

The Mid-Atlantic Council prepared a draft EA for this action that analyzes the impacts of this proposed rule. The EA includes an IRFA, as required by section 603 of the Regulatory Flexibility Act (RFA), which is supplemented by information contained in the preamble of this proposed rule. The IRFA was prepared to examine the economic impacts of this proposed rule, if adopted, on small business entities, as well as the possible economic impacts of the other alternatives presented in this EA/specifications document. A copy of the detailed RFA analysis is available from the Council [see ADDRESSES]. A summary of the 2019–
2021 spiny dogfish specifications IRFA analysis follows.

Description of the Reasons Why Action by the Agency Is Being Considered

This action proposes 2019 catch limits and projects 2020–2021 specifications for the spiny dogfish fishery. A complete description of the action, why it is being considered, and its legal basis are contained in the draft EA and in this rule’s preamble, and are not repeated here.

Statement of the Objectives of, and Legal Basis for, This Proposed Rule

This action is taken under the authority of the Magnuson-Stevens Act and regulations at 50 CFR part 648. A complete description of the action, why it is being considered, and its legal basis are contained in the specifications document, and elsewhere in the preamble to this proposed rule, and are not repeated here.

Description and Estimate of the Number of Small Entities To Which This Proposed Rule Would Apply

This proposed rule affects small entities engaged in commercial fishing operations in the spiny dogfish fishery. For the purposes of the RFA analysis, the ownership entities (or firms), not the individual vessels, are considered to be the regulated entities. Ownership entities are defined as those entities or firms with common ownership personnel as listed on the permit application. Because of this, some vessels with spiny dogfish permits may be considered to be part of the same firm because they may have the same owners. To identify these small and large firms, vessel ownership data from the permit database were grouped according to common owners and sorted by size. In terms of RFA, a business primarily engaged in commercial fishing is classified as a small business if it has combined annual receipts not in excess of $11 million, for all its affiliated operations worldwide.

In 2017, there were 2,254 vessels that held a spiny dogfish permit, while 244 of these vessels contributed to overall landings. Cross-referencing those permits with vessel ownership database revealed that 1,695 entities owned those vessels. 1,685 were classified as small entities, with the remaining 10 classified as large businesses. Of the 1,685 small entities, 374 had no revenue in 2017, 1,104 were commercial fishing entities, and 207 were for-hire entities. For those small businesses with revenues, the average revenue in 2017 were $0.5 million. Overall, there were 227 entities with spiny dogfish permits that reported revenue from spiny dogfish during 2017. Of those entities, 1 was large and 226 were small and their average revenues in 2017 were $0.4 million.

Description of the Projected Reporting, Record-Keeping, and Other Compliance Requirements of This Proposed Rule

There is no new reporting, recordkeeping, or other compliance requirements contained in this proposed rule, or any of the alternatives considered for this action.

Federal Rules Which May Duplicate, Overlap, or Conflict With This Proposed Rule

NMFS is not aware of any relevant Federal rules that may duplicate, overlap, or conflict with this proposed rule.

Description of Significant Alternatives to the Proposed Action Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact on Small Entities

This action (the preferred alternative) proposes 2019 commercial catch specifications and projected 2020–2021 specifications for the spiny dogfish fishery based on the most recent stock assessment update and the application of the Council’s Risk Policy to prevent overfishing. These proposed specifications would decrease the commercial quota by 46 percent to 9,309 mt in 2019, followed by modest increases to 10,521 mt and 12,438 mt, in 2020 and 2021 as the biomass is projected to increase and the risk of overfishing declines. Although 46 percent is a substantial quota reduction, landings reports from the most recent available full fishing year (2017) show that only 7,439 mt of spiny dogfish were landed. Available landing information for fishing year 2018 is around 23 percent lower than in 2017. Given this data, it is possible that even the large 46-percent reduction in quota for 2019 will not be constraining to the spiny dogfish industry and small entities. If the fishery were to reverse the recent landing trends and fully achieve the proposed 2019 quota, it would still generate more landings and likely more revenues than the most recent year (2017) of full fishery information.

Therefore, it is expected that the proposed action will have minimal impact on small entities. There is the potential for slight negative economic impact in the short term if landings and effort drastically increase and the lowered quotas become restrictive. However, there is also possible slight positive long term impacts due to maintaining sustainability of the spiny dogfish resource.

The Council also considered a no action alternative, where the same catch limits and specifications from 2018 would continue into 2019 and beyond. This no action alternative may have a higher potential of minimizing short-term economic impacts on small entities, as it keeps the quotas higher and provides the potential for greater revenues and economic gain. However, as previously stated, effort and landings in the spiny dogfish fishery have been low in recent years, and higher quotas increase the risk of overfishing without addressing the issues in the market that may be keeping landings low.

The Council recommended these proposed specifications (preferred alternative) over the no action alternative to satisfy the Magnuson-Stevens Act requirements to ensure fish stocks are not subject to overfishing, while allowing the greatest opportunity to achieve sustainable yield. This also increases the likelihood that the fishery will remain a viable source of fishing revenues for spiny dogfish fishing entities in the long term, and makes it the better lasting economic choice.

Alternative 2 (no action) was not recommended by the Council because it would exceed the catch level recommendations of the Council’s SSC, put the spiny dogfish stock at an unnecessary risk of overfishing, and would be inconsistent with the requirements of the Magnuson-Stevens Act. As explained in the EA, “[given] the status of the spiny dogfish stock and the requirements of the MSA, alternatives that would allow catches higher than the no action alternative would risk overfishing even more than no action. Alternatives that would limit catches to less than the alternative recommended by the Councils would be unnecessarily restrictive and hamper achievement of optimum yield” (MAMFC 2019, p.11). NMFS agrees with the Council’s IRFA analysis and rationale for recommending these catch limits. As such, NMFS is proposing to implement the Council’s preferred specifications, as presented in Table 1 of this proposed rule’s preamble.

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

Dated: March 25, 2019.

Chris Oliver,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 2019–00630 Filed 3–28–19; 8:45 am]
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
[Doc. No. AMS–FGIS–18–0092]

Grain Fees for Official Inspection and Weighing Services Under the United States Grain Standards Act (USGSA)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The United States Grain Standards Act (USGSA) provides the Secretary of Agriculture with the authority to charge and collect reasonable fees to cover the costs of performing official services and the costs associated with managing the program. The Agricultural Marketing Service (AMS) is announcing the 2019 fee schedule for official inspection and weighing services performed under the USGSA, as amended, and the Agriculture Reauthorizations Act of 2015. This notice publishes the annual review of Schedule A fees calculation and the resulting fees that went into effect on January 1, 2019.

DATES: Effective January 1, 2019.

ADDRESSES: Prospective customers can find the fee scheduled posted on the Agency’s public website.

FOR FURTHER INFORMATION CONTACT: Denise Ruggles, FGIS Executive Program Analyst, USDA AMS; Telephone: (816) 659–8406; Email: Denise.M.Ruggles@usda.gov.

SUPPLEMENTARY INFORMATION: The regulations require that Federal Grain Inspection Service (FGIS) annually review the national tonnage fees, local tonnage fees, and fees for service. After calculating the tonnage fees according to the regulatory formula in 7 CFR 800.71(b)(1), FGIS then reviews the amount of funds in the operating reserve at the end of the fiscal year (FY2018 in this case) to ensure that it has 4½ months of operating expenses as required by section 800.71(b)(2) of the regulations. If the operating reserve has more, or less than 4½ months of operating expenses, then FGIS must adjust all Schedule A fees. For each $1,000,000, rounded down, that the operating reserve varies from the target of 4½ months, FGIS will adjust all Schedule A fees by 2 percent. If the operating reserve exceeds the target, all Schedule A fees will be reduced. If the operating reserve does not meet the target, all Schedule A fees will be increased. The maximum annual increase or decrease in fees is 5 percent (7 CFR 800.71(b)(2)(i)-(ii)).

Tonnage fees for the 5-year rolling average tonnage were calculated on the previous 5 fiscal years 2014, 2015, 2016, 2017, and 2018. Tonnage fees consist of the national tonnage fee and local tonnage fee and are calculated and rounded to the nearest $0.001 per metric ton. The tonnage fees are calculated as following:

National tonnage fee. The national tonnage fee is the national program administrative costs for the previous fiscal year divided by the average yearly tons of export grain officially inspected and/or weighed by delegated States and designated agencies, excluding land carrier shipments to Canada and Mexico, and outbound grain officially inspected and/or weighed by FGIS during the previous 5 fiscal years.

\[
\text{National Tonnage Fee} = \frac{\text{FY2018 National Administrative Costs}}{\text{5 Year Rolling Average Export Tons}}
\]

The national program administrative costs for fiscal year 2018 were $8,075,737. The fiscal year 2019 national tonnage fee, prior to the operating reserve review, is calculated to be at $0.065 per metric ton.

Local tonnage fee. The local tonnage fee is the field office administrative costs for the previous fiscal year divided by the average yearly tons of outbound grain officially inspected and/or weighed by the field office during the previous 5 fiscal years.

\[
\text{Local Tonnage} = \frac{\text{FY2018 Field Office Administrative Costs}}{\text{5 Year Rolling Average Export Tons (Local)}}
\]

The field offices fiscal year tons for the previous 5 fiscal years and calculated 5-year rolling average are as follows:

<table>
<thead>
<tr>
<th>Field Office</th>
<th>FY 2014</th>
<th>FY 2015</th>
<th>FY 2016</th>
<th>FY 2017</th>
<th>FY 2018</th>
<th>5-year rolling average</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Orleans</td>
<td>62,862,914</td>
<td>65,244,517</td>
<td>66,077,535</td>
<td>70,439,862</td>
<td>66,996,126</td>
<td>66,324,191</td>
</tr>
<tr>
<td>League City</td>
<td>12,623,510</td>
<td>12,474,343</td>
<td>12,581,236</td>
<td>13,307,780</td>
<td>8,424,216</td>
<td>11,882,217</td>
</tr>
<tr>
<td>Portland</td>
<td>6,065,934</td>
<td>4,111,533</td>
<td>4,645,754</td>
<td>5,175,459</td>
<td>4,643,241</td>
<td>4,928,384</td>
</tr>
<tr>
<td>Toledo</td>
<td>1,802,339</td>
<td>2,484,604</td>
<td>2,030,506</td>
<td>2,229,920</td>
<td>1,802,762</td>
<td>2,070,026</td>
</tr>
</tbody>
</table>
Operating reserve. In order to maintain an operating reserve not less than 3 and not more than 6 months, FGIS reviewed the value of the operating reserve at the end of FY2018 to ensure that an operating reserve of 4 1/2 months is maintained.

The program operating reserve at the end of fiscal year 2018 was $21,561,945 with a monthly operating expense of $3,276,796. The target of 4.5 months of operating reserve is $14,745,582. Therefore, the operating reserve is greater than 4.5 times the monthly operating expenses by $6,816,363. For each $1,000,000, rounded down, above the target level, all Schedule A fees must be reduced by 2 percent. The operating reserve is $6.8 million above the target level resulting in a calculated 12 percent reduction. As required by 800.71(b)(2)(ii), the reduction is limited to 5 percent. Therefore, for 2019, FGIS is reducing all the 2018 Schedule A fees for service in Schedule A in paragraph (a)(1) by the maximum 5 percent. All Schedule A fees for service are rounded to the nearest $0.10, except for fees based on tonnage or hundredweight. The resulting fees from the annual review went into effect on January 1, 2019 and this notice formalizes this change. The fee Schedule A has been published on the agency’s public website.

GIPSA/AMS Merger

GIPSA formerly fell within the mission area overseen by the Under Secretary for Marketing and Regulatory Programs (MRP), along with AMS. The Under Secretary for MRP’s authority over GIPSA is further demonstrated by the published delegations of authority in Part 2 of Title 7 of the CFR. In 7 CFR 2.22(a)(3), the Secretary of Agriculture delegated to the Under Secretary for MRP authorities “related to grain inspection, packers and stockyards.” In 7 CFR 2.81, the Under Secretary for MRP further delegated these authorities to the Administrator of GIPSA. In a November 14, 2017 Secretary’s Memorandum, the Secretary directed that the authorities at 7 CFR 2.81 be delegated to the Administrator of AMS, and that the delegations to the Administrator of GIPSA be revoked. But these changes did not affect the existing delegations to the Under Secretary of MRP related to grain inspection, packers and stockyards at 7 CFR 2.22(a)(3).


Dated: March 26, 2019.

Bruce Summers,
Administrator, Agricultural Marketing Service.

[FR Doc. 2019–06079 Filed 3–28–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE
Submission for OMB Review; Comment Request

March 26, 2019.

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

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.

Foreign Agricultural Service

Title: Agricultural Trade Promotion Program.

OMB Control Number: 0551–0049.

Summary of Collection: The authority for the Agricultural Trade Promotion Program (ATP) is contained in the authority derived from the Commodity Credit Corporation (CCC) Charter Act, 15 U.S.C. 714c(f)—Specific Powers of Corporation. Program regulations were necessary to establish this new CCC program. The ATP is a cost-share program that is designed to reimburse nonprofit U.S. agricultural trade organizations, nonprofit state regional trade groups, U.S. agricultural cooperatives, and state agencies that conduct approved foreign market development activities and have suffered damages because of tariffs imposed on U.S. agricultural products in 2018/2019. Financial assistance for the ATP is made available on a competitive basis. The program is administered by the Foreign Agricultural Service (FAS).

Need and Use of the Information: The information collected is used by FAS marketing specialists and program managers for the allocation of funds, program management, planning, and evaluation. The integrity of the program hinges on information received from or maintained by the industry.
SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a revision of a currently approved collection. In 2016, an Interim Final Rule titled “Supplemental Nutrition Assistance Program: Requirement for National Directory of New Hires Employment Verification Activity Reporting,” was published in the Federal Register. This rule codified section 4013 of the Agricultural Act of 2014, requiring State agencies to access employment data through the National Directory of New Hires (NDNH) at the time of certification, including recertification, to determine eligibility status and correct benefit amount for SNAP applicants. The rule also amended regulations to increase the frequency of the requirement for State agency submission of the Program Activity Statement from an annual requirement based on the State fiscal year to a quarterly requirement. The burden hours for the increase in submission frequency for the Program Activity Statement, form FNS–366B, have been merged into the Food Programs Reporting System (FPRS) information collection, OMB# 0584–0594 (expiration 9/30/2019). Therefore, this notice seeks to renew the burden hours associated with the National Directory of New Hires portion of this information collection only and removes burden hours and references for the Program Activity Statement, form FNS–366B.

DATES: Written comments must be received on or before May 28, 2019.

ADDRESSES: Comments may be sent to: Jane Duffield, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 818 Alexandria, VA 22302. Comments may also be submitted via email to SNAPSB@FNS.USDA.GOV. Comments will also be accepted through the Federal eRulemaking Portal. Go to http://www.regulations.gov, and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Jane Duffield at 703–605–4385.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.


Form Number: N/A.

OMB Number: 0584–0608.

Expiration Date: May 31, 2019.

Type of Request: Revision of a currently approved collection.

Abstract: Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 272.16 require that each State agency must establish a system to compare identifiable information about each adult household member against data from the U.S. Department of Health and Human Services’ (HHS) National Directory of New Hires (NDNH). This comparison will be used to determine the eligibility status of the household and determine the correct benefit amount the household should receive.

 Applicant and Recipient Screening: The State agency must independently verify the information prior to taking any adverse action against an individual. Should the State agency receive employment information via the NDNH that was previously unreported by the household, the State agency may issue a Request for Contact to the household to verify the information or contact the employer directly, depending upon applicable reporting requirements as defined at 7 CFR 273.12.

Notice: The Notice of Adverse Action or Notice of Denial is issued by State agencies to participating households whose benefits will be reduced or terminated as the result of a change in household circumstances. Should the State agency independently verify unreported or underreported income discovered through NDNH, and that income results in a reduction of benefits or change in eligibility, the State agency must take action by issuing the household a Notice of Adverse Action or Notice of Denial and adjusting benefits accordingly.

Burden Estimates: The previous burden for this collection was 252,432 reporting hours (209,899 reporting burden hours for State agencies + 41,583 reporting burden hours for households). The requested burden is 249,253, which represents a decrease of 3,180 hours for the removal of the Program Activity Statement (FNS–366B) (which is accounted for under OMB#0584–0594; expiration date: 9/30/2019) burden hours from this collection. There are no recordkeeping requirements associated with this collection.

Affected Public: State and local agencies, households.

Estimated Number of Respondents: 891,125.

Estimated Number of Responses per Respondent: 13.78.

Estimated Total Annual Responses: 12,279,702.50.

Estimated Time per Response: 0.0205569019.

Estimated Total Annual Burden on Respondents: 249,252.64 hours. See the table below for estimated total annual burden for each type of respondent.
COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada State 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 Nevada Advisory Committee (Committee) to the Commission will be held at 9:00 a.m. (Pacific Time) Friday, May 3, 2019.

The Nevada Advisory Committee to the U.S. Commission on Civil Rights will hold a community forum to hear from stakeholders and members of the public concerning policing practices and implications for the administration of justice on individuals on the basis of disability (individuals with mental health concerns), veteran status, and race. The Committee intends to view this topic through the lens of Pillar 4 (Community Policing & Crime Reduction) of the Report of the President’s Task Force on 21st Century Policing. The Committee welcomes the public to share their comments and opinions during open comment period.

DATES: Friday, May 3, 2019 from 9:00 a.m.—2:00 p.m.

Location: Carson City Community Center, Sierra Room, 851 E. William Street, Carson City, NV 89701.


FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) atafortes@uscrr.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: 2224726. 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 landline 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 100, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes atafortes@uscrr.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/FACA/PublicViewCommitteeDetails?id=a1000000001egflAAQ. 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

Opening Remarks and Introductions (9:00–9:10 a.m.)
Panel 1 (9:10–10:00 a.m.)
AM Open Comment (10:10 a.m.–11:00 p.m.)
Panel 2 (11:10 a.m.–12:00 p.m.)
Break (12:00–1:00 p.m.)
PM Open Comment (1:00–1:50 p.m.)
Closing Remarks (1:50–2:00 p.m.)

Dated: March 25, 2019.

David Mussatt,
Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–06007 Filed 3–28–19; 8:45 am]

BILLING CODE 3410–30–P
The purpose of the meeting is to review and vote on the education project report.

DATES: Tuesday, April 23, 2019, at 4:00 p.m. (EDT).

Public Call-In Information:

FOR FURTHER INFORMATION CONTACT:
Evelyn Bohor at ero@usccr.gov or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–855–710–4181 and conference ID: 6850406. 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 landline 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: 1–855–710–4181 and conference ID: 6850406.

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 Evelyn Bohor 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=a1010000001gzoAAA, 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 numbers, email or street address.

Agenda
Tuesday, April 23, 2019 at 4:00 p.m. (EDT).
• Rollcall
• Discussion of Report
• Vote on Report
• Open Comment
• Adjournment
Dated: March 26, 2019.
David Mussatt,
Supervisory Chief, Regional Programs Unit.
[FR Doc. 2019–06672 Filed 3–28–19; 8:45 am]

DEPARTMENT OF COMMERCE
National Institute of Standards and Technology


AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice and request for comments.

SUMMARY: The National Institute of Standards and Technology (NIST) is soliciting public comment on a proposed revision to Voluntary Product Standard (PS) 20–15, American Softwood Lumber Standard. This standard, prepared by the American Lumber Standard Committee, serves the procurement and regulatory needs of numerous federal, state, and local government agencies by providing for uniform, industry-wide grade-marking and inspection requirements for softwood lumber. The implementation of the standard also allows for uniform labeling and auditing of treated wood and wood packaging materials. As part of a five-year review process, NIST is seeking public comment and invites interested parties to review the revised standard and submit comments.

DATES: Written comments regarding the proposed revision should be submitted to the Standards Services Division, NIST, no later than April 29, 2019.

ADDRESSES: An electronic copy (in PDF) of the current standard, PS 20–15, can be obtained at the following website https://www.nist.gov/sites/default/files/documents/2017/06/13/doc_ps_20-15_amERICAN_SOFTWOOD_LUMBER_STANDARD-final-2-25-15.pdf. Written comments on the standard should be submitted to David F. Alderman, Standards Services Division, NIST, 100 Bureau Drive, Stop 2100, Gaithersburg, MD 20899–2100; fax (301) 975–4715. Electronic comments may be submitted via email to david.alderman@nist.gov.

FOR FURTHER INFORMATION CONTACT:
David F. Alderman, Standards Services Division, National Institute of Standards and Technology, telephone (301) 975–4019; fax: (301) 975–4715, email: david.alderman@nist.gov.

SUPPLEMENTARY INFORMATION: The proposed revision of the standard has been developed and is being processed in accordance with Department of Commerce provisions in 15 CFR part 10. Procedures for the Development of Voluntary Product Standards, as amended (published June 20, 1986). Under 15 CFR part 10, the American Lumber Standard Committee (Committee) acts as the Standing Committee for PS 20–15. The Committee is responsible for maintaining, revising, and interpreting the standard, and is comprised of producers, distributors, users, and others with an interest in the standard.

PS 20–15 establishes standard sizes and requirements for developing and coordinating the lumber grades of the various species of lumber, the assignment of design values, and the preparation of grading rules applicable to each species. Its provisions include implementation of the standard through an accreditation and certification program; establishment of principal classifications and lumber sizes for yard, structural, and factory/shop use; classification, measurement, grading, and grade-marking of lumber; definitions of terms and procedures to provide a basis for the use of uniform methods in the grading inspection, measurement, and description of softwood lumber; commercial names of the principal softwood species; definitions of terms used in describing standard grades of lumber; and commonly used industry abbreviations. The standard also includes the organization and functions of the Committee, the Board of Review, and the National Grading Rule Committee.

NIST invites public comments on the current standard, PS 20–15, which is available at https://www.nist.gov/sites/default/files/documents/2017/06/13/doc_ps_20-15_amERICAN_SOFTWOOD_LUMBER_STANDARD-final-2-25-15.pdf. Attachments will be accepted in plain text, Microsoft Word, or Adobe PDF formats. Comments containing references, studies, data, and other empirical data that are not widely published should include copies or
electronic links of the referenced materials. All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. NIST reserves the right to publish comments publicly, unedited and in their entirety. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information. Do not submit confidential business information, or otherwise sensitive or protected information. Comments that contain profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

Written comments should be submitted in accordance with the DATES and ADDRESSES sections of this notice. The Committee and NIST will consider all responsive comments received and may revise the standard, as appropriate.


Kevin A. Kimball,
Chief of Staff.

[FR Doc. 2019–06041 Filed 3–28–19; 8:45 am]

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Advisory Committee on Earthquake Hazards Reduction Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: National Institute of Standards and Technology (NIST)’s Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee) will hold an open meeting on Tuesday April 30, 2019, from 8:30 a.m. to 5 p.m. Mountain Time and Wednesday, May 1, 2019, from 8:30 a.m. to 2:30 p.m. Mountain Time. The meeting will be open to the public. The primary purpose of this meeting is for the Committee to develop a draft of their 2019 biennial Report on the Effectiveness of the NEHRP. The agenda may change to accommodate Committee business. The final agenda and any meeting materials will be posted on the NEHRP website at http://nehrp.gov/. Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee’s business are invited to request a place on the agenda. On April 30, 2019, approximately fifteen minutes will be reserved near the beginning of the meeting for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received but is likely to be about three minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to participate are invited to submit written statements to ACEHR, National Institute of Standards and Technology, Mail Stop 8604, 100 Bureau Drive, Gaithersburg, MD 20899, via fax at (301) 975–4032, or electronically by email to tina.faecke@nist.gov. All visitors to the NIST site are required to pre-register to be admitted. Please submit your full name, estimated time of arrival, email address, and phone number to Tina Faecke by 5:00 p.m. Eastern Time, Tuesday, April 16, 2019. Non-U.S. citizens must submit additional information; please contact Ms. Faecke. Ms. Tina Faecke’s email address is tina.faecke@nist.gov, and her phone number is (301) 975–5911. If you wish to participate via teleconference or webinar, please submit your full name, affiliation, and phone number to Ms. Faecke by 5:00 p.m. Eastern Time, Tuesday, April 16, 2019. After pre-registering, participants will be provided with detailed instructions on how to join the teleconference or webinar remotely. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver’s license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver’s license. For detailed information please contact Ms. Faecke at (301) 975–5911 or visit: http://www.nist.gov/public_affairs/visitor/.

Kevin A. Kimball,
Chief of Staff.

[FR Doc. 2019–06042 Filed 3–28–19; 8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG890

New England Fishery Management Council; Public Meeting

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

ACTION: Notice: public meeting.

SUMMARY: The New England Fishery Management Council (Council) is...
scheduling a public meeting of its Ecosystem-Based Fishery Management (EBFM) Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Monday, April 15, 2019 at 9:30 a.m.

ADDRESSES: Meeting address: The meeting will be held at the Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739–3000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The committee will receive and discuss documents on potential strategies for overfished stock management, deriving catch advice for stock complexes from assessment and other data, and spatial management considerations. These documents will be incorporated into the draft example Fishery Ecosystem Plan (eFEP) for Georges Bank. The committee may also discuss other related business, including further tasking for the Plan Development Team to complete a draft eFEP. Other business will be discussed as necessary.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council’s intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: March 25, 2019.

Tracey L. Thompson, Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–06034 Filed 3–28–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG711

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 58 Post-Data Workshop Webinar.

SUMMARY: The SEDAR 58 assessment of the Atlantic stock of Cobia will consist of a series of workshops and webinars: Data Workshop; Assessment Webinars; and a Review Workshop. See SUPPLEMENTARY INFORMATION.

DATES: The SEDAR 58 Post-Data Workshop Webinar has been scheduled for Tuesday, April 16, 2019, from 1 p.m. to 5 p.m.

ADDRESSES: Meeting address: The meetings will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Kathleen Howington at SEDAR (see FOR FURTHER INFORMATION CONTACT) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDA R address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; www.sedarweb.org.

FOR FURTHER INFORMATION CONTACT: Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone (843) 571–4366; email: Kathleen.Howington@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer-reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Post-Data Workshop webinar are as follows: Participants will finalize data recommendations from the Data Workshop and provide early modeling advice.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see ADDRESSES) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 et seq.
DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
RIN 0648–XG914
Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting
AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.
ACTION: Notice; public meeting.
S U M M A R Y : The Atlantic Mackerel, Squid, and Butterflyfish Advisory Panel of the Mid-Atlantic Fishery Management Council (Council) will hold a meeting.
D A T E S : The meeting will be held on Friday, April 12, 2019, beginning at 9 a.m. and conclude by 3 p.m. For agenda details, see SUPPLEMENTARY INFORMATION.
A D D R E S S E S : The meeting will be held via webinar with a telephone-only audio connection: http://mafmc.adobeconnect.com/msb-ap-2019/. Telephone instructions are provided upon connecting, or the public can call direct: 800–832–0736, Rm: *7833942#.
Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their website at www.mafmc.org.
S U P P L E M E N T A R Y I N F O R M A T I O N : The purposes of the meeting include: (1) To create a Fishery Performance Report by the Council’s Atlantic Mackerel, Squid, and Butterflyfish (MSB) Advisory Panel. This report facilitates structured input from the Advisory Panel members for the MSB specifications process for the Council and its Scientific and Statistical Committee (SSC); and (2) Gather Advisory Panel feedback on the development of the Council’s 2020–24 strategic plan, after reviewing the results of a recent strategic planning stakeholder survey. An agenda and background documents will be posted at the Council’s website (www.mafmc.org) prior to the meeting.
S p e c i a l A c c o m m o d a t i o n s : The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to any meeting date.
Dated: March 25, 2019.
Tracey L. Thompson, Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978–281–9232, Spencer.Talmage@noaa.gov.
S U P P L E M E N T A R Y I N F O R M A T I O N : The Northeast Fisheries Science Center submitted a complete application for an Exempted Fishing Permit (EFP) on February 26, 2019, for the 2019 Study Fleet Program. The EFP would exempt 18 commercial fishing vessels from the minimum size and possession limits for species of interest, as well as allow temporary retention of species that would be discarded.
The Center established the Study Fleet Program in 2002 to more fully characterize commercial fishing operations and provide sampling opportunities to augment NMFS’s data collection programs. Partnership with the commercial fishing industry allows the Center to provide samples for stock assessment and fish biology research when traditional sampling sources might otherwise be unavailable. Table 1 includes all of the regulations specified at 50 CFR part 648 that participating vessels would be exempt from for at-sea sampling or when retaining and landing fish for research purposes. The exemptions listed in Table 1 are necessary for contracted vessels to acquire the biological samples needed to meet Center research objectives.

<table>
<thead>
<tr>
<th>TABLE 1—SPECIFIC REGULATIONS COVERED BY THE PROPOSED EXEMPTED FISHING PERMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Vessels .................................................</td>
</tr>
<tr>
<td>Exempted regulations in 50 CFR part 648 ................................</td>
</tr>
<tr>
<td>Possession restrictions:</td>
</tr>
<tr>
<td>§ 648.86(a) Haddock.</td>
</tr>
<tr>
<td>§ 648.86(b) Atlantic cod.</td>
</tr>
<tr>
<td>§ 648.86(d) Small-mesh multispecies.</td>
</tr>
<tr>
<td>§ 648.86(g) Yellowtail flounder.</td>
</tr>
</tbody>
</table>
Any fish retained under the EFP would be delivered to Center staff upon landing. Additionally, the Center would issue a formal Biological Sampling Request to the vessel to retain fish in excess of possession limits or below the minimum size limit. This would ensure that the landed fish do not exceed any collection needs of the Study Fleet Program, as detailed below in Table 2.

All catch would be attributed to the appropriate commercial fishing quota. For a vessel fishing on a groundfish sector trip, all catch of groundfish stocks allocated to sectors would be deducted from the vessel’s sector’s Annual Catch Entitlement (ACE). Once the ACE for a stock has been reached in a sector, vessels would no longer be allowed to fish in that stock area unless the sector acquired additional ACE for the stock in question. For common pool vessels, all groundfish catch would be counted toward the appropriate trimester total allowable catch (TAC). Common pool vessels would be exempt from possession and trip limits on EFP trips when directed for sampling by the Center, but would still be subject to trimester TAC closures.

### Table 2—Study Fleet Program’s Biological Sample Collection Needs

<table>
<thead>
<tr>
<th>Species</th>
<th>Stock area</th>
<th>Gear types</th>
<th>Collection frequency</th>
<th>Individual fish per collection period</th>
<th>Maximum weight allowed per trip</th>
<th>Maximum allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlantic cod</td>
<td>GOM, GB</td>
<td>OTF, DRS</td>
<td>Monthly (Dec–Mar.)</td>
<td>20 per month (10 from each stock area)</td>
<td>175 lb (79 kg)</td>
<td>2,800 lb (1,270 kg)</td>
</tr>
<tr>
<td>Haddock</td>
<td>GOM, GB</td>
<td>OTF, DRS</td>
<td>Monthly (Dec–Mar.)</td>
<td>80 per week (40 from each stock area)</td>
<td>300 lb (136 kg)</td>
<td>4,800 lb (2,177 kg)</td>
</tr>
<tr>
<td>Acadian Redfish</td>
<td>GOM</td>
<td>OTF</td>
<td>Monthly (Mar–Jul.)</td>
<td>50 per month</td>
<td>150 lb (68 kg)</td>
<td>750 lb (340 kg)</td>
</tr>
<tr>
<td>Yellowtail Flounder</td>
<td>GOM, GB, SNE</td>
<td>OTF, DRS</td>
<td>Monthly (Jan–Apr)</td>
<td>120 per week (40 from each stock area)</td>
<td>90 lb (41 kg)</td>
<td>2,160 lb (980 kg)</td>
</tr>
<tr>
<td>Winter Flounder</td>
<td>GOM, GB, SNE</td>
<td>OTF, DRS</td>
<td>Monthly (Jan–Apr)</td>
<td>120 per week (40 from each stock area)</td>
<td>160 lb (73 kg)</td>
<td>3,840 lb (1742 kg)</td>
</tr>
<tr>
<td>Longfin squid</td>
<td>Any Area</td>
<td>OTM, OTF</td>
<td>Quarterly (4 separate months)</td>
<td>15 per quarter</td>
<td>5 lb (2 kg)</td>
<td>20 lb (9 kg)</td>
</tr>
<tr>
<td>Atlantic herring</td>
<td>Any Area</td>
<td>OTM, OTF, PUR</td>
<td>Monthly</td>
<td>100 per month</td>
<td>75 lb (34 kg)</td>
<td>900 lb (408 kg)</td>
</tr>
<tr>
<td>River herring/shad</td>
<td>Any Area</td>
<td>OTM, OTF, PUR</td>
<td>Monthly</td>
<td>100 per month</td>
<td>100 lb (45 kg)</td>
<td>1,200 lb (544 kg)</td>
</tr>
<tr>
<td>Round herring</td>
<td>Any Area</td>
<td>OTM, OTF, PUR</td>
<td>Monthly</td>
<td>100 per month</td>
<td>100 lb (45 kg)</td>
<td>1,200 lb (544 kg)</td>
</tr>
<tr>
<td>Silver hake</td>
<td>Any Area</td>
<td>OTM, OTF, PUR</td>
<td>Monthly</td>
<td>100 per month</td>
<td>260 lb (118 kg)</td>
<td>3,120 lb (1415 kg)</td>
</tr>
<tr>
<td>Atlantic mackerel</td>
<td>Any Area</td>
<td>OTM, OTF, PUR</td>
<td>Monthly</td>
<td>100 per month</td>
<td>260 lb (118 kg)</td>
<td>3,120 lb (1415 kg)</td>
</tr>
<tr>
<td>Shortfin squid</td>
<td>Any Area</td>
<td>OTM, OTF, PUR</td>
<td>Monthly</td>
<td>100 per month</td>
<td>75 lb (34 kg)</td>
<td>900 lb (408 kg)</td>
</tr>
<tr>
<td>Sand lance</td>
<td>Any Area</td>
<td>OTM, OTF, PUR</td>
<td>Monthly</td>
<td>100 per month</td>
<td>25 lb (11 kg)</td>
<td>300 lb (136 kg)</td>
</tr>
<tr>
<td>Butterfish</td>
<td>SNE, MA</td>
<td>OTM</td>
<td>Monthly</td>
<td>150 per month</td>
<td>75 lb (34 kg)</td>
<td>900 lb (408 kg)</td>
</tr>
</tbody>
</table>

* Stock area abbreviations: Gulf of Maine (GOM), Georges Bank (GB), Southern New England (SNE).

# Gear abbreviations: Otter trawl (OTF), bottom longline (LLB), sink gillnet (GNS), sea scallop dredge (DRS), fish pot (PTF), hand lines, auto jig (HND), purse seine (PUR), otter trawl midwater (OTM), pair trawl midwater (PTM).

If approved, the Center may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impact that does not change the scope of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

**Authority:** 16 U.S.C. 1801 et seq.
by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes services previously furnished by such agencies.

DATES: Comments must be received on or before: April 28, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products


Service


Deletions

The following services are proposed for deletion from the Procurement List:

Services


BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions and deletions from the Procurement List.

SUMMARY: This action adds products and service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services from the Procurement List previously furnished by such agencies.

DATES: Date added to and deleted from the Procurement List: April 28, 2019.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Additions

On 5/25/2018 (83 FR 102), 11/16/2018 (83 FR 222), 2/1/2019 (84 FR 22), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O’Day Act (41 U.S.C. 8501–8506) in connection the products and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and service are added to the Procurement List:

Products


Deletions

On 2/15/2019 (84 FR 32), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.
After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:
1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O’Day Act (41 U.S.C. 8501–8506) in connection with the services deleted from the Procurement List.

End of Certification

Accordingly, the following services are deleted from the Procurement List:

<table>
<thead>
<tr>
<th>Services</th>
<th>Service Type: Janitorial/Custodial</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mandatory for: Armed Forces Reserve Center: 1702 Tahoma Avenue, Yakima, WA</td>
</tr>
<tr>
<td></td>
<td>Mandatory Source of Supply: Yakima Specialties, Inc., Yakima, WA</td>
</tr>
<tr>
<td></td>
<td>Contracting Activity: Dept. of the Navy, U.S. Fleet Forces Command</td>
</tr>
<tr>
<td></td>
<td>Service Type: Janitorial/Custodial</td>
</tr>
<tr>
<td></td>
<td>Mandatory for: U.S. Federal Building—Everett, 3002 Colby Avenue, Everett, WA</td>
</tr>
<tr>
<td></td>
<td>Mandatory Source of Supply: AtWork!, Bellevue, WA</td>
</tr>
<tr>
<td></td>
<td>Contracting Activity: General Services Administration</td>
</tr>
</tbody>
</table>

Patricia Briscoe,
Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2019–06096 Filed 3–28–19; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Termination of the Secretary of the Navy Advisory Panel

AGENCY: Department of Defense.

ACTION: Termination of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce it is terminating the Secretary of the Navy Advisory Panel (“the Panel”) along with its permanent subcommittee, the Naval Research Advisory Committee, on April 1, 2019.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.


Dated: March 25, 2019.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–06049 Filed 3–28–19; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy


AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality, and Presidential Executive Order 12114, the Department of the Navy (DoN) has prepared and filed with the United States Environmental Protection Agency a draft supplemental to the 2015 Northwest Training and Testing (NWTT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to reassess the potential environmental impacts associated with conducting proposed ongoing and future military readiness activities within the NWTT Study Area, referred to as the “Study Area.” Military readiness activities include training and research, development, testing, and evaluation activities, referred to as “training and testing.” In the Draft Supplemental EIS/OEIS, the DoN evaluated new, relevant information, such as more recent marine mammal density data and new scientific information, and updated the environmental analyses as appropriate. The DoN prepared the Draft Supplemental EIS/OEIS to support the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and the Endangered Species Act. The DoN will consult with the National Marine Fisheries Service (NMFS) and United States Fish and Wildlife Service to renew these authorizations. Additionally, NMFS and the United States Coast Guard are cooperating agencies for this Supplemental EIS/OEIS.

The DoN’s lead action proponent is Commander, United States Pacific Fleet. Additional action proponents include Naval Sea Systems Command and Naval Air Systems Command.

DATES: This notice announces the public review and comment period and the dates and locations of the public meetings, includes information about how the public can review and comment on the document, and provides supplemental information about the environmental planning effort. All comments must be postmarked or received online by May 28, 2019, for consideration in the Final Supplemental EIS/OEIS. Federal, state, and local agencies and officials and interested organizations and individuals are encouraged to provide comments on the Draft Supplemental EIS/OEIS during the public review and comment period or in person at one of the scheduled open house public meetings.

ADDRESSES: Public meetings will be held in an open-house format, with DoN representatives available to provide information and answer questions related to the Draft Supplemental EIS/OEIS. Open house public meetings will be held in Washington, Oregon, Northern California, and southeastern Alaska on the following dates and at the following locations:

1. April 24, 2019, 5:00 to 8:00 p.m., Hampton Inn Seattle/Everett Downtown Salish Room, 2931 W Marine View Drive, Everett, WA 98201–3927.
2. April 25, 2019, 5:00 to 8:00 p.m., Ridgetop Middle School Cafeteria, 10600 Hillsboro Drive NW, Silverdale, WA 98383–7713.
3. April 26, 2019, 5:00 to 8:00 p.m., Naval Elks Lodge #353, 131 E First Street, Port Angeles, WA 98362–2902.
4. April 29, 2019, 5:00 to 8:00 p.m., Astoria High School Student Commons, 1001 W Marine Drive, Astoria, OR 97103–5829.
5. April 30, 2019, 5:00 to 8:00 p.m., Newport Performing Arts Center Lobby, 777 W Olive Street, Newport, OR 97365–3725.
6. May 2, 2019, 5:00 to 8:00 p.m., Red Lion Hotel Eureka Ballroom, 1929 Fourth Street, Eureka, CA 95501–0725.
7. May 3, 2019, 5:00 to 8:00 p.m., Doug Grey Elementary School Multipurpose Room, 1197 Chestnut Street, Fort Bragg, CA 95437–4503.
Supplementary Information: Project Manager, 3730 N. Charles Porter Avenue, Building 385, Oak Harbor, WA 98278–3500.

Attendees will be able to submit written comments any time during the open house public meetings. A stenographer will be available for attendees wishing to provide oral comments one-on-one. Equal weight will be given to oral and written comments. Comments may also be mailed to Naval Facilities Engineering Command Northwest, Attention: NWTT Supplemental EIS/OEIS Project Manager, 3730 N. Charles Porter Avenue, Building 385, Oak Harbor, WA 98278–3500, or electronically via the project website at www.NWTT Eis.com. All comments, written or oral, submitted during the public review and comment period from March 29, 2019, to May 28, 2019, will become part of the public record, and substantive comments will be addressed in the Final Supplemental EIS/OEIS. All comments must be postmarked or received online by May 28, 2019, for consideration in the Final Supplemental EIS/OEIS.

Concurrent with the NEPA public involvement process, the DoN is identifying additional consulting parties to participate in the Section 106 process under the National Historic Preservation Act regarding potential effects of the Proposed Action and alternatives on historic properties. Historic properties include districts, sites, buildings, structures, or objects listed or eligible for listing in the National Register of Historic Places. During each of the public meetings, an information station will be available where individuals can learn more about the Section 106 process.


**Supplementary Information:** The Draft Supplemental EIS/OEIS was distributed to federal agencies and federally recognized tribes, with which the DoN consulted. Copies of the Draft Supplemental EIS/OEIS are available for public review at the following public locations:

1. Everett Main Library, 2702 Hoyt Avenue, Everett, WA 98201–3506.
2. Gig Harbor Library, 4424 Point Fosdick Drive NW, Gig Harbor, WA 98335–1700.
3. Jefferson County Library, Port Hadlock, 620 Cedar Avenue, Port Hadlock, WA 98339–5001.
4. Kitsap Regional Library, Poulsbo, 700 NE Lincoln Road, Poulsbo, WA 98370–7688.
7. Lopez Island Library, 2225 Fisherman Bay Road, Lopez Island, WA 98261–8676.
8. Oak Harbor Public Library, 1000 SE Regatta Drive, Oak Harbor, WA 98277–3091.
9. Port Angeles Main Library, 2210 S Peabody Street, Port Angeles, WA 98362–6536.
10. Port Townsend Public Library, 1220 Lawrence Street, Port Townsend, WA 98368–6527.
11. San Juan Island Library, 1010 Guard Street, Friday Harbor, WA 98250–9240.
15. Driftwood Public Library, 801 SW Highway 101 #201, Lincoln City, OR 97367–2720.
16. Newport Public Library, 35 NW Nye Street, Newport, OR 97365–3714.
17. Oregon State University, Guin Library Hatfield Marine Science Center, 2030 SE Marine Science Drive, Newport, OR 97366–5300.
18. Tillamook Main Library, 1716 Third Street, Tillamook, OR 97141–2124.
20. Humboldt County Public Library, Arcata Branch Library, 500 Seventh Street, Arcata, CA 95521–6315.
21. Humboldt County Public Library, Eureka Main Library, 1313 Third Street, Eureka, CA 95501–0546.
22. Redwood CoastSenior Center, 490 N Harold Street, Fort Bragg, CA 95437–3331.
24. Ketchikan Public Library, 1110 Fosdick Drive NW, Ketchikan, AK 99901–3416.

The NWTT Draft Supplemental EIS/OEIS is available for electronic viewing or download at www.NWTT Eis.com. A compact disc of the Draft Supplemental EIS/OEIS will be made available upon written request by contacting: Naval Facilities Engineering Command Northwest, Attention: NWTT Supplemental EIS/OEIS Project Manager, 3730 N. Charles Porter Avenue, Building 385, Oak Harbor, WA 98278–3500.

Dated: March 22, 2019.

M.S. Werner,
Commander, Judge Advocate General’s Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2019–05891 Filed 3–28–19; 8:45 am]
BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0040]

Agency Information Collection Activities; Comment Request; Fund for the Improvement of Postsecondary Education (FIPSE) Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice

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

DATES: Interested persons are invited to submit comments on or before May 28, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use http://www.regulations.gov by searching the Docket ID number ED–2019–ICCD–0040. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at http://www.regulations.gov by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kelley Harris, 202–453–7346.
SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Department’s information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Fund for the Improvement of Postsecondary Education (FIPSE) Performance Report.

OMB Control Number: 1840–0793.

Type of Review: A revision of an existing information collection.

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

Total Estimated Number of Annual Responses: 100.

Total Estimated Number of Annual Burden Hours: 4,000.

Abstract: The Fund for the Improvement of Postsecondary Education (FIPSE) works to improve postsecondary education through grants to postsecondary educational institutions and agencies. Such grants are awarded to non-profit organizations on the basis of competitively reviewed applications submitted to FIPSE under the First in the World (FITW) Program. This collection includes a performance report for use with FITW programs 84.116F and 84.116X. We request clearance of one performance report for FITW programs 84.116F and 84.116X that will serve the dual purpose of an annual and final performance report. In this collection there is one (1) form, the performance report for FITW programs that includes a FITW program burden statement. The collection of the requested data in the performance report is necessary for the evaluation and assessment of FITW-funded programs and for assessment of continuation funding for each grantee.

Dated: March 26, 2019.

Kate Mullan,

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

[FR Doc. 2019–06144 Filed 3–28–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2019–ICCD–0037]

Agency Information Collection Activities; Comment Request; Financial Report for the Endowment Challenge Grant Program and Institutional Service Endowment Activities

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 28, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use http://www.regulations.gov by searching the Docket ID number ED–2019–ICCD–0037. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at http://www.regulations.gov by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the Docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beverly Baker, 202–453–6162.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Department’s information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Financial Report for the Endowment Challenge Grant Program and Institutional Service Endowment Activities

OMB Control Number: 1840–0564.

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

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 2,500.

Total Estimated Number of Annual Burden Hours: 3,125.

Abstract: This financial reporting form will be utilized for Title III Part A, Title III Part B and Title V Program Endowment Activities and Title III Part C Endowment Challenge Grant Program. The purpose of this Financial Report is to have the grantees report annually the kinds of investments that have been made, the income earned and spent, and whether any part of the Endowment Fund Corpus has been spent. This information allows us to give technical assistance and determine whether the grantee has complied with the statutory and regulatory investment requirements.
Dated: March 26, 2019.

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

DEPARTMENT OF EDUCATION
[Docket No. ED–2019–ICCD–0038]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Middle Grades Longitudinal Study of 2017–18 (MGLS:2017) Main Study First Follow-Up (MS2) Tracking and Recruitment and Operational Field Test Second Follow-Up (OFT3) Update

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before April 29, 2019.

ADDRESS: To access and review all the documents related to the information collection listed in this notice, please use http://www.regulations.gov by searching the Docket ID number ED–2019–ICCD–0038. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at http://www.regulations.gov by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at IDColdtMngr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–245–7377 or email NCES.Information.Collections@ed.gov.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Department’s information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Middle Grades Longitudinal Study of 2017–18 (MGLS:2017) Main Study First Follow-up (MS2) Tracking and Recruitment and Operational Field Test Second Follow-up (OFT3) Update.

OMB Control Number: 1850–0911.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 20,113.

Total Estimated Number of Annual Burden Hours: 10,891.

Abstract: The Middle Grades Longitudinal Study of 2017–18 (MGLS:2017) is the first study conducted by the National Center for Education Statistics (NCES) to follow a nationally representative sample of students as they enter and move through the middle grades (grades 6–8). The data collected through repeated measures of key constructs will provide a rich descriptive picture of the academic experiences and development of students during critical years and will allow researchers to examine associations between contextual factors and student outcomes. The study focuses on student achievement in mathematics and literacy along with measures of student socioemotional wellbeing and other outcomes. The study includes students with disabilities for whom descriptive information on their outcomes, educational experiences, and special education services are being collected. In preparation for the Main Study (MS), the data collection instruments and procedures were field tested. An Item Validation Field Test (IVFT) was conducted from January through May 2016 to determine the psychometric properties of assessment and survey items and the predictive potential of items so that valid, reliable, and useful assessment and survey instruments could be developed for the Main Study. The MGLS:2017 Operational Field Test (OFT) Base Year (OFT1) data collection was conducted from January through May 2017 to test the near-final instruments and recruitment and data collection procedures and materials in preparation for the MGLS:2017 Main Study Base Year (MS1). The MS1 data collection took place from January to August 2018, and the OFT First Follow-up (OFT2) data collections from February to May 2018. OFT2 was conducted primarily to obtain information on recruiting, particularly for students in three focal IDEA-defined disability groups: specific learning disability, autism, and emotional disturbance; obtain a tracking sample that can be used to study mobility patterns in subsequent years; and test protocols, items, and administrative procedures. The MGLS:2017 Main Study First Follow-up (MS2) Tracking and Recruitment and Operational Field Test Second Follow-up (OFT3) were approved in September 2018 with the latest update approved in December 2018 (OMB# 1850–0911 v.20–22). This current request is to: (1) Update contact materials to reference the administrative records collection, (2) introduce a $10 incentive for panel maintenance participants, (3) update the student roster form in Appendix T for the fall 2019 MS2 tracking and recruitment activities, and (4) introduce a flyer designed to encourage the return of parent permission forms in explicit permission schools.

Dated: March 26, 2019.

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

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–245–7377 or email NCES.Information.Collections@ed.gov.
DEPARTMENT OF EDUCATION
[Docket No. ED–2018–ICCD–0121]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Consolidated Annual Report (CAR) for the Carl D. Perkins Career and Technical Education Act of 2006

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before April 29, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use http://www.regulations.gov by searching the Docket ID number ED–2018–ICCD–0121. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at http://www.regulations.gov by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the Docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Braden Goetz, 202–245–7405.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)(ii)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the Department understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.


OMB Control Number: 1830–0569.

Type of Review: A revision of an existing information collection.

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

Total Estimated Number of Annual Responses: 54.

Total Estimated Number of Annual Burden Hours: 1,296.


Dated: March 26, 2019.

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

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Notice of Public Meeting for EAC Standards Board

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of public meeting for EAC Standards Board.

Date & Time: Thursday, April 11, 2019, 8:30 a.m.–5 p.m. thru Friday, April 12, 2019, 8–11 a.m. [Executive Board Session: Thursday, April 11, 2019, 7:30 p.m. (administrative business only)].

Place: The Peabody Memphis, 149 Union Avenue, Memphis, TN 38103, Phone: 901–529–4000.

Purpose: In accordance with the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. Appendix 2), the U.S. Election Assistance Commission (EAC) Standards Board will meet to address its responsibilities under the Help America Vote Act of 2002 (HAVA), to present its views on issues in the administration of Federal elections, formulate recommendations to the EAC, and receive updates on EAC activities.

Agenda: The Standards Board will receive an overview and updates on EAC agency operations. The Board will receive presentations from ODNI—unclassified Intel briefings—panel discussions on Disaster Management & Recovery Working Group presentations, EAVS and the Department of Justice. The Standards Board will receive updates on the Voluntary Voting System Guidelines (VVSG) 2.0 and on the Technical Requirements from EAC staff and NIST. The Standards Board will hold a discussion on the Technical Requirements. The Standards Board will conduct committee breakout sessions and hear committee reports. The Standards Board will fill vacancies on the Executive Board of the Standards Board. The Standards Board will elect new officers, and the Executive Board will appoint Standards Board committee members and chairs, and consider other administrative matters.

Supplementary: Members of the public may submit written statements at the Standards Board meeting no later than 5 p.m. EDT on Monday, April 8, 2019. Statements may be sent via email at facaboards@eac.gov, via standard mail addressed to the U.S. Election Assistance Commission, 1335 East West Highway, Suite 4300, Silver Spring, MD 20910, or by fax at 301–734–3108.

This meeting will be open to the public.

Person to contact for information: Shirley Hines, Telephone: (301) 563–3958.

Clifford D. Tatum,
General Counsel, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–P
DEPARTMENT OF ENERGY

[Case Number 2018–009; EERE–2018–BT–WAV–0013]

Energy Conservation Program: Decision and Order Granting a Waiver to TCL Air Conditioner (Zhongshan) Co., Ltd. From the Department of Energy Central Air Conditioners and Heat Pumps Test Procedure


ACTION: Notice of decision and order.

SUMMARY: The U.S. Department of Energy (‘‘DOE’’) gives notice of a Decision and Order (Case Number 2018–009) that grants to TCL air conditioner (zhongshan) Co., Ltd. (‘‘TCL AC’’), a waiver from specified portions of the DOE test procedure for determining the energy efficiency of specified central air conditioners and heat pumps. TCL AC is required to test and rate specified basic models of its central air conditioners and heat pumps in accordance with the alternate test procedure specified in the Decision and Order.

DATES: The Decision and Order is effective on March 29, 2019. The Decision and Order will terminate upon the compliance date of any future amendment to the test procedure for central air conditioners and heat pumps located at 10 CFR part 430, subpart B, appendix M for specified basic models of central air conditioners and heat pumps, provided that TCL AC tests and rates such products using the alternate test procedure specified in the Decision and Order. TCL AC’s representations concerning the energy efficiency of the specified basic models must be based on testing according to the provisions and restrictions in the alternate test procedure set forth in the Decision and Order, and the representations must fairly disclose the test results. Distributors, retailers, and private labelers are held to the same requirements when making representations regarding the energy efficiency of these products. (42 U.S.C. 6293(c))

Consistent with 10 CFR 430.27(j), not later than May 28, 2019, any manufacturer currently distributing in commerce in the United States products employing a technology or characteristic that results in the same need for a waiver from the applicable test procedures must submit a petition for waiver. Manufacturers not currently distributing such products in commerce in the United States must petition for and be granted a waiver prior to the distribution in commerce of those products in the United States. Manufacturers may also submit a request for interim waiver pursuant to the requirements of 10 CFR 430.27.

Signed in Washington, DC, on March 25, 2019.

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

Case Number 2018–009

Decision and Order

I. Background and Authority

The Energy Policy and Conservation Act of 1975, as amended (‘‘EPCA’’), among other things, authorizes the U.S. Department of Energy (‘‘DOE’’) to regulate the energy efficiency of a number of consumer products and industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B 2 of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency for certain types of consumer products. These products include central air conditioners (CACs) and heat pumps (HPs), the focus of this document. (42 U.S.C. 6292(a)(3))

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

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that product (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the product complies with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for central air conditioners and heat pumps is contained in the Code of Federal Regulations (‘‘CFR’’) at 10 CFR part 430, subpart B, appendix M. Uniform Test Method for Measuring the Energy Consumption of Central Air Conditioners and Heat Pumps (‘‘Appendix M’’).

Under 10 CFR 430.27, any interested person may submit a petition for waiver from DOE’s test procedure requirements. DOE will grant a waiver from the test procedure requirements if DOE determines that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures for the basic model in a manner so unrepresentative of its true energy consumption characteristics...
as to provide materially inaccurate comparative data. 10 CFR 430.27(f)(2). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. Id.

II. TCL AC’s Petition for Waiver: Assertions and Determinations

By letter dated July 10, 2018, TCL AC submitted a petition for waiver and application for interim waiver for certain basic models of CACs and HPs. TCL AC stated that the systems use outdoor units with variable-speed compressors paired with coil-only indoor units (hereinafter referred to as “variable-speed coil-only single-split systems”), and are required to be tested using the test procedure detailed at appendix M to subpart B of 10 CFR part 430 (“Appendix M”). TCL AC stated in its petition for waiver and application for interim waiver that Appendix M does not include provisions for determining cooling intermediate air volume rate, cooling minimum air volume rate, and heating intermediate air volume rate for the variable-speed coil-only single-split systems specified in its petition. Consequently, TCL AC asserted that it cannot test or rate these systems in accordance with the DOE test procedure.

On November 9, 2018, DOE published a notice that announced its receipt of the petition for waiver and granted TCL AC an interim waiver for specified basic models. 83 FR 56058 (“Notice of Petition for Waiver”). In the Notice of Petition for Waiver, DOE stated that absent an interim waiver, the specified variable-speed coil-only single-split models cannot be tested under the existing test procedure because Appendix M does not include provisions for determining certain air volume rates for variable-speed coil-only single-split systems. 83 FR 56060. Typical variable-speed single-split systems have a communicating system, i.e., the condensing units and indoor units communicate and indoor unit air flow varies based on the operation of the outdoor unit. However, as presented in TCL AC’s petition, its variable-speed outdoor units are non-communicative systems and the indoor blower section maintains a constant indoor blower fan speed. DOE also reviewed public-facing materials (e.g., marketing materials, product specification sheets, and installation manuals) for the units identified in the petition, which supported TCL AC’s assertion that the units are installed as variable-speed coil-only systems, in which the indoor fan speed remains constant at full and part-load operation. Using the cooling full-load air volume rate for the cooling intermediate and cooling minimum air volume rates, and the heating full load air volume rate as the heating intermediate air volume rate appears appropriate because there is no variability in indoor fan speed. Thus, DOE determined that the alternate test procedure suggested by TCL AC allows for the accurate measurement of energy use of these products, while alleviating the testing problems associated with TCL AC’s implementation of CAC and HP testing for the basic models specified in TCL AC’s petition. Id.

In the Notice of Petition for Waiver, DOE solicited comments from interested parties on all aspects of the petition and the specified alternate test procedure Id. DOE received no comments in response to the Notice of Petition for Waiver.

For the reasons explained here and in the Notice of Petition for Waiver, DOE understands that absent a waiver, the basic models identified by TCL AC in its petition cannot be evaluated on a basis representative of their true energy consumption characteristics. DOE has reviewed the recommended procedure suggested by TCL AC and concludes that it will allow for the accurate measurement of the energy use of the products, while alleviating the testing problems associated with TCL AC’s implementation of DOE’s applicable CAC and HP test procedure for the specified basic models. Thus, DOE is requiring that TCL AC test and rate the specified CAC and HP basic models according to the alternate test procedure specified in this Decision and Order, which is identical to the procedure provided in the interim waiver.

This Decision and Order is applicable only to the basic models listed and does not extend to any other basic models. DOE evaluates and grants waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner.

TCL AC may request that the scope of this waiver be extended to include additional basic models that employ the same technology as those listed in this waiver. 10 CFR 430.27(g). TCL AC may also submit another petition for waiver from the test procedure for additional basic models that employ a different technology and meet the criteria for test procedure waivers. 10 CFR 430.27(a)(1).

DOE notes that it may modify or rescind the waiver at any time upon DOE’s determination that the factual basis underlying the petition for waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic models’ true energy consumption characteristics. 10 CFR 430.27(k)(1). Likewise, TCL AC may request that DOE rescind or modify the waiver if the company discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. 10 CFR 430.27(k)(2).

III. Consultations with Other Agencies

In accordance with 10 CFR 430.27(f)(2), DOE consulted with the Federal Trade Commission (“FTC”) staff concerning the TCL AC petition for waiver. The FTC staff did not have any objections to DOE granting a waiver to TCL AC for the specified basic models.

IV. Order

After careful consideration of all the material that was submitted by TCL AC, and the various public-facing materials (e.g., marketing materials, product specification sheets, and installation manuals) for the models identified in the petition, in this matter, it is ORDERED that:

1. TCL AC must, as of the date of publication of this Order in the Federal Register, test and rate the TCL air conditioner (zhongshan) Co., Ltd. brand and Ecoer Inc. brand single-split CAC and HP basic models TCE–36HA/DV20 and TCE–60HA/DV20, which are comprised of the individual combinations listed below, with the alternate test procedure as set forth in paragraph (2):

<table>
<thead>
<tr>
<th>Brand</th>
<th>Basic model No.</th>
<th>Outdoor unit</th>
<th>Indoor unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>TCL air conditioner (zhongshan) Co., Ltd.</td>
<td>TCE–36HA/DV20</td>
<td>TCE–36HA/DV20</td>
<td>TCE–2430D6HWADVOE(01)</td>
</tr>
<tr>
<td>TCL air conditioner (zhongshan) Co., Ltd.</td>
<td>TCE–36HA/DV20</td>
<td>TCE–36HA/DV20</td>
<td>TCE–2430D6HWADVOE(02)</td>
</tr>
</tbody>
</table>

2. The specified basic models contain individual combinations, which do not specify a particular air mover, and that each consist of an outdoor unit that (1) uses a variable speed compressor matched with a coil-only indoor unit, and (2) is designed to operate as part of a non-communicative system in which the compressor speed varies based only on controls located in the outdoor unit such that the indoor blower unit maintains a constant indoor blower fan speed.
In 3.1.4.2, **Cooling Minimum Air Volume Rate**, include:

- For ducted variable-speed compressor systems tested with a coil-only indoor unit, the heating intermediate air volume rate is the same as the heating full-load air volume rate determined in section 3.1.4.1.1.c.

In 3.1.4.3, **Cooling Intermediate Air Volume Rate**, include:

- For ducted variable-speed compressor systems tested with a coil-only indoor unit, the cooling intermediate air volume rate is the same as the cooling full-load air volume rate determined in section 3.1.4.1.1.c.

In 3.1.4.6, **Heating Intermediate Air Volume Rate**, include:

- For ducted variable-speed compressor systems tested with a coil-only indoor unit, the heating intermediate air volume rate is the same as the heating full-load air volume rate determined in section 3.1.4.1.1.c.

(2) The alternate test procedure for the TCL AC basic models identified in paragraph (1) of this Order is the test procedure for central air conditioners and heat pumps prescribed by DOE at 10 CFR part 430, subpart B, appendix M ("Appendix M"), except that as described below, for coil-only combinations: the cooling full-load air volume rate determined in section 3.1.4.1.1.c of Appendix M shall also be used as the cooling intermediate and heating minimum air volume rates, and the heating full-load air volume rate as determined in section 3.1.4.4.1.a of Appendix M shall also be used as the heating intermediate air volume rate.

All other requirements of Appendix M and DOE’s regulations remain applicable.

In 3.1.4.2, **Cooling Minimum Air Volume Rate**, include:

- For ducted variable-speed compressor systems tested with a coil-only indoor unit, the heating intermediate air volume rate is the same as the heating full-load air volume rate determined in section 3.1.4.1.1.c.

In 3.1.4.3, **Cooling Intermediate Air Volume Rate**, include:

- For ducted variable-speed compressor systems tested with a coil-only indoor unit, the cooling intermediate air volume rate is the same as the cooling full-load air volume rate determined in section 3.1.4.1.1.c.

(3) **Representations.** TCL AC may not make representations about the efficiency of the basic models referenced in paragraph (1) of this Order for compliance, marketing, or other purposes unless the basic model has been tested in accordance with the provisions set forth above and such representations fairly disclose the results of such testing.

(4) This waiver shall remain in effect according to the provisions of 10 CFR 430.27.

(5) This waiver is issued on the condition that the statements, representations, and documents provided by TCL AC are valid. If TCL AC makes any modifications to the controls or configurations of these basic models, the waiver will no longer be valid and TCL AC will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify the waiver if TCL AC discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. 10 CFR 430.27(k).

(6) Granting of this waiver does not release TCL AC from the certification requirements set forth at 10 CFR part 429.

Signed in Washington, DC, on March 25, 2019.

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

[FR Doc. 2019–06099 Filed 3–28–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY
[OE Docket No. EA–469]

Application To Export Electric Energy; Puget Sound Energy, Inc.

AGENCY: Office of Electricity, Department of Energy (DOE).

ACTION: Notice of application.

SUMMARY: Puget Sound Energy, Inc. (Applicant or PSE) has applied for authorization to transmit electric energy
from the United States to Canada pursuant to the Federal Power Act.

**DATES:** Comments, protests, or motions to intervene must be submitted on or before April 29, 2019.

**ADDRESSES:** Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to ElectricityExports@hq.doe.gov, or by facsimile to 202–586–8008.

**SUPPLEMENTARY INFORMATION:** The Department of Energy (DOE) regulates exports of electricity from the United States to Canada, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b) and 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On March 1, 2019, DOE received an application from PSE for authorization to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities. DOE most recently granted export authorization to PSE on May 6, 2014 for a five-year term, in Order No. EA–98–M. That Order authorized electricity exports by PSE and certain other members of WSPP Inc., which the Order described as “a non-profit organization with approximately 300 electric utility members.” In its present application, PSE requests authorization effective by May 6, 2019, to prevent a lapse in its current authorization under Order No. EA–98–M, which expires on that date.

In its application, PSE’s resale and wholesale utility business includes the generation, purchase, transmission, distribution, and sale of electric energy. The electric energy that PSE proposes to export to Canada would be surplus energy sold to a portfolio of resources, including electric energy generated by PSE’s system resources and electric energy acquired from other sellers within the United States and Canada. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

**Procedural Matters:** Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission’s (FERC) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five (5) copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning PSE’s application to export electric energy to Canada should be clearly marked with OE Docket No. EA–469. An additional copy is to be provided directly to both Robert E. Neate, Puget Sound Energy, Inc., Puget Sound Energy, EST–11N, P.O. Box 97034, Bellevue, Washington 98009–9734 and Jason Kuzma, Perkins Coie LLP, 10885 NE 4th Street, Suite 700, Bellevue, Washington 98004.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE’s National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at http://energy.gov/node/11845, or by emailing Angela Troy at Angela.Troy@hq.doe.gov.

Signed in Washington, DC, on March 25, 2019.

Christopher Lawrence,
Management and Program Analyst, Transmission Permitting and Technical Assistance, Office of Electricity.

**BILLING CODE 6450–01–P**

**DEPARTMENT OF ENERGY**

**[Case Number 2018–002; EERE–2018–BT–WAV–0002]**

**Energy Conservation Program: Notice of Petition for Waiver of Store It Cold From the Department of Energy Walk-In Cooler Refrigeration System Test Procedure, and Notice of Grant of Interim Waiver**

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

**ACTION:** Notice of petition for waiver, notice of grant of an interim waiver, and request for comments.

**SUMMARY:** The U.S. Department of Energy (“DOE”) announces receipt of and publishes a petition for waiver from Store It Cold, which seeks a waiver from the test procedure used for determining the efficiency of walk-in cooler refrigeration system basic models. Store It Cold seeks to use an alternate test procedure to address issues involved in testing certain basic models identified in its petition. Store It Cold asserts in its petition that for the specified “CoolBot® Walk-In Cooler refrigeration system basic models taking “refrigerant-side” measurements with refrigerant mass flow meters yields results that are unrepresentative of the basic models’ true energy consumption characteristics and provides materially inaccurate comparative data. Accordingly, Store It Cold seeks to test and rate the basic models identified in its petition using its recommended alternate test procedure, in which the refrigeration capacity is measured using psychrometric “air-side” measurements. This document announces that DOE is granting Store It Cold with an interim waiver from DOE’s walk-in cooler refrigeration system test procedure for the specified basic models, subject to use of the alternate test procedure as set forth in the Interim Waiver Order. DOE solicits comments, data, and information concerning Store It Cold’s petition and its suggested alternate test procedure to inform its final decision on Store It Cold’s waiver request.

**DATES:** DOE will accept comments, data, and information with respect to the Store It Cold petition until April 29, 2019.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at http://www.regulations.gov. Alternatively, interested persons may submit comments, identified by case number “2018–002,” and Docket number “EERE–2018–BT–WAV–0002,” by any of the following methods:

- E-mail: storeitcold2018waw0002@ee.doe.gov. Include the case number [Case No. 2018–002] in the subject line of the message.
Title III, Part C of EPCA established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency for certain types of industrial equipment. This equipment includes walk-in cooler refrigeration systems, the focus of this document. (42 U.S.C. 6311(1)(G)) A walk-in cooler and freezer is defined under DOE’s regulations as “an enclosed storage space refrigerated to temperatures, respectively, above, and at or below 32 degrees Fahrenheit that can be walked into and has a total chilled storage area of less than 3,000 square feet; however[,] the terms do not include products designed and marketed exclusively for medical, scientific, or research purposes.” 10 CFR 431.302. See also 42 U.S.C. 6311(20) (statutory definition for “walk-in cooler, walk-in freezer”).

Under EPCA, DOE’s energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (i) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPA structures the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered products/equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect the energy efficiency, energy use or estimated annual operating cost of a covered product/covered equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) The test procedure used to determine the net capacity and Annual Walk-in Energy Factor (“AWEF”) of walk-in cooler refrigeration systems is contained in the Code of Federal Regulations (“CFR”) at 10 CFR part 431, subpart R, appendix C.

Under 10 CFR 431.401, any interested person may submit a petition for waiver from DOE’s test procedure requirements. DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 431.401(f)(2). A petitioner must include in its petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption characteristics. 10 CFR 431.401(b)(1)(iii).

DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 431.401(f)(2). As soon as practicable after the granting of any waiver, DOE will publish in the Federal Register a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. 10 CFR 431.401(l). As soon thereafter as practicable, DOE will publish in the Federal Register a final rule. Id.

The waiver process also provides that DOE may grant an interim waiver if it appears likely that the underlying petition for waiver will be granted and/ or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the underlying petition for waiver. 10 CFR 431.401(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the Federal Register a determination on the petition for waiver; or (ii) publish in the Federal Register a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 431.401(h)(1).

When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of the test procedure is required to demonstrate compliance. 10 CFR 431.401(h)(2).
II. Store It Cold’s Petition for Waiver and Application for Interim Waiver

On March 9, 2018, Store It Cold filed a petition for waiver and a petition for interim waiver from the test procedure applicable to walk-in cooler refrigeration systems set forth in 10 CFR part 431, subpart R, appendix C, and in response to DOE requests for technical clarification, Store It Cold submitted a revised petition for waiver and petition for interim waiver on May 16, 2018. (Store It Cold, No. 1 at pp. 1–7) AHRI Standard 1250P (I–P)-2009 titled “Standard for Performance Rating of Walk-in Coolers and Freezers” (“AHRI 1250–2009”) is incorporated by reference in the test procedure for walk-in cooler refrigeration systems with the modifications enumerated in 10 CFR part 431, subpart R, appendix C. Referencing AHRI 1250–2009, 10 CFR part 431, subpart R, appendix C provides two possible methods for measuring the refrigeration capacity of single-package systems,4 the DX Dual Instrumentation method and the DX Calibrated Box method (see section C5.1.2 of AHRI 1250–2009). For both methods, the refrigeration capacity is determined by measuring the enthalpy change and mass flow rate of the refrigerant (“Refrigerant Enthalpy Method”).

Store It Cold’s petition for waiver and interim waiver lists walk-in cooler refrigeration system basic models CBLW08, CBLW10, CBLW12, CBLW15, CBLW18, CBLW25, which it states are single-package dedicated refrigeration systems. These walk-in refrigerator system basic models are comprised of a controller (i.e., the “CoolBot® controller”) and a room air conditioner (“RAC”), which as combined form a walk-in refrigerator system. Store It Cold stated in its petition that the resulting walk-in refrigerator systems are designated for both indoor and outdoor use. According to Store It Cold’s petition, the CoolBot’s technology controls a much smaller air conditioner designed to be installed in a window to maintain desired

Store It Cold asserts in its petition that, for the basic models listed in its petition, the Refrigerant Enthalpy Method (referred to as the “refrigerant-side” gross capacity method by Store It Cold) yields inconsistent refrigerant mass flow rates and lower than expected capacities. Store It Cold explains in its petition that the installation of the refrigerant mass flow meters used under this method significantly increased the refrigerant circuit’s internal volume, requiring the system to be charged with approximately twice the amount of refrigerant as was present from the factory. As a result, Store It Cold contends that the capacities calculated with this method are untrustworthy and unrepresentative of the equipment’s true performance capabilities.

In its suggested alternate test procedure, Store It Cold proposes instead to use an “air-side” method in which the refrigeration capacity is determined by measuring the enthalpy change and mass flow rate of the air passing through the evaporator side (i.e., Indoor Air Enthalpy Method) and condenser side (i.e., Outdoor Air Enthalpy Method). The condenser side measurement is adjusted by subtracting the system input power to determine refrigeration capacity. In its petition, Store It Cold presents “refrigerant-side” and “air-side” capacity test results, asserting that the latter yields more consistent measurements and accurate capacities for the basic models assessed. As outlined in the petition, in August of 2017, Intertek Testing Services, NA, Inc., at the request of Store It Cold, attempted to conduct baseline performance evaluations on two of the basic models listed in their petition (CBLW08 and CBLW15) using the DX Dual Instrumentation method, as prescribed by AHRI 1250–2009 for fixed-capacity single-package walk-in cooler refrigeration systems with outdoor condensing units. In November of 2017, Intertek then attempted to conduct baseline performance evaluations on two different basic models listed in their petition (CBLW08 and CBLW25) in accordance with the test procedure set forth in the AHRI 1250–2009, except that the units’ refrigeration capacities were determined using the psychrometric “air-side” method proposed in its alternate test procedure. Store It Cold presents the test results in Table 1 and Figure 2 of its petition, which show that the “refrigerant-side” method required charging the unit to approximately twice the factory refrigerant charge because of the additional tubing needed to accommodate the flow meters required by the test procedure. Store It Cold presented data for basic models CBLW08 and CBLW25 at all three of the required capacity test conditions specified in AHRI 1250–2009 for walk-in cooler refrigeration systems with condensing units located outdoors. All three conditions require the same evaporator inlet air temperature but specify progressively decreasing condenser inlet dry-bulb air temperatures: 95 °F for the A test condition, 59 °F for the B test condition, and 35 °F for the C test condition. For the CBLW10 basic model, the net capacity increases from 2,871 Btu/hr in test condition A to 15,897 Btu/hr in condition B and then decreases to 7,690 Btu/hr in condition C. Conversely, for the CBLW15 basic model, the net capacity decreases from 10,271 Btu/hr in condition A to 8,646 Btu/hr in condition B and then increases to 9,160 Btu/hr in condition C. Store It Cold also presented data from the “air-side” test performed on two basic models, CBLW08 and CBLW25. For the CBLW08 basic model, the net capacity increases from 5,073 Btu/hr in test condition A to 6,134 Btu/hr in condition B and then increases to 6,976 Btu/hr in condition C. For the CBLW25 basic model, the net capacity increases from 17,582 Btu/hr in condition A to 20,265 Btu/hr in condition B and then increases to 21,678 Btu/hr in condition C.

Store It Cold asserted that the proposed “air-side” method yields more accurate results for the basic models listed in its petition and thus that the alternate test procedure offered in its petition alleviates the issues identified with the current procedure. Store It Cold also requests an interim waiver from the existing DOE test procedure. DOE will grant an interim waiver if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be

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5 “Single-packaged dedicated system” means a refrigeration system (as defined in 10 CFR 431.302) that is a single-package assembly that includes one or more compressors, a condenser, a means for forced circulated air, and elements by which heat is transferred from air to refrigerant, without any element external to the system imposing resistance to flow of the refrigerated air. 10 CFR 431.302.

6 Store It Cold notes in its product specification sheets, that the “CoolBot® controller is also distributed in commerce separately, i.e., not as part of a walk-in cooler refrigeration system. This notice of waiver and notice of grant of an interim waiver apply only to the walk-in cooler refrigeration system basic models identified by Store It Cold, i.e., the specific model listed in the Interim Waiver order, which contain “CoolBot® controllers integrated by Store It Cold with the specified RAC models.”

7 The DX Dual Instrumentation method is the “refrigerant-side” method discussed above (i.e., Refrigerant Enthalpy Method) but with duplicate sensors for all measurements. This approach minimizes the risk of measurement error due to equipment inaccuracy.
desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. See 10 CFR 431.401(e)(2).

DOE understands that, absent an interim waiver, the specified basic models cannot be tested and rated for energy consumption on a basis representative of their true energy characteristics. As presented in Store It Cold’s petition, the subject basic models of walk-in cooler refrigeration systems are smaller than the typical walk-in cooler refrigeration systems. Because of the smaller size and configuration of the specified “CoolBot® Walk-In Cooler refrigeration systems, installation of the refrigerant mass flow meters as specified in the DOE test procedure significantly impacts the internal refrigeration system volumes and results in inconsistent refrigerant mass flow rate measurements and lower than expected capacities.

III. Requested Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures when making representations about the energy consumption and energy consumption costs of products covered by the statute. (42 U.S.C. 6314(d)) Consistent representations are important for manufacturers to use in making representations about the energy efficiency of their products or equipment and to demonstrate compliance with applicable DOE energy conservation standards. Pursuant to its regulations at 10 CFR 431.401 applying to waivers and interim waivers from applicable test procedures, and after consideration of public comments on the petition, DOE will consider setting an alternate test procedure for the equipment identified by Store It Cold in a subsequent Decision and Order.

Store It Cold seeks to use an alternate test procedure to test and rate specific walk-in cooler refrigeration system basic models. Store It Cold suggested that the specified basic models be tested according to the test procedure in 10 CFR part 431, subpart R, appendix C, except that instead of using the Refrigerant Method to determine capacity, the specified basic units be tested using the Indoor Air Enthalpy and Outdoor Air Enthalpy test methods to determine capacity.

IV. Summary of Grant of an Interim Waiver

DOE has reviewed Store It Cold’s application for an interim waiver, the alternate test procedure requested by Store It Cold, the company’s testing and performance data, product characteristics, and product specification sheets published online by Store It Cold. All materials reviewed by DOE can be found in the docket. The test photo provided by Store It Cold shows that the refrigerant tubing exiting the unit has multiple bends in it without any extended straight sections upstream and downstream of the refrigerant mass flow meters, which could have affected the accuracy of the mass flow measurements during testing. Additionally, Store It Cold stated that the refrigerant tubing as configured increased the refrigerant circuit’s internal volume, requiring the system to be charged can approximately twice the amount of refrigerant as was present from the factory.

For refrigeration systems in general, it is expected that the capacity of the system would monotonically increase as the condenser air temperature decreases (until further increases are limited by refrigerant mass flow restriction of the expansion device for the lower condensing pressures that would occur for lower condenser air temperatures). This is because the cooler condenser air temperature decreases, with opposite trends for the tests of basic model CBLW10 as compared with CBLW15. These inconsistent results suggest that the capacity measurements are not accurate. The mass flow measurements may not be accurate due to the non-optimal test setup of the refrigeration lines conducting the refrigerant to and from the mass flow meters. Conversely, the data from testing using the “air-side” method follows the expected trend, showing increased capacity as condenser air temperature decreases, with opposite trends for the tests of basic model CBLW10 as compared with CBLW15. These inconsistent results suggest that the capacity measurements are not accurate. “Air-side” capacity measurements are well established for measurement of the capacity of air conditioners (e.g. as described in American Society of Heating and Air-Conditioning Engineers (“ASHRAE”) Standard 37–2009, “Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment”, which is incorporated by reference into the requested alternate test procedure), and the principles of air-conditioner capacity measurement apply equally to the capacity measurement for refrigeration systems.

Therefore, DOE initially agrees that, for the basic models listed in Store It Cold’s petition, the current test procedure produces results unrepresentative of their true energy consumption characteristics and provides materially inaccurate comparative data. Alternatively, DOE notes that the “air-side” method suggested in Store It Cold’s petition does not require installation of a refrigerant mass flow meter or any alteration of the test unit’s refrigerant charge. Further, DOE finds that the test data for the proposed “air-side” method is consistent with the performance expected for refrigeration systems (i.e. refrigeration capacity varies inversely with condenser air temperature).

Based on this review, the alternate test procedure appears to allow for the accurate measurement of the of efficiency of this equipment, while alleviating the testing problems associated with Store It Cold’s implementation of walk-in cooler refrigeration systems testing for the basic models specified in its petition. Consequently, it appears likely that Store It Cold’s petition for waiver will be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant Store It Cold immediate relief pending a determination of the petition for waiver.

DOE recognizes that Store It Cold’s refrigeration system, which is based primarily on an off-the-shelf room air conditioner coupled with its CoolBot controller, is an unconventional one compared to most other walk-in refrigeration systems. The Agency acknowledges, however, that Store It Cold identifies this equipment in its petition as a “single-package[ed] dedicated system” used to refrigerate walk-in units and also offers this equipment as part of a complete walk-in kit. See https://www.storeitcold.com/coolbot-walk-in-cooler/. DOE notes that its decision to grant Store It Cold with an interim waiver in this case is limited to the specific facts presented in this petition. The particular matters discussed might not necessarily reflect how DOE would view similar equipment—but involving
different facts—in other cases that may come before the Department.
For the reasons stated, DOE has issued an Order stating:
(1) Store It Cold must test and rate the following walk-in cooler refrigeration system basic models with the alternate test procedure set forth in paragraph (2):

<table>
<thead>
<tr>
<th>Brand</th>
<th>Basic Model No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CoolBot</td>
<td>CBLW08</td>
</tr>
<tr>
<td>CoolBot</td>
<td>CBLW10</td>
</tr>
<tr>
<td>CoolBot</td>
<td>CBLW12</td>
</tr>
<tr>
<td>CoolBot</td>
<td>CBLW15</td>
</tr>
<tr>
<td>CoolBot</td>
<td>CBLW18</td>
</tr>
<tr>
<td>CoolBot</td>
<td>CBLW25</td>
</tr>
</tbody>
</table>

(2) The alternate test procedure for the Store It Cold basic models listed in paragraph (1) is the test procedure for walk-in cooler refrigeration systems prescribed by DOE at 10 CFR part 431, subpart R, appendix C, except as detailed below. All other requirements of 10 CFR part 431, subpart R, appendix C, and DOE’s regulations remain applicable.

In 10 CFR part 431, subpart R, appendix C, section 3.1. General modifications: Test Conditions and Tolerances revise sections 3.1.1. and 3.1.4., and add instructions in a new section 3.1.6. regarding Tables 3 and 4 of AHRI 1250–2009, to read:

### TABLE 3—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED INDOOR

<table>
<thead>
<tr>
<th>Test description</th>
<th>Unit cooler air entering dry-bulb, °F</th>
<th>Unit cooler air entering relative humidity, (%)</th>
<th>Condenser air entering dry-bulb, °F</th>
<th>Condenser air entering wet-bulb, °F</th>
<th>Compressor capacity</th>
<th>Test objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-cycle Fan Power, Refrigeration Capacity.</td>
<td>35</td>
<td>&lt;50</td>
<td>........................</td>
<td>........................</td>
<td>Compressor Off</td>
<td>Measure fan input wattage during compressor off cycle. Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition.</td>
</tr>
<tr>
<td>Refrigeration Capacity B.</td>
<td>35</td>
<td>&lt;50</td>
<td>95</td>
<td>175, 265</td>
<td>Compressor On</td>
<td></td>
</tr>
<tr>
<td>Refrigeration Capacity C.</td>
<td>35</td>
<td>&lt;50</td>
<td>59</td>
<td>154, 246</td>
<td>Compressor On</td>
<td></td>
</tr>
</tbody>
</table>

**Note:**
1. Required only for evaporative Dedicated Condensing Units.
2. Maximum allowable value for Single-Packaged Dedicated Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

### TABLE 4—FIXED CAPACITY MATCHED REFRIGERATOR SYSTEM AND SINGLE-PACKAGED DEDICATED SYSTEM, CONDENSING UNIT LOCATED OUTDOOR

<table>
<thead>
<tr>
<th>Test description</th>
<th>Unit cooler air entering dry-bulb, °F</th>
<th>Unit cooler air entering relative humidity, (%)</th>
<th>Condenser air entering dry-bulb, °F</th>
<th>Condenser air entering wet-bulb, °F</th>
<th>Compressor capacity</th>
<th>Test objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off Cycle Fan Power, Refrigeration Capacity A.</td>
<td>35</td>
<td>&lt;50</td>
<td>........................</td>
<td>........................</td>
<td>Compressor Off</td>
<td>Measure fan input wattage during compressor off cycle. Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition.</td>
</tr>
<tr>
<td>Refrigeration Capacity B.</td>
<td>35</td>
<td>&lt;50</td>
<td>95</td>
<td>175, 268</td>
<td>Compressor On</td>
<td></td>
</tr>
<tr>
<td>Refrigeration Capacity C.</td>
<td>35</td>
<td>&lt;50</td>
<td>59</td>
<td>154, 246</td>
<td>Compressor On</td>
<td></td>
</tr>
</tbody>
</table>

**Note:**
1. Required only for evaporative Dedicated Condensing Units.
2. Maximum allowable value for Single-Packaged Dedicated Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

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*The Interim Waiver Order applies only to the walk-in cooler refrigeration system basic models manufactured by Store It Cold, or any other manufacturer, even if such basic models use a CoolBot® controller.

In 10 CFR part 431, subpart R, appendix C, section 3.2. General Modifications: Methods of Testing add the following instructions regarding additional modifications to appendix C of AHRI 1250–2009:

3.2.6 In appendix C, section C1. reads: Purpose. The purpose of this appendix is to provide a method of testing for Matched-pair, Single-packaged Dedicated Systems, as well as unit coolers and Dedicated Condensing Units tested alone.

3.2.7 In appendix C, section C5. and C5.1 read as follows:

3.2.7.1 C5 reads: C5. Methods of Testing for walk-in cooler and freezer systems that have matched unit coolers and condensing units. The testing of the walk-in cooler and freezer systems include a steady state test, defrost test and off-cycle fan power test. For single-packaged dedicated systems, calculate the refrigeration capacity and power consumption using the Indoor Air Enthalpy test method and the Outdoor Air Enthalpy test method. The Indoor Air Enthalpy test method shall be considered the primary measurement and used to report capacity. The Outdoor Air Enthalpy test method shall be considered the secondary measurement and used to calculate the Refrigeration Capacity Heat Balance. See Section C10 of this appendix for complete details on each test method.

3.2.7.2 C5.1 reads: The Gross Total Refrigeration Capacity of Unit Coolers for matched-pairs (not including single-packaged dedicated systems) from steady state test shall be determined by either one of the following methods.

3.2.8 In appendix C, section C7.1 reads: Refer to the standard rating conditions for a particular application listed in Section 5 of this standard. Test acceptance criteria listed in Table 2 in section 4 of this standard apply to the Dual Instrumentation and Calibrated Box methods of test. Single-packaged dedicated system test tolerances are listed in each applicable Method of Test outlined in section C10.

3.2.9 In appendix C, section C7.2 reads: Data that need to be recorded during the test are listed in Table C2. For single-packaged dedicated systems tested in accordance with ASHRAE 37–2009, data that need to be recorded during the test are listed in ASHRAE 37–2009.

3.2.10 In appendix C, section C6. Test Chambers Requirements, add C6.3 to read as follows:

C6.3 For all system constructions (split systems, single-packaged, Unit Cooler tested alone, and Dedicated Condensing Unit tested alone), the Unit Cooler under test may be used to aid in achieving the required test chamber ambient temperatures prior to beginning any Steady-state test. However, the unit under test must be free from frost before initiating any Steady-state testing.

For single-packaged dedicated systems, refer to the applicable methods of test for single-packaged dedicated systems listed in section C10 of this appendix.

In 10 CFR part 431, subpart R, appendix C, section 3.3. Matched systems, single-packaged dedicated systems, and unit coolers tested alone, revise the language to read:

3.3 Matched systems, single-packaged dedicated systems, and unit coolers tested alone: Use the test method in AHRI 1250–2009 (incorporated by reference; see § 431.303), appendix C as the method of test for matched refrigeration systems, single-packaged dedicated systems, or unit coolers tested alone, with the modifications listed below in sections 3.3.1 through 3.3.7.2:

In appendix C of AHRI 1250–2009, renumber the following sections and equations, and references to the following sections and equations, as follows:

Section C10 to Section C11;
Section C11 to C12;
Section C11.1 to C12.1;
Section C11.1.1 to C12.1.1;
Equation C11 to C12;
Equation C12 to C13;
Section C11.2 to C12.2;
Section C11.3 to C12.3;
Equation C13 to C14;
Equation C14 to C15;
Equation C15 to C16;
Equation C16 to C17;
Section C12 to C13; and
Section C13 to C14.

Insert the following as sections C10 through C10.2.3, and equation C10:


C10.1 Single-packaged Test Methods.
The suggested alternate test procedure in Store Cold’s petition for waiver referenced equation C24. DOE understands this to be an error and that the appropriate equation to reference is C11.
To achieve a capacity heat balance, the test lab may modify the exterior of the unit under test to reduce leakage and surface losses. Specifically, the lab may add insulation to the outside surface of the single-packaged dedicated system and/or tape and seal sheet metal edges to minimize outdoor ambient air intrusion to the Unit Cooler. After the unit is insulated, rerun the Steady-state test at all applicable rating condition(s). If the measured net capacities still do not balance per Equation C11, then the lab facility and instrumentation are verified as complying with the applicable method of test. However, capacity, power, and all downstream calculations will be based on the results of the primary method from the first test, which occurred before the unit was altered. If the measured net capacities are verified as complying with the applicable method of test. However, capacity, power, and all downstream calculations will be based on the results of the primary method from the first test, which occurred before the unit was altered. If the measured net capacities still do not balance per Equation C11, then the lab facility and instrumentation are considered non-compliant, must be remedied, and all prior tests for the unit under test are considered invalid.

In 10 CFR part 431, subpart R, appendix C, sections 3.3 through 3.3.7.2 replace references to AHRI–1250–2009 sections C10, C11, C11.1, C11.1.1, C11.2, and C11.3, with C11, C12, C12.1, C12.1.1, C12.2, and C12.3, respectively; and replace references to AHRI–1250–2009 equations C13 and C14 with equations C14 and C15, respectively.

(3) Representations. Store It Cold must make representations about the energy use, including the refrigeration capacity (in Btu/h), of basic models referenced in paragraph (1) for compliance, marketing, or other purposes only to the extent that the basic models have been tested in accordance with the provisions in the alternate test procedure and such representations reasonably disclose the results of such testing.

(4) This interim waiver shall remain in effect according to the provisions of 10 CFR 431.401(h) and (k).

(5) This interim waiver is issued to Store It Cold on the condition that the walk-in cooler refrigeration system’s performance characteristics, statements, representations, and documentation provided by Store It Cold are valid. DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models’ true energy consumption characteristics. 10 CFR 430.27(k)(2).

(6) Granting of this interim waiver does not release Store It Cold from the certification requirements set forth at 10 CFR part 429.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, and future basic models that may be manufactured by the petitioner. Store It Cold may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of walk-in cooler refrigeration systems. Alternatively, if appropriate, Store It Cold may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 431.401(g).

V. Request for Comments

DOE is publishing Store It Cold’s petition for waiver in its entirety, pursuant to 10 CFR 431.401(b)(1)(iv). The petition includes a suggested alternate test procedure, as summarized in section III of this document, to determine the efficiency of Store It Cold’s specified walk-in cooler refrigeration systems. DOE may consider including the alternate procedure specified in the Interim Waiver Order, and specified in section IV of this document, in a subsequent Decision and Order.

DOE invites all interested parties to submit in writing by April 29, 2019, comments and information on all aspects of the petition, including the alternate test procedure. Pursuant to 10 CFR 431.401(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is Brian R. Murphy, brian@storeitcold.com, 3879 Tennyson St., Denver, CO 80212.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to http://www.regulations.gov. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents.

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

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

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

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

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

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

Signed in Washington, DC, on March 20, 2019.

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

BILLING CODE 6450–01–P
VIA E-MAIL: AS_Waiver_Requests@ee.doe.gov

Lucy deButts
U.S. Department of Energy Building
Technologies Program Test Procedure
Waiver
1000 Independence Avenue, SW Mailstop
EE-5B
Washington, DC 20585-0121

May 16, 2018

1. **RE: Petition for Waiver and Application for Interim Waiver of the requirement to measure the refrigerant enthalpy change and refrigerant mass flow rate for certain Store It Cold LLC °CoolBot® Walk-In Cooler refrigeration systems incorporating Room Air Conditioning (RAC) window units**

Dear Ms. deButts:

Pursuant to 10 C.F.R. § 431.401, Store It Cold LLC respectfully submits this petition for waiver, and application for interim waiver, of the requirements in Appendix C of the test procedure set forth in AHRI 1250-2009 (incorporated by reference; see §431.303(2)) for Walk-In Coolers and Freezers (WICF) with single-package dedicated refrigeration systems, found at Section 3.3 of Appendix C to Subpart R of 10 C.F.R. Part 431, that specify measurement of the refrigerant enthalpy change and the refrigerant mass flow rate to determine the Gross Total Refrigeration Capacity of the system. Specifically, Store It Cold LLC seeks to waive the ‘refrigerant-side’ measurement requirements for its °CoolBot® Walk-In Cooler refrigeration systems incorporating Room Air Conditioning (RAC) window units, because testing these systems with refrigerant mass flow meters installed, produces results unrepresentative of their true energy consumption characteristics, and would provide materially inaccurate comparative data. As explained below, Store It Cold LLC requests that in lieu of ‘refrigerant-side’ measurements, it be permitted to use psychrometric ‘air-side’ measurements to determine the Gross Total Refrigeration Capacity of these system.

**I. Store It Cold LLC**

Store It Cold LLC manufactures the °CoolBot® controller which when combined with a window air conditioner becomes an energy efficient °CoolBot® Walk-In Cooler refrigeration system. °CoolBot® Walk-In
Cooler refrigeration systems are intended as refrigeration systems for both indoor and outdoor walk-in cooler applications. Where traditional walk-in coolers utilize large compressors, large surface area coils, multiple fans, and large volumes of refrigerant, the CoolBot’s patented technology intelligently controls a much smaller window air conditioner to maintain desired temperatures.

II. Background

Sections C5.1.1 and C5.1.2 in Appendix C of the test procedure set forth in AHRI 1250-2009, specify that the refrigeration capacity shall be determined by measuring the enthalpy change and mass flow rate of the refrigerant. The result of this type of determination method is commonly termed ‘refrigerant-side’ gross capacity, and is represented in AHRI 1250-2009 by the following equation:

‘Refrigerant-Side’ Gross Capacity \[ Q_{ref} = m_{ref} (h_{out} - h_{in}) \]
where
\[ Q_{ref} = \text{Refrigerant-side gross capacity, Btu/h} \]
\[ m_{ref} = \text{Refrigerant mass flow rate, lb/h} \]
\[ h_{out} = \text{Refrigerant enthalpy leaving evaporator, Btu/lb} \]
\[ h_{in} = \text{Refrigerant enthalpy entering evaporator, Btu/lb} \]

Similarly, refrigeration capacity can be determined by measuring the enthalpy change and mass flow rate of the air being conditioned. The result of this type of determination method is commonly termed ‘air-side’ gross capacity, and can be represented by the following equation:

‘Air-Side’ Gross Capacity \[ Q_{air} = m_{air} (h_{airout} - h_{airin}) \]
where
\[ Q_{air} = \text{Air-side gross capacity, Btu/h} \]
\[ m_{air} = \text{Mass flow rate of air circulated, lb/h} \]
\[ h_{airout} = \text{Enthalpy of air and water vapor mixture leaving evaporator, Btu/lb} \]
\[ h_{airin} = \text{Enthalpy of air and water vapor mixture entering evaporator, Btu/lb} \]

III. Basic Models for Which Waiver Is Requested

Store It Cold LLC requests a waiver from the ‘refrigerant-side’ measurement requirements for its °Coo1Bot® Walk-In Cooler refrigeration systems incorporating RAC window units. Specifically, Store It Cold LLC requests a waiver for all basic models listed in the table below by brand name and model number:

<table>
<thead>
<tr>
<th>°Coo1Bot® Walk-In Cooler Refrigeration System Model Matrix</th>
</tr>
</thead>
<tbody>
<tr>
<td>Window Unit Specifications</td>
</tr>
<tr>
<td>Brand</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>CoolBot</td>
</tr>
<tr>
<td>CoolBot</td>
</tr>
<tr>
<td>CoolBot</td>
</tr>
</tbody>
</table>
IV. Grounds for Test Procedure Waiver

DOE’s regulations provide for granting of a test procedure waiver where testing of the basic model according to the prescribed test procedures would “evaluate the basic model in a manner so unrepresentative of its true energy… consumption characteristics as to provide materially inaccurate comparative data.” Store It Cold LLC seeks a waiver from the ‘refrigerant-side’ measurement requirements for its °CoolBot® Walk-In Cooler refrigeration systems incorporating RAC window units, because the prescribed installation of refrigerant mass flow meters, on these systems, so greatly affects the flow of refrigerant that the resulting measurements and calculated capacities become untrustworthy and unrepresentative of their true performance capabilities.

In August of 2017, Intertek Testing Services NA, Inc., a globally recognized and nationally accredited energy efficiency testing resource, at the request of Store It Cold LLC, attempted to conduct baseline performance evaluations on two °CoolBot® Walk-In Cooler refrigeration systems, in accordance with the test procedure set forth in AHRI 1250-2009. All test equipment, used for these tests, was in calibration and is traceable to National Institute of Standards and Technology (NIST) standards. As explained below, in both cases, the introduction of refrigerant mass flow meters significantly impacted the internal refrigeration system volumes and resulted in inconsistent refrigerant mass flow rate measurements and lower than expected capacities.

Figure 1 - Refrigerant-Side Measuring Devices Installed for Attempted AHRI 1250-2009 Testing

See the following website for Figure 1: https://www.regulations.gov/document?D=EERE-2018-BT-WAV-0002-0007.

The steady state capacity tests, prescribed in AHRI 1250-2009, for fixed capacity matched refrigerator systems, with outdoor condensing units, were attempted on a model CBLW10 10,000 BTU unit and a model CBLW15 15,000 BTU unit. Coriolis CMF025 flow meters were installed along with the other required ‘refrigerant-side’ measuring devices and approximately 25ft of additional ¼” copper tubing (see Figure 1). When these refrigeration systems were evacuated and recharged, the corresponding increases in internal refrigeration system volume, required approximately twice the amount of refrigerant as was present from the factory. These attempted AHRI 1250-2009 tests resulted in the inconsistent refrigerant mass flow rates and lower than expected capacities shown in Table 1 below:
Fixed Capacity Matched Single-Package Refrigerator System

Table 1 - Flow Rates & Capacities Resulting from ‘Refrigant-Side’ Measurement Tests

Also see the following website for Table 1: https://www.regulations.gov/document?D=EERE-2018-BT-WAV-0002-0010.

In November of 2017, Intertek attempted to conduct baseline performance evaluations on two additional “CoolBot® Walk-In Cooler refrigeration systems, in accordance with the test procedure set forth in AHRI 1250-2009, using psychrometric ‘air-side’ measurements to determine the capacities. The steady state capacity, prescribed in AHRI 1250-2009, for fixed capacity matched refrigerator systems, with outdoor condensing units, were attempted on a model CBLW08 8,000 BTU unit and a model CBLW25 24,500 BTU unit. These attempted AHRI 1250-2009 tests resulted in the much more consistent measurements and more accurate capacities shown in Table 2 below:

Table 2 - Flow Rates & Capacities Resulting from ‘Refrigant-Side’ Measurement Tests

Also see the following website for Table 2: https://www.regulations.gov/document?D=EERE-2018-BT-WAV-0002-0010.
Figure 2 - Flow Rates & Capacities Resulting from ‘Air-Side’ Measurement Tests

Also see the following website for Table 2: https://www.regulations.gov/document?D=EERE-2018-BT-WAV-0002-0008.

V. Alternative Test Procedures

DOE’s Appendix C to Subpart R of 10 C.F.R. Part 431, as currently promulgated but with the option of using psychrometric ‘air-side’ measurements to determine the Gross Total Refrigeration Capacity of systems incorporating RAC units, constitutes the appropriate alternate test procedure that will provide materially accurate comparative data and allow evaluation of the performance of Store It Cold LLC’s CoolBot® Walk-In Cooler refrigeration systems incorporating RAC window units in a manner representative of their true energy characteristics. Therefore, Store It Cold LLC proposes to test the basic models for which it seeks a waiver by applying the entirety of Appendix C to Subpart R of 10 C.F.R. Part 431, with the following additions/modifications to it and the test procedure set forth in AHRI 1250-2009:

Appendix C to Subpart R of 10 C.F.R. Part 431 Modifications

REVISE THE FOLLOWING SECTIONS

3.1.1. In Table 1, Instrumentation Accuracy, refrigerant temperature measurements shall have a tolerance of ±0.5 F for unit cooler in/out. Temperature measurements used to determine water vapor content of the air shall be accurate to within ±0.4 F, ±1.0 F for all other temperature measurements.

3.1.4. In Tables 2 through 14, the Test Condition Outdoor Wet Bulb Temperature requirement and its associated tolerance apply only to units with evaporative cooling and Single-packaged Systems.

AHRI 1250-2009 Modifications

INCLUDE THE FOLLOWING ADDITIONAL DEFINITIONS

1. Dedicated Condensing Unit. A specific combination of Refrigeration System components for a given refrigerant, consisting of an assembly that

   (1) Includes one or more electric motor driven positive displacement compressors, condensers, and accessories as provided by the manufacturer; and

   (2) Is designed to serve one refrigerated load.
2. Refrigeration System. The mechanism (including all controls and other components integral to the system's operation) used to create the refrigerated environment in the interior of a walk-in cooler or walk-in freezer, consisting of:

A Dedicated Condensing Unit; or

A Unit Cooler.

2.1 Matched Refrigeration System (Matched-pair). A combination of a Dedicated Condensing Unit and one or more Unit Coolers specified by the Dedicated Condensing Unit manufacturer which are all distributed in commerce together. Single-Packaged Dedicated Systems are a subset of Matched Refrigeration Systems.

2.2 Single-packaged Refrigeration System (Single-packaged). A Matched Refrigeration System that is a Single-packaged assembly that includes one or more compressors, a condenser, a means for forced circulation of refrigerated air, and elements by which heat is transferred from air to refrigerant, without any element external to the system imposing resistance to flow of the refrigerated air.

REVISE THE FOLLOWING SECTIONS AND TABLES

C1. Purpose. The purpose of this appendix is to provide a method of testing for Matched-pair, Single-packaged walk-in Refrigeration Systems, as well as unit coolers and Dedicated Condensing Units tested alone.

C5.1 The Gross Total Refrigeration Capacity of Unit Coolers for matched-pairs (not including Single-packaged Systems) from steady state test shall be determined by either one of the following methods.

C7.1 Refer to the standard rating conditions for a particular application listed in Section 5 of this standard. Test acceptance criteria listed in Table 2 in section 4 of this standard apply to the Dual Instrumentation and Calibrated Box methods of test. Single-package dedicated system test tolerances are listed in each applicable Method of Test outlined in section C10.

C7.2 Data that need to be recorded during the test are listed in Table C2. For Single-package dedicated systems tested in accordance with ASHRAE 37-2009, data that need to be recorded during the test are listed in ASHRAE 37-2009.
Table 3. Fixed Capacity Matched Refrigerator System, Condensing Unit Located Indoor

Also see the following website for Table 3: https://www.regulations.gov/document?D=EERE-2018-BT-WAV-0002-0011.

<table>
<thead>
<tr>
<th>Test Description</th>
<th>Unit Cooler Air Entering Dry-bulb, °F</th>
<th>Unit Cooler Air Entering Relative Humidity, %</th>
<th>Condenser Air Entering Dry-bulb, °F</th>
<th>Condenser Air Entering Wet-bulb, °F</th>
<th>Compressor Capacity</th>
<th>Test Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-cycle Fan Power</td>
<td>35</td>
<td>&lt;50</td>
<td>-</td>
<td>-</td>
<td>Compressor Off</td>
<td>Measure fan input wattage during compressor off cycle</td>
</tr>
<tr>
<td>Refrigeration Capacity</td>
<td>35</td>
<td>&lt;50</td>
<td>90</td>
<td>75, 65</td>
<td>Compressor On</td>
<td>Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition</td>
</tr>
</tbody>
</table>

Note:

1. Required only for evaporative Dedicated Condensing Units.
2. Maximum allowable value for Single-packaged Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.

Table 4. Fixed Capacity Matched Refrigerator System, Condensing Unit Located Outdoor

Also see the following website for Table 4: https://www.regulations.gov/document?D=EERE-2018-BT-WAV-0002-0012.
## Table 4. Fixed Capacity Matched Refrigerator System, Condensing Unit Located Outdoor

<table>
<thead>
<tr>
<th>Test Description</th>
<th>Unit Cooler Air Entering Dry-bulb, °F</th>
<th>Unit Cooler Air Entering Relative Humidity, %</th>
<th>Condenser Air Entering Dry-bulb, °F</th>
<th>Condenser Air Entering Wet-bulb, °F</th>
<th>Compressor Capacity</th>
<th>Test Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off Cycle Fan Power</td>
<td>35</td>
<td>&lt;50</td>
<td></td>
<td></td>
<td>Compressor Off</td>
<td>Measure fan input wattage during compressor off cycle</td>
</tr>
<tr>
<td>Refrigeration Capacity A</td>
<td>35</td>
<td>&lt;50</td>
<td>95</td>
<td>75&lt;sup&gt;1&lt;/sup&gt;, 68&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Compressor On</td>
<td>Determine Net Refrigeration Capacity of Unit Cooler, input power, and EER at Rating Condition</td>
</tr>
<tr>
<td>Refrigeration Capacity B</td>
<td>35</td>
<td>&lt;50</td>
<td>59</td>
<td>54&lt;sup&gt;1&lt;/sup&gt;, 46&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Compressor On</td>
<td>Determine Net Refrigeration Capacity of Unit Cooler and system input power at moderate condition</td>
</tr>
<tr>
<td>Refrigeration Capacity C</td>
<td>35</td>
<td>&lt;50</td>
<td>35</td>
<td>34&lt;sup&gt;1&lt;/sup&gt;, 29&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Compressor On</td>
<td>Determine Net Refrigeration Capacity of Unit Cooler and system input power at cold condition</td>
</tr>
</tbody>
</table>

**Note:**

1. Required only for evaporative Dedicated Condensing Units.
2. Maximum allowable value for Single-packaged Systems that do not use evaporative Dedicated Condensing Units, where all or part of the equipment is located in the outdoor room.
C5.2 For Single-packaged Systems, calculate the refrigeration capacity and power consumption using the Indoor Air Enthalpy test method and the Outdoor Air Enthalpy test method. The Indoor Air Enthalpy test method shall be considered the primary measurement and used to report capacity. The Outdoor Air Enthalpy test method shall be considered the secondary measurement and used to calculate the Refrigeration Capacity Heat Balance. See Section C10 of this appendix for complete details on each test method.

C6.1 For all system constructions (split systems, Single-packaged, Unit Cooler tested alone, and Dedicated Condensing Unit tested alone), the Unit Cooler under test may be used to aid in achieving the required test chamber ambient temperatures prior to beginning any Steady-state test. However, the unit under test must be free from frost before initiating any Steady-state testing.

C6.4 For Single-package Systems, refer to the applicable methods of test for Single-package systems listed in section C10 of this appendix.

Figure C3 - Air Enthalpy Method
Also see the following website for Figure C3: https://www.regulations.gov/document?D=EERE-2018-BT-WAV-0002-0009.

**INSERT THE FOLLOWING ADDITIONAL SECTIONS BEFORE C10 AND THE INCLUDE EQUATION BEFORE C11 & RE-NUMBER REMAINING SECTIONS AND EQUATIONS**


C10.1 Single-packaged Test Methods.

C10.1.1 Indoor Air Enthalpy Method. Determine Net Refrigeration Capacity of Unit Cooler and input power in accordance with ASHRAE 37-2009, Figure C3, and the following modifications.

C10.1.1.1 Space conditioning capacity is determined by measuring airflow rate and the dry-bub temperature and water vapor content of the air that enters and leaves the coil. Air enthalpies shall be determined in accordance with ANSI ASHRAE 41.6. Entering air is to be sufficiently dry as to not produce frost on the Unit Cooler coil. Therefore, only sensible capacity measured by dry bulb change shall be used to calculate capacity.

C10.1.1.2 Test Setup for Non-Ducted Unit Coolers. A single outlet plenum box shall be constructed in a cubic arrangement. The length of the longest dimension of the Unit Cooler outlet shall be used to determine the dimension of the cube outlet plenum. Four static pressure taps shall be installed in the center of each face. A 6" inlet plenum skirt shall be installed with four static pressure taps at each center face as well. Airflow shall be adjusted by the exhaust fan on the airflow plenum to achieve 0.00"WC (± 0.02"WC).

C10.1.2 Outdoor Air Enthalpy Method. Determine Net Refrigeration Capacity of Unit Cooler and input power in accordance with ASHRAE 37-2009, Figure C3, and the following modifications.

C10.1.2.1 Outdoor Air Enthalpy is only applicable on Dedicated Condensing Units for which the leaving air can be fully captured. Space conditioning capacity is determined by measuring airflow rate and the dry-bub [sic] temperature and water vapor content of the air that enters and leaves the coil. Air enthalpies shall be determined in accordance with ANSI ASHRAE 41.6. Line loss adjustments in section 7.3.3.4 of ASHRAE 37-2009 are not applicable to package units.

C10.2 Allowable Refrigeration Capacity Heat Balance.

C10.2.1 Following the completion of the Steady-state capacity test, for each rating condition, the measured net capacities of the primary and secondary test methods must balance within 6%, per Equation C24

\[-6\% \leq \frac{Q_{\text{net,primary}} - Q_{\text{net,secondary}}}{Q_{\text{net,primary}}} \times 100\% \leq 6\%\]  

C11
C10.2.2 If measured net capacities do not balance per Equation C11, investigate all potential test facility leaks and/or non-conformances. If no leaks or non-conformances are detected, proceed to Section C10.2.3. If any leaks or non-conformances are detected, remedy the concerns and rerun the Steady-state test at all applicable rating condition(s). If the measured net capacities balance per Equation C11, the test is considered valid and capacity and power measurements from the primary method of the second test will be used. If the measured net capacities still do not balance per Equation C11, proceed to Section C10.2.3.

C10.2.3 To achieve a capacity heat balance, the test lab may modify the exterior of the unit under test to reduce leakage and surface losses. Specifically, the lab may add insulation to the outside surface of the Single-package system and/or tape and seal sheet metal edges to minimize outdoor ambient air intrusion to the Unit Cooler. After the unit is insulated, rerun the Steady-state test at all applicable rating condition(s). If the measured net capacities balance per Equation C11, then the lab facility and instrumentation are verified as complying with the applicable method of test. However, capacity, power, and all downstream calculations will be based on the results of the primary method from the first test, which occurred before the unit was altered. If the measured net capacities still do not balance per Equation C11, then the lab facility and instrumentation are considered non-compliant, must be remedied, and all prior tests for the unit under test are considered invalid.

Note: Certain content phrasing and figures provided courtesy of The Air-Conditioning, Heating, and Refrigeration Institute (AHRI).

VI. Similar Products

Store It Cold LLC is not aware of any other manufacturers offering Walk-In Cooler refrigeration systems comprised of RAC window units and proprietary controllers.

VII. Petition for Interim Waiver

Pursuant to 10 CFR § 431.401, Store It Cold LLC also requests an interim waiver of the ‘refrigerant-side’ measurement requirements for its "CoolBot® Walk-In Cooler" refrigeration systems incorporating RAC window units. DOE will grant an interim waiver if it appears likely that the petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver (10 CFR § 431.401(e)(2)). Interim relief is important to ensure that Store It Cold LLC can make materially accurate representations about the energy efficiency of its "CoolBot® Walk-In Cooler" refrigeration systems in its certifications to the DOE and marketing materials while DOE is considering the merits of Store It Cold LLC’s petition for waiver.

Basic Models for Which Interim Waiver Is Requested: Store It Cold LLC requests an interim waiver for all basic models listed in the table below by brand name and model number:
Also see the following website for Table-Model Matrix: https://www.regulations.gov/document?D=EERE-2018-BT-WAV-0002-0013.

**Likely Success of the Petition for Waiver:** For the reasons outlined above, Store It Cold LLC believes that there are strong arguments for granting the petition for waiver on the merits. Specifically, Intertek’s attempted testing of °CoolBot® Walk-In Cooler refrigeration systems incorporating RAC window units, with refrigerant mass flow meters installed, showing that the increased internal volume of the refrigeration systems and the corresponding increases in the amount of refrigerant causes inconsistent flow rates and lower than expected capacity calculations.

**Economic Hardship and/or Competitive Disadvantage:** If Store It Cold LLC must continue to comply with the ‘refrigerant-side’ measurement requirements for its °CoolBot® Walk-In Cooler refrigeration systems incorporating RAC window units, these systems will be disadvantaged in the market relative to other types of refrigeration systems for which ‘refrigerant-side’ measurements are possible. As shown above, the prescribed test set-up required for obtaining these measurements produces measurements and capacities that are unrepresentative of their true performance capabilities and thus prevents certification and distribution of these basic models in commerce.

**Public Policy Reasons to Grant Interim Waiver:** Without an interim waiver, these energy efficient walk-in coolers will be unavailable to consumers and is inconsistent with the policy objectives of EPCA. The °CoolBot® Walk-In Cooler refrigeration systems incorporating RAC window units provide an economical refrigeration solution for small independent farmers and businesses that do not otherwise have the financial means for cold storage. This technology enables them to provide higher quality goods, extends the life of their products, and offers improved food safety.

For all of these reasons, the Department should grant an interim waiver while it considers the petition for waiver set out above.
VIII. Conclusion

For the reasons stated above, Store It Cold LLC respectfully requests that DOE grant this petition for waiver of the ‘refrigerant-side’ measurement requirements with respect to its CoolBot® Walk-In Cooler refrigeration systems incorporating RAC window units. Store It Cold LLC further requests DOE to grant its request for an interim waiver while its petition for waiver is under consideration.

If you have any questions or would like to discuss this request, please contact me at (720) 456-1178. We greatly appreciate your attention to this matter.

/s/

[FR Doc. 2019–06100 Filed 3–28–19; 8:45 am]
DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1405–000]

Precept Power 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 Precept Power 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 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) or 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.

eFilings are 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 25, 2019.

Nathaniel J. Davis, Sr., Deputy Secretary.

[FR Doc. 2019–06119 Filed 3–28–19; 8:45 am] BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1392–000]

High Lonesome Mesa Wind, 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 High Lonesome Mesa Wind, 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 April 15, 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.

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 25, 2019.

Nathaniel J. Davis, Sr., Deputy Secretary.

[FR Doc. 2019–06120 Filed 3–28–19; 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

Applicants: Mississippi Canyon Gas Pipeline, L.L.C.
Description: Compliance filing MCCP Further Extension of Time to file Form 501–G.
 Filed Date: 3/22/19.
Accession Number: 20190322–5168.
Comments Due: 5 p.m. ET 3/27/19.
Applicants: Algonquin Gas Transmission, LLC.
Description: Compliance filing Algonquin Order 587–Y (Docket RM96–1–041) Compliance Filing to be effective 8/1/2019.
 Filed Date: 3/21/19.
Accession Number: 20190321–5002.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: NEXUS Gas Transmission, LLC.
Description: Compliance filing NEXUS Order 587–Y (Docket RM96–1–041) Compliance Filing to be effective 8/1/2019.
 Filed Date: 3/21/19.
Accession Number: 20190321–5003.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: Big Sandy Pipeline, LLC.
Description: Compliance filing Big Sandy Order 587–Y (Docket RM96–1–041) Compliance Filing to be effective 8/1/2019.
 Filed Date: 3/21/19.
Accession Number: 20190321–5021.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: Gulfstream Natural Gas System, L.L.C.
Description: Compliance filing Gulfstream Order 587–Y (Docket RM96–1–041) Compliance Filing to be effective 8/1/2019.
 Filed Date: 3/21/19.
Accession Number: 20190321–5028.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: Iroquois Gas Transmission, L.P.
 Filed Date: 3/21/19.
Accession Number: 20190321–5036.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: Iroquois Gas Transmission System, L.P.
 Filed Date: 3/21/19.
Accession Number: 20190321–5042.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: Iroquois Gas Transmission System, L.P.
 Filed Date: 3/21/19.
Accession Number: 20190321–5045.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: Granite State Gas Transmission, Inc.
Description: Compliance filing Map Compliance Filing to be effective 5/1/2019.
 Filed Date: 3/21/19.
Accession Number: 20190321–5101.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: Mississippi Canyon Gas Pipeline, L.L.C.
Description: Compliance filing Mississippi Canyon Gas Pipeline, L.L.C.
Description: Compliance filing Garden Banks Gas Pipeline, LLC.
Description: Compliance filing Garden Banks Order 587–Y (RM96–1–041) Compliance Filing to be effective 8/1/2019.
 Filed Date: 3/21/19.
Accession Number: 20190321–5035.
Comments Due: 5 p.m. ET 4/2/19.
Docket Numbers: RP19–858–000.
Applicants: Southeast Supply Header, LLC.
Description: Compliance filing SESH Order 587–Y (Docket RM96–1–041) Compliance Filing to be effective 8/1/2019.
 Filed Date: 3/21/19.
Accession Number: 20190321–5036.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: Iroquois Gas Transmission System, L.P.
 Filed Date: 3/22/19.
Accession Number: 20190322–5003.
Comments Due: 5 p.m. ET 4/3/19.
Applicants: Iroquois Gas Transmission System, L.P.
 Filed Date: 3/22/19.
Accession Number: 20190322–5005.
Comments Due: 5 p.m. ET 4/3/19.
Applicants: Enable Gas Transmission, LLC.
Description: Annual Revenue Crediting Filing of Enable Gas Transmission, LLC under RP19–868.
 Filed Date: 3/21/19.
Accession Number: 20190321–5176.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Compliance filing Flow Through of Cash Out Revenues filed on 3/22/19.
 Filed Date: 3/21/19.
Accession Number: 20190321–5176.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: Nautilus Pipeline Company, L.L.C.
Description: Compliance filing Nautilus Order 587Y (RM96–1–041) Compliance Filing to be effective 8/1/2019.
 Filed Date: 3/21/19.
Accession Number: 20190321–5176.
Comments Due: 5 p.m. ET 4/2/19.
Applicants: El Paso Natural Gas Company, L.L.C.
DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

Endeavor Wind I, 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 Endeavor Wind I, 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 April 11, 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.

DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

[Docket No. ER19–1402–000]

Coyote Ridge Wind, 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 Coyote Ridge Wind, 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 April 11, 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
DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1394–000]

Endeavor Wind II, 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 Endeavor Wind II, 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 April 11, 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 22, 2019.
Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2019–06124 Filed 3–28–19; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

- **Docket Numbers:** ER18–1709–001.
  - **Applicants:** Stoneray Power Partners, LLC.
  - **Description:** Notice of Change in Status of Stoneray Power Partners, LLC. 
  - **Filed Date:** 3/22/19.

- **Docket Numbers:** 20190322–5094.
  - **Applicants:** Precept Power LLC.
  - **Description:** Baseline eTariff Filing: INITIAL TARIFF, WAIVERS AND BLANKET AUTHORITY to be effective 5/1/2019.
  - **Filed Date:** 3/22/19.

These filings were received the following electric rate filings:

- **Docket Numbers:** ER19–1408–000.
  - **Applicants:** Midcontinent Independent System Operator, Inc., Great River Energy.
  - **Description:** § 205(d) Rate Filing: 2019–03–22 SA 3292 GRE- DLP TIA (Frog Creek Bypass Switch) to be effective 3/1/2019.
  - **Filed Date:** 3/22/19.

- **Docket Numbers:** ER19–1409–000.
  - **Applicants:** Birdsboro Power LLC.
  - **Description:** Baselne eTariff Filing: Reactive Power Tariff Application to be effective 5/1/2019.
  - **Filed Date:** 3/22/19.

These filings were received the following electric rate filings:

- **Docket Numbers:** ER19–1394–000.
  - **Applicants:** Endeavor Wind II, LLC.
  - **Description:** § 205(d) Rate Filing: MAIT submits OIA SA Nos. 4577 and 4578 to be effective 5/21/2019.
  - **Filed Date:** 3/22/19.

These filings were received the following electric rate filings:

- **Docket Numbers:** ER19–1410–000.
  - **Applicants:** GenOn California South, LP.
  - **Description:** § 205(d) Rate Filing: Notice of Succession and Revisions to MBR Tariff and Request for Waivers to be effective 3/11/2019.
  - **Filed Date:** 3/22/19.

These filings were received the following electric rate filings:

- **Docket Numbers:** ER19–1411–000.
  - **Applicants:** GenOn Chalk Point, LLC.
  - **Description:** § 205(d) Rate Filing: Notice of Succession and Revisions to MBR Tariff and Request for Waivers to be effective 3/11/2019.
  - **Filed Date:** 3/22/19.

These filings were received the following electric rate filings:

- **Docket Numbers:** ER19–1412–000.
  - **Applicants:** GenOn Bowline, LLC.
  - **Description:** § 205(d) Rate Filing: Notice of Succession and Revisions to MBR Tariff and Request for Waivers to be effective 3/11/2019.
  - **Filed Date:** 3/22/19.

These filings were received the following electric rate filings:

- **Docket Numbers:** ER19–1413–000.
  - **Applicants:** GenOn Canal, LLC.
  - **Description:** § 205(d) Rate Filing: Notice of Succession and Revisions to MBR Tariff and Request for Waivers to be effective 3/11/2019.
  - **Filed Date:** 3/22/19.

These filings were received the following electric rate filings:

- **Docket Numbers:** ER19–1414–000.
  - **Applicants:** GenOn REMA, LLC.
  - **Description:** § 205(d) Rate Filing: Notice of Succession and Revisions to MBR Tariff and Request for Waivers to be effective 3/11/2019.
  - **Filed Date:** 3/22/19.
Description: § 205(d) Rate Filing: Notice of Succession and Revisions to MBR Tariff and Request for Waivers to be effective 3/11/2019.

Filed Date: 3/22/19.
Accession Number: 20190322–5110.
Comments Due: 5 p.m. ET 4/12/19.
Applicants: GenOn Florida, LP.

Description: § 205(d) Rate Filing: Notice of Succession and Revisions to MBR Tariff and Request for Waivers to be effective 3/11/2019.

Filed Date: 3/22/19.
Accession Number: 20190322–5111.
Comments Due: 5 p.m. ET 4/12/19.
Applicants: GenOn Wholesale Generation, LP.

Description: § 205(d) Rate Filing: Notice of Succession and Revisions to MBR Tariff and Request for Waivers to be effective 3/11/2019.

Filed Date: 3/22/19.
Accession Number: 20190322–5113.
Comments Due: 5 p.m. ET 4/12/19.
Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: OATT Revised Attachment H–1 (Rev Depreciation Rates 2019) to be effective 6/1/2019.

Filed Date: 3/22/19.
Accession Number: 20190322–5114.
Comments Due: 5 p.m. ET 4/12/19.

Description: § 205(d) Rate Filing: 2019–03–22 Gridforce Dynamic Transfer Balancing Authority Operating Agreement to be effective 5/22/2019.

Filed Date: 3/22/19.
Accession Number: 20190322–5117.
Comments Due: 5 p.m. ET 4/12/19.
Applicants: Duke Energy Indiana, LLC.

Description: § 205(d) Rate Filing: 2019 Annual Reconciliation Filing to be effective 7/1/2018.

Filed Date: 3/22/19.
Accession Number: 20190322–5143.
Comments Due: 5 p.m. ET 4/12/19.
Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 4360; Queue No. AA1–080 to be effective 5/2/2019.

Filed Date: 3/22/19.
Accession Number: 20190322–5144.
Comments Due: 5 p.m. ET 4/12/19.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH19–8–000.
Applicants: Pacolet Milliken Enterprises, LLC.

Description: Pacolet Milliken Enterprises, LLC submits FERC 65–B Waiver Notification.

Filed Date: 3/22/19.
Accession Number: 20190322–5136.
Comments Due: 5 p.m. ET 4/12/19.

The filings are accessible in the Commission’s eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission’s Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: http://www.ferc.gov/docs-filing/efiling/filing-req.pfd. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 22, 2019.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2019–06121 Filed 3–28–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–111–000 Corporation]

CenterPoint Energy Resources; Notice of Application

Take notice that on March 19, 2019, CenterPoint Energy Resources Corporation (CERC), 401 West Capitol Avenue, Suite 102, Little Rock, AR 72201, filed in Docket No. CP19–111–000 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, without further authorization from the Commission. CERC requests a service area determination with respect to CERC’s activities as a local distribution company (LDC) in the states of Arkansas, Louisiana, and Texas.

CERC also requests: (i) A finding that CERC qualifies as an LDC for the purposes of section 311 of the Natural Gas Policy Act of 1978 (NGPA); (ii) a waiver of the Commission’s accounting and reporting requirements and other regulatory requirements ordinarily applicable to natural gas companies under the NGA and the NGPA; and (iii) such further relief as the Commission may deem appropriate, all as more fully described in the application which is on file with the Commission and open to public inspection.

The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission’s website 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, (888) 208–3676 or TTY, (202) 502–8659.

Any questions concerning this application may be directed to Debra Ann Palmer, Reed Smith LLP, 1301 K Street NW, Washington, DC 20005, by telephone at (202) 414–9200, or by email dpalmer@reedsmith.com; or Stephanie Hammons, Associate General Counsel, CenterPoint Energy, 401 West Capitol Avenue, Suite 102, Little Rock, AR 72201, by telephone at (501) 377–4612, or by email stephanie.hammons@centerpointenergy.com.

Pursuant to section 157.9 of the Commission’s rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission’s public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff’s issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission’s public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff’s FEIS or EA.

There are two ways to become involved in the Commission’s review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission’s Rules of Practice and
Procedural 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 procedure concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding. 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 p.m. Eastern time on April 15, 2019.

Dated: March 25, 2019.

Kimberly D. Bose,
Secretary.

[FR Doc. 2019–06083 Filed 3–28–19; 8:45 am]
BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY


Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for the Surface Coating of Large Household and Commercial Appliances (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for the Surface Coating of Large Household and Commercial Appliances (EPA ICR Number 1954.07, OMB Control Number 2060–0057), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2019. Public comments were previously requested, via the Federal Register, on May 30, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 29, 2019.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0076, to: (1) EPA online using www.regulations.gov (our preferred method), or by email to docket.oeca@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to oira_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: yellin.patrick@epa.gov.

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA’s public docket, visit: http://www.epa.gov/dockets.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Surface Coating of Large Household and Commercial Appliances (40 CFR part 63, subpart NNNN) apply to both existing and new facilities that perform surface coating of large household and commercial appliances and related parts where the total Hazardous Air Pollutants (HAPs) emitted are greater than or equal to 10 tons per year of any one HAP, or where the total HAPs emitted are greater than or equal to 25 tons per year of any combination of HAPs. New facilities include those that commenced construction or reconstruction after the date of proposal. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or

malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP. This information is being collected to assure compliance with 40 CFR part 63, subpart NNNN.

Form Numbers: None.
Respondents/affected entities: Facilities that perform surface coating of large household and commercial appliances and related parts.
Respondent’s obligation to respond: Mandatory (40 CFR part 63, subpart NNNN).

Estimated number of respondents: 10 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 3,870 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $429,000 (per year), which includes $5,400 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is an adjustment decrease in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The change in the burden and cost estimates occurred due to a decrease in the total number of facilities subject to the NESHAP. The estimate is based on EPA’s recent reevaluation of the source category inventory associated with the recently-proposed amendments to 40 CFR part 63, subpart NNNN (83 FR 46262, September 12, 2018). Per EPA’s reevaluation, the number of respondents in the source category has decreased from the estimates in the 2002 final rule because the final rule included assumptions regarding several facilities that were not major sources of HAP. Additionally, there have been changes within the large appliance surface coating industry that result in fewer facilities being subject to the NESHAP. For example, many facilities that used liquid coatings have switched to powder coatings, or have switched to plastic parts and stainless steel instead of painted steel parts, or are using precoated metal coils instead of coating finished parts. As a result, there is a much smaller number of major sources. In addition to the burden decrease from the decreased number of respondents, there is also a burden decrease in the operating and maintenance costs due to the determination that only one affected source uses an emission control device to comply with the NESHAP. These changes result in an overall decrease in the labor hours O&M costs, and number of responses.

Courtney Kerwin,
Director, Regulatory Support Division.

ENVIRONMENTAL PROTECTION AGENCY
[ER–FRL–9904–1]

Environmental Impact Statements; Notice of Availability


Weekly receipt of Environmental Impact Statements
Filed 03/18/2019 through 03/22/2019 Pursuant to 40 CFR 1506.9

Notice
Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA’s comment letters on EISs are available at: https://cdknodengn.epa.gov/cdx-enepa-public/action/eis/search.

EIS No. 20190036, Draft Supplement, NRCS, MO, Supplemental Environmental Impact Statement
Little Otter Creek Watershed Plan
Comment Period Ends: 05/13/2019
Contact: Chris Hamilton 573–876–0912.

EIS No. 20190037, Final, FHWA, NC, I–4400/I–4700 I–26 Widening

Under 23 U.S.C. 139(n)(2), FHWA has issued a single document that consists of a final environmental impact statement and record of decision. Therefore, the 30-day wait/review period under NEPA does not apply to this action.


EIS No. 20190041, Final, DOE, TX, ADOPTION—Texas LNG Project
Texas LNG Brownsville LLC, Contact: Brian Lavoie 202–586–2459.

The Department of Energy (DOE) has adopted the Federal Energy Regulatory Commission’s Final EIS No. 20190034, filed 02/22/2019 with the EPA. DOE was a cooperating agency on this project. Therefore, recirculation of the document is not necessary under Section 1506.3(c) of the CEQ regulations.

Dated: March 25, 2019.
Robert Tomiak,
Director, Office of Federal Activities.

ENVIRONMENTAL PROTECTION AGENCY
[FRL–9991–22–OA]

Meetings of the Local Government Advisory Committee and the Small Communities Advisory Subcommittee

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.
SUMMARY: The Local Government Advisory Committee (LGAC) will meet in Washington, DC, on Thursday, May 2, 2019, 9:30 a.m.–5:35 p.m. (EDT), and Friday, May 3, 2019, 10:00 a.m.–12:30 p.m. (EDT). The focus of the Committee meeting will be on issues pertaining to water and water infrastructure issues; Waters of the U.S., emerging contaminants; superfund and brownfields; risk communication and other issues in EPA’s Strategic Plan. The Small Communities Advisory Subcommittee (SCAS) will meet in Washington, DC, on Friday, May 3, 2019, 8:00 a.m.–9:00 a.m. (EDT). The Subcommittee will discuss water infrastructure, community revitalization, agricultural issues, and other issues and recommendations to the Administrator regarding environmental issues affecting small communities.

These are open meetings, and all interested persons are invited to participate. The SCAS will hear comments from the public between 8:40 a.m. and 8:45 a.m. on Friday, May 3, 2019. The LGAC will hear comments from the public between 10:20 a.m. and 10:30 a.m. on Friday, May 3, 2019. Individuals or organizations wishing to address the Subcommittee or the
Committee will be allowed a maximum of five minutes to present their point of view. Also, written comments should be submitted electronically to eargle.frances@epa.gov for the LGAC and to mercurio.cristina@epa.gov for the SCAS. Please contact the Designated Federal Officers (DFO) at the numbers listed below to schedule a time on the agenda. Time will be allotted on a first-come first-serve basis, and the total period for comments may be extended if the number of requests for appearances requires it.

ADDRESS: The Local Government Advisory Committee meetings will be held at the U.S. Environmental Protection Agency, Conference Room 1153, William Jefferson Clinton EPA East Building, 1201 Constitution Avenue NW, Washington, DC 20460. The Small Communities Advisory Subcommittee meetings will be held at the U.S. Environmental Protection Agency, Conference Room 1153, William Jefferson Clinton EPA East Building, 1201 Constitution Avenue NW, Washington, DC 20460. Meeting summaries will be available after the meeting online at www.epa.gov/ocir/scas lgac/lgac_index.htm and can be obtained by written request to the DFO. In the event of cancellation for unforeseen circumstances, please contact the designated federal officer(s) for reschedule information.

FOR FURTHER INFORMATION CONTACT: Local Government Advisory Committee (LGAC) contact Frances Eargle, Designated Federal Officer, at (202) 564–3115 or email at eargle.frances@epa.gov, and Small Communities Advisory Subcommittee (SCAS), contact Cristina Mercurio, Designated Federal Officer, at (202) 564–6481 or email at mercurio.cristina@epa.gov.

Information on Services for Those With Disabilities: For information on access or services for individuals with disabilities, please contact Frances Eargle at (202) 564–3115 or email at eargle.frances@epa.gov. To request accommodation of a disability, please request it 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: March 11, 2019.

Jack Bowles,
Director, State and Local Relations, Office of Congressional and Intergovernmental Relations.

[FR Doc. 2019–06130 Filed 3–28–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9990–96–ORD]

Ambient Air Monitoring Reference and Equivalent Methods; Designation of One New Equivalent Method

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of the designation of a new equivalent method for monitoring ambient air quality.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has designated one new equivalent method for measuring concentrations of ozone (O₃) in ambient air.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: In accordance with regulations at 40 CFR part 53, the EPA evaluates various methods for monitoring the concentrations of those ambient air pollutants for which EPA has established National Ambient Air Quality Standards (NAAQS) as set forth in 40 CFR part 50. Monitoring methods that are determined to meet specific requirements for adequacy are designated by the EPA as either reference or equivalent methods (as applicable), thereby permitting their use under 40 CFR part 58 by States and other agencies for determining compliance with the NAAQS. A list of all reference or equivalent methods that have been previously designated by EPA may be found at http://www.epa.gov/ttn/amtic/criteria.html.

The EPA hereby announces the designation of one new equivalent method for measuring concentrations of O₃ in ambient air. This designation is made under the provisions of 40 CFR part 53, as amended on October 26, 2015 (80 FR 65291–65468). The new equivalent method for O₃ is an automated method (analyzer) utilizing the measurement principle based on UV photometry. This newly designated equivalent method is identified as follows:

EQOA–0219–251, “KENTEK Inc. Model MEZUS 410 O₃ Analyzer,” UV photometric analyzer operated in a range of 0–0.5 ppm, with 0.5 µm, 47 mm diameter Teflon® filter installed, operated at temperatures between 20 °C and 30 °C, with temperature and pressure compensation, at a nominal sampling flow rate of 800 cc/min, using a 5 minute averaging time, with either 105VAC–125VAC or 200VAC–240VAC input power options installed, 230-watt power consumption, equipped with 7 inch LCD touch screen display, and operated according to the KENTEK Inc. Model MEZUS 410 Ozone Analyzer User’s Instruction Manual. This application for a reference method determination for this O₃ method was received by the Office of Research and Development on January 29, 2019. This analyzer is commercially available from the applicant, KENTEK Inc., Hansin S–MECA 65, Techno 3-ro, Yuseong-gu, Daejeon 34016, Korea. A representative test analyzer was tested in accordance with the applicable test procedures specified in 40 CFR part 53, as amended on October 26, 2015. After reviewing the results of those tests and other information submitted by the applicant, EPA has determined, in accordance with part 53, that this method should be designated as an equivalent method.

As a designated equivalent method, this method is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, this method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (e.g., configuration or operational settings) specified in the designated method description (see the identification of the method above).


Consistent or repeated noncompliance with any of these conditions should be reported to: Director, Exposure Methods and Measurement Division (MD–E205–01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.
Designation of this equivalent method is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

Dated: March 8, 2019.

Timothy Watkins,  
Director, National Exposure Research Laboratory.

FR Doc. 2019–06132 Filed 3–28–19; 8:45 am
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY  

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Standardized Permit for RCRA Hazardous Waste Management Facilities (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Standardized Permit for RCRA Hazardous Waste Management Facilities (EPA ICR Number 1935.06, OMB Control Number 2050–0182) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2019. Public comments were previously requested via the Federal Register on October 29, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 29, 2019.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0691, to (1) EPA, either online using www.regulations.gov (our preferred method), or by email to nire_submission@epa.eop.gov; or by mail to: RCRA Docket (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; and (2) OMB via email to oir_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA’s policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Jeff Gaines, Office of Resource Conservation and Recovery, (5303P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–308–8655; fax number: 703–308–8617; email address: gaines.jeff@epa.gov.

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA’s public docket, visit http://www.epa.gov/dockets.

Abstract: Under the authority of sections 3004, 3005, 3008 and 3101 of the Resource Conservation and Recovery Act (RCRA), as amended, EPA revised the RCRA hazardous waste permitting program to allow a “standardized permit.” The standardized permit is available to facilities that generate hazardous waste and routinely manage the waste on-site in non-thermal units such as tanks, containers, and containment buildings. In addition, the standardized permit is available to facilities that receive hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and then store or non-thermally treat the hazardous waste in containers, tanks, or containment buildings. The RCRA standardized permit consists of two components: A uniform portion that is included in all cases, and a supplemental portion that the Director of a regulatory agency includes at his or her discretion. The uniform portion consists of terms and conditions, relevant to the unit(s) at the permitted facility, and is established on a national basis. The Director, at his or her discretion, may also issue a supplemental portion on a case-by-case basis. The supplemental portion imposes site-specific permit terms and conditions that the Director determines necessary to institute corrective action under section 264.101 (or state equivalent), or otherwise necessary to protect human health and the environment. Owners and operators have to comply with the terms and conditions in the supplemental portion, in addition to those in the uniform portion.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are business or other for-profit.

Respondent’s obligation to respond: Voluntary (40 CFR 270.275).

Estimated number of respondents: 1.

Frequency of response: One time.

Total estimated burden: 218 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $11,612 (per year), includes $525 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 13,730 hours for this renewal. This decrease is based on the decrease from the estimated number of respondents from 86 to 1. In the 13 years since the Standardized Permit Rule was finalized, there has only been one such permit issued.

Courtney Kerwin,  
Director, Regulatory Support Division.

FR Doc. 2019–06132 Filed 3–28–19; 8:45 am
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION  
[OMB 3006–0466]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the
quality, utility, and clarity of the
information collected; ways to minimize
the burden of the collection of
information on the respondents,
including the use of automated
collection techniques or other forms
of information technology; and ways to
further reduce the information
collection burden on small business
concerns with fewer than 25 employees.

The FCC may not conduct or sponsor
a collection of information unless it
displays a currently valid OMB control
number. No person shall be subject to
any penalty for failing to comply with
a collection of information subject to the
PRA that does not display a valid OMB
control number.

DATES: Written PRA comments should
be submitted on or before May 28, 2019.
If you anticipate that you will be
submitting comments, but find it
difficult to do so within the period of
time allowed by this notice, you should
advise the contact listed below as soon
as possible.

ADDRESSES: Direct all PRA comments to
Cathy Williams, FCC, via email PRA@
fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For
additional information about the
information collection, contact Cathy
Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:
OMB Control Number: 3060–0466.
Title: Sections 74.783, 73.1201 and
74.1283, Station Identification.
Form Number: Not applicable.
Type of Review: Extension of a
currently approved collection.
Respondents: Business or other for-
profit entities; Not for-profit
institutions; State, Local or Tribal
Government.
Number of Respondents and
Responses: 27,516 respondents; 27,516
responses.
Estimated Time per Response: 0.166–
1 hour.
Frequency of Response: On occasion
reporting requirement; Recordkeeping
requirement; Third party disclosure
requirement.
Obligation to Respond: Required to
obtain or maintain benefits. The
statutory authority for this collection of
information is contained in 47 U.S.C.
151, 152, 154(i), 303, 307 and 308.
Total Annual Burden: 25,925 hours.
Total Annual Costs: None.
Nature and Extent of Confidentiality:
There is no need for confidentiality with
this collection of information.
Privacy Act Impact Assessment: No
impact(s).
New Collection of Information: The
information collection requirements for this
collection are as following: 47 CFR
73.1201(a) requires television broadcast
licensees to make broadcast station
identification announcements at the
beginning and ending of each time of
operation, and hourly, as close to the
hour as feasible, at a natural break in
program offerings. Television and Class
A television broadcast stations may
make these announcements visually or
aurally.
47 CFR 74.783(b) requires licensees of
television translators whose station
identification is made by the television
station whose signals are being
rebroadcast by the translator, must
secure agreement with this television
station licensee to keep in its file, and
available to FCC personnel, the
translator’s call letters and location,
giving the name, address and telephone
number of the licensee or his service
representative to be contacted in the
event of malfunction of the translator. It
shall be the responsibility of the
translator licensee to furnish current
information to the television station
licensee for this purpose.
47 CFR 73.1201(h)(1) requires that the
official station identification consist of
the station’s call letters immediately
followed by the community or
communities specified in its license as
the station’s location. The name of the
licensee, the station’s frequency, the
station’s channel number, as stated on
the station’s license, and/or the station’s
network affiliation may be inserted
between the call letters and station
location. Digital Television (DTV)
stations, or DAB Stations, choosing to
include the station’s channel number in
the station identification must use the
station’s major channel number and
may distinguish multicast program
streams. For example, a DTV station
with major channel number 26 may use
26.1 to identify a High Definition
Television (HDTV) program service and
26.2 to identify a Standard Definition
Television (SDTV) program service. A
radio station operating in DAB hybrid
mode or extended hybrid mode shall
identify its digital signal, including any
free multicast audio programming
streams, in a manner that appropriately
alerts its audience to the fact that it is
listening to a digital audio broadcast. No
other insertion between the station’s call
letters and the community or
communities specified in its license is
permissible. A station may include in its
official station identification the name of
any additional community or
communities, but the community to
which the station is licensed must be
named first.
47 CFR 73.783(e) permits low power
TV permittees or licensees to request to
be assigned four-letter call signs in lieu
of the five-character alpha-numeric call
signs.
47 CFR 74.1283(c)(1) requires a FM
translator station licensee whose
identification is made by the primary
station must arrange for the primary
station licensee to furnish the
translator’s call letters and location
(name, address, and telephone number
of the licensee or service representative)
to the FCC. The licensee must keep this
information in the primary station’s
files.

Federal Communications Commission.
Katura Jackson,
Federal Register Liaison Officer, Office of the
Secretary.
[FR Doc. 2019–06013 Filed 3–28–19; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of
the filing of the following agreements
under the Shipping Act of 1984.

Interested parties may submit comments
on the agreements to the Secretary by
e-mail at Secretary@fmc.gov, or by mail,
Federal Maritime Commission,
Washington, DC 20573, within twelve
days of the date this notice appears in
the Federal Register. Copies of
agreements are available through the
Commission’s website (www.fmc.gov) or
by contacting the Office of Agreements
at (202)–523–5793 or tradesanalysis@
fmc.gov.

Agreement No.: 012478–001.
Agreement Name: ONE/OOCL Space
Charter Agreement.
Parties: Ocean Network Express Pte.
Ltd. and Orient Overseas Container Line
Limited.
Filing Party: Joshua Stein; Cozen
O’Connor.
Synopsis: The amendment replaces
Nippon Yusen Kaisha with Ocean
Network Express Pte. Ltd as a party to
the Agreement, revises the amount of
space being chartered, updates Article
9.1, and renames the Agreement.

Location: https://www2.fmc.gov/
FMC Agreements Web/Public/
AgreementHistory/1983.
Agreement No.: 201213–001.
Agreement Name: Amended and
Restated Marine Terminal Services
Agreement between the Port of Houston
Authority and COSCO SHIPPING Lines
Co., Ltd. and Orient Overseas Container
Line, Ltd.
Parties: COSCO Shipping Lines Co.,
Ltd.; Orient Overseas Container Line
Limited; and Port of Houston Authority.
DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Disease Control and Prevention
Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC, announces the following meeting for the Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS). This meeting is open to the public: limited only by available seating. The meeting room accommodates approximately 78 people. Requests to make oral presentations should be submitted in writing to Gwen Mustaf, 301–458–4500, glm4@cdc.gov, or Sayeedha Uddin, isx9@cdc.gov. All requests must contain the name, address, telephone number, and organizational affiliation of the presenter. Written comments should not exceed five single-spaced typed pages in length and must be received by April 24, 2019.

DATES: The meeting will be held on May 9, 2019, 11:00 a.m.–5:30 p.m., EDT, and May 10, 2019, 8:30 a.m.–1:00 p.m., EDT.

ADDRESSES: NCHS Headquarters, 3311 Toledo Road, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Sayeedha Uddin, M.D., M.P.H., Designated Federal Officer, NCHS/CDC, Board of Scientific Counselors, 3311 Toledo Road, Room 2627, Hyattsville, Maryland 20782, telephone (301) 458–4303, email isx9@cdc.gov.

SUPPLEMENTARY INFORMATION: All visitors must be processed in accordance with established federal policies and procedures. For foreign nationals or non-U.S. citizens, pre-approval is required (please contact Gwen Mustaf, 301–458–4500, glm4@cdc.gov, or Sayeedha Uddin, isx9@cdc.gov at least 10 days in advance for requirements). All visitors are required to present a valid form of picture identification issued by a state, federal or international government. As required by the Federal Property Management Regulations, Title 41, Code of Federal Regulation, Subpart 101–20.301, all persons entering in or on Federal controlled property and their packages, briefcases, and other containers in their immediate vicinity must present a valid form of picture identification issued by a state, federal or international government.

The Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS) will meet on May 9 and May 10, 2019 to consider the following agenda:

1. Approval of agenda for the May 9 meeting.
2. Review and possible action on the following meeting:
   a. Review of the CDC Centers for Disease Control and Prevention (CDC) Advisory Committee Chair, Center for Chronic Disease Prevention and Health Promotion (CCDPP), Dr. Vinod Thakur.
   b. Review of the CDC Centers for Disease Control and Prevention (CDC) Advisory Committee Chair, National Center for Health Statistics (NCHS), Dr. Sayeedha Uddin.
3. Presentation and discussion of the following issues:
   a. Review and possible action on the following presentation:
      i. Review of the CDC Centers for Disease Control and Prevention (CDC) Advisory Committee Chair, Center for Chronic Disease Prevention and Health Promotion (CCDPP), Dr. Vinod Thakur.
      ii. Review of the CDC Centers for Disease Control and Prevention (CDC) Advisory Committee Chair, National Center for Health Statistics (NCHS), Dr. Sayeedha Uddin.
   b. Review of the CDC Centers for Disease Control and Prevention (CDC) Advisory Committee Chair, Center for Chronic Disease Prevention and Health Promotion (CCDPP), Dr. Vinod Thakur.
   c. Review of the CDC Centers for Disease Control and Prevention (CDC) Advisory Committee Chair, National Center for Health Statistics (NCHS), Dr. Sayeedha Uddin.
4. Review of the CDC Centers for Disease Control and Prevention (CDC) Advisory Committee Chair, Center for Chronic Disease Prevention and Health Promotion (CCDPP), Dr. Vinod Thakur.
5. Review of the CDC Centers for Disease Control and Prevention (CDC) Advisory Committee Chair, National Center for Health Statistics (NCHS), Dr. Sayeedha Uddin.
6. Discussion of any other business that may come before the Board.
7. Adjournment.

The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Chief Operating Officer, CDC, pursuant to Public Law 92–463.

Name of Committee: Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH).

Date: June 18–19, 2019.

Time: 8:00 a.m.–5:00 p.m., EDT.

Place: Embassy Suites, 1900 Diagonal Road, Alexandria, VA 22314.

Agenda: The meeting will convene to address matters related to the conduct of Study Section business and for the study section to consider safety and occupational health-related grant applications.

For Further Information Contact: Diana Turner, Ph.D., Scientific Review Officer, NIOSH, 1095 Willowdale Road, Morgantown, WV 26506, (304) 285–5976; dtturner@cdc.gov.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherril Berger,
Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–06091 Filed 3–28–19; 8:45 am]
BILLING CODE 4153–18–P
possession are subject to being x-rayed and inspected. Federal law prohibits the knowing possession or the causing to be present of firearms, explosives and other dangerous weapons and illegal substances.

Purpose: This committee is charged with providing advice and making recommendations to the Secretary, Department of Health and Human Services; the Director, CDC; and the Director, NCHS, regarding the scientific and technical program goals and objectives, strategies, and priorities of NCHS.

Matters To Be Considered: Day 1 meeting agenda includes: welcome remarks and a Center update by NCHS leadership; update on the release of linked data files; update on the Implementation of the Redesigned National Health Interview Survey; report by the National Health Interview Survey Redesign Key Health Indicators Workgroup; update on Patient Centered Outcomes Research Trust Fund Projects; Day 2 meeting agenda includes update on Comparability Study for OPIOID Questions; an update on NCHS Statistics Maternal Mortality Data. Agenda items are subject to change as priorities dictate.

Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherrli Berger,
Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–06088 Filed 3–28–19; 8:45 am]
BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee (HICPAC)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Healthcare Infection Control Practices Advisory Committee (HICPAC). This meeting is open to the public, is limited only by room seating available, (120). The public is also welcome to listen to the meeting via teleconference at 888–455–9748, passcode: 4373458; 100 teleconference lines are available. Time will be available for public comment. The public is welcome to submit written comments in advance of the meeting. Comments should be submitted in writing by email to the contact person listed below. The deadline for receipt of written public comment is May 2, 2019. All requests must contain the name, address, and organizational affiliation of the speaker, as well as the topic being addressed. Written comments should not exceed one single-spaced typed page in length and delivered in 3 minutes or less. Members of the public who wish to provide public comments should plan to attend the public comment session at the start time listed. Please note that the public comment period may end before the time indicated, following the last call for comments. Written comments received in advance of the meeting will be included in the official record of the meeting. Registration is required to attend in person or on the phone. Interested parties must be processed in accordance with established federal policies and procedures and may register at https://www.cdc.gov/hicpac/.

DATES: The meeting will be held on May 16, 2019, 9:00 a.m. to 5:00 p.m., EDT, and May 17, 2019, 9:00 a.m. to 12:00 p.m., EDT.

ADDRESSES: Centers for Disease Control and Prevention, Global Communications Center, Building 19, Auditorium B, 1600 Clifton Road NE, Atlanta, Georgia 30329–4027 and teleconference at 888–455–9748, passcode: 4373458.

FOR FURTHER INFORMATION CONTACT: Koo-Whang Chung, M.P.H., HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, 1600 Clifton Road NE, Mailstop H16–3, Atlanta, Georgia 30329–4027 Telephone (404) 498–0730. Email: hicpac@cdc.gov.

SUPPLEMENTARY INFORMATION:

Purpose: The Committee is charged with providing advice and guidance to the Director, Division of Healthcare Quality Promotion (DHQP), the Director, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), the Director, CDC, and the Secretary, Health and Human Services, regarding (1) the practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters To Be Considered: The agenda will include updates on CDC’s activities for prevention of healthcare-associated infections. It will also include updates from the following HICPAC workgroups: The Healthcare Personnel Guideline Workgroup and the Neonatal Intensive Care Unit (NICU) Guideline Workgroup. The agenda also includes updates on CDC and DHQP activities. Agenda items are subject to change as priorities dictate.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherrli Berger,
Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–06088 Filed 3–28–19; 8:45 am]
BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Mine Safety and Health Research Advisory Committee (MSHRAC)

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking nominations for membership on the MSHRAC, NIOSH. The MSHRAC consists of 13 experts in fields associated with mining safety and health. Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the committee’s objectives. Nominees will be selected based on expertise in the fields of mining engineering, industrial hygiene, occupational safety and health engineering, chemistry, safety and health education, ergonomics, epidemiology, statistics, and psychology. Federal employees will not be considered for membership. Members may be invited to serve for up to four-year terms. Selection of members is based on candidates’ qualifications to contribute to the accomplishment of MSHRAC’s objectives.
DATES: Nominations for membership on the MSHRAC must be received no later than May 10, 2019. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be mailed to Jeffrey H. Welsh, Designated Federal Officer, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 626 Cochran’s Mill Road, Pittsburgh, PA 15236. Telephone: (412) 386–4040.

FOR FURTHER INFORMATION CONTACT: Pauline Benjamin, Program Specialist, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1600 Clifton Road, MS E–20, Atlanta, GA 30329–4027. Telephone: (404) 498–1376, fte5@cdc.gov.

SUPPLEMENTARY INFORMATION: The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of points of view represented, and the committee’s function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees (SGEs), requiring the filing of financial disclosure reports at the beginning and annually during their terms. CDC reviews potential candidates for NIOSH MSHRAC membership each year, and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in January 2020, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. SGE Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address)
- Cover letter, including a description of the candidate qualifications and why the candidate would be a good fit for MSHRAC.
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. (Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (e.g., CDC, NIH, FDA, etc.).

Nominations may be submitted by the candidate him- or herself, or by the person/organization recommending the candidate.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,
Chief Operating Officer, Centers for Disease Control and Prevention

[FR Doc. 2019–06089 Filed 3–28–19; 8:45 am]
BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Infectious Diseases (BSC, OID)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Board of Scientific Counselors, Office of Infectious Diseases (BSC, OID). This meeting is open to the public, limited only by the space available; the meeting room will accommodate up to 100 people. The public is also welcome to listen to the meeting by telephone, limited only by the number of ports available (100); the toll-free dial-in number is 1–877–951–7311, with a passcode of 2286086.

DATES: The meeting will be held on May 7, 2019, 12:30 p.m. to 5:30 p.m., EDT, and May 8, 2019, 8:30 a.m. to 3:30 p.m., EDT.

ADDRESSES: CDC, Global Communications Center, 1600 Clifton Road NE, Building 19, Auditorium B3, Atlanta, Georgia 30329–4027; also 1–877–951–7311, with a passcode of 2286086.

FOR FURTHER INFORMATION CONTACT: Sarah Wiley, MPH, Designated Federal Officer, CDC, 1600 Clifton Road NE, Mailstop H24–12, Atlanta, Georgia 30329–4027, Telephone (404) 639–4840; SWiley@cdc.gov.

SUPPLEMENTARY INFORMATION:

Purpose: The BSC, OID, provides advice and guidance to the Secretary, Department of Health and Human Services; the Director and the Deputy Director for Infectious Diseases (DDID), CDC; and the Directors of the National Center for Emerging and Zoonotic Infectious Diseases, the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, and the National Center for Immunization and Respiratory Diseases, CDC, in the following areas: Strategies, goals, and priorities for programs; research within the national centers; and overall strategic direction and focus of DDID and the national centers.

Matters To Be Considered: The agenda will include updates from the infectious disease national centers and the Center for Global Health along with focused discussions on recent outbreaks and affected populations and the CDC Surveillance Strategy and Public Health Data Strategy. Reports back from three workgroups will also be given: (1) The Board’s Acute Flaccid Myelitis (AFM) Task Force; (2) the Board’s Food Safety Modernization Act Surveillance Working Group; and (3) the Vector-borne Diseases Workgroup of the BSC, OID, and the Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry. Agenda items are subject to change as priorities dictate.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,
Chief Operating Officer, Centers for Disease Control and Prevention

[FR Doc. 2019–06086 Filed 3–28–19; 8:45 am]
BILLING CODE 4163–19–P
DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Healthcare Infection Control Practices Advisory Committee (HICPAC)

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking nominations for membership on the HICPAC. The HICPAC consists of 14 experts in fields including but not limited to, infectious diseases, infection prevention, healthcare epidemiology, nursing, clinical microbiology, surgery, hospitalist medicine, internal medicine, epidemiology, health policy, health services research, public health, and related medical fields. Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the committee’s objectives. Nominees will be selected based on expertise in the fields of infectious diseases, infection prevention, healthcare epidemiology, nursing, environmental and clinical microbiology, surgery, internal medicine, and public health.

Federal employees will not be considered for membership. Members may be invited to serve for four-year terms.

Selection of members is based on candidates’ qualifications to contribute to the accomplishment of HICPAC objectives: https://www.cdc.gov/hicpac/.

DATES: Nominations for membership on the HICPAC must be received no later than August 2, 2019. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be mailed to HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, 1600 Clifton Road NE, Mailstop H16–3, Atlanta, Georgia 30329–4027, emailed (recommended) tohicpac@cdc.gov, or faxed to (404)639–4043.

FOR FURTHER INFORMATION CONTACT: Koo-Wang Chung, MPH, HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, 1600 Clifton Road NE, Mailstop H16–3, Atlanta, Georgia 30329–4027; hicpac@cdc.gov.

SUPPLEMENTARY INFORMATION: The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of points of view represented, and the committee’s function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees (SGEs), requiring the filing of financial disclosure reports at the beginning and annually during their terms. CDC reviews potential candidates for HICPAC membership each year, and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in July 2020, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. SGE Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government.

Candidatures should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address).
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. (Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (e.g., CDC, NIH, FDA, etc.).

Nominations may be submitted by the candidate him- or herself, or by the person/organization recommending the candidate.

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Sherri Berger, Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–06090 Filed 3–28–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Advisory Committee on Breast Cancer in Young Women (ACBCYW)

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking nominations for membership on the ACBCYW. The ACBCYW consists of 15 experts in fields associated with breast cancer, disease prevention, early detection, diagnosis, public health, social marketing, genetic screening and counseling, treatment, rehabilitation, palliative care, and survivorship in young women, or in related disciplines with a specific focus on young women. Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the committee’s objectives. Nominees will be selected based on expertise in the fields of breast health, breast cancer, disease prevention and risk reduction, survivorship (including metastatic breast cancer), hereditary breast and ovarian cancer (HBOC), or in related disciplines with a specific focus on young women. Persons with personal experience with early onset breast cancer are also eligible to apply. This includes, but may not be limited to breast cancer survivors <45 years of age and caregivers of said persons. Federal employees will not be considered for membership. Members may be invited to serve up to four-year terms.

Selection of members is based on candidates’ qualifications to contribute to the accomplishment of ACBCYW objectives: (http://www.cdc.gov/maso/facman/acbcyw.html).

DATES: Nominations for membership on the ACBCYW must be received no later than July 8, 2019. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be mailed to Temeika L. Fairley, Ph.D. c/o ACBCYW Secretariat, Centers for Disease Control and Prevention, 3719 North Peachtree Road, Building 100, Chamblee, Georgia 30341, or emailed (recommended) to acbcyw@cdc.gov.

FOR FURTHER INFORMATION CONTACT: Temeika L. Fairley, Ph.D. Designated Federal Officer, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway.
PREVENTION and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,
Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–06092 Filed 3–28–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3375–N]

Announcement of the Approval of the Accreditation Association for Hospitals and Health Systems/Healthcare Facilities Accreditation Program (Formerly Known as the American Osteopathic Association/Healthcare Facilities Accreditation Program) as an Accreditation Organization Under the Clinical Laboratory Improvement Amendments of 1988

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the approval of the application of the Accreditation Association for Hospitals and Health Systems/Healthcare Facilities Accreditation Program (AAHHS/HFAP) as an accreditation organization for clinical laboratories under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) program for all specialty and subspecialty areas under CLIA. We have determined that AAHHS/HFAP meets or exceeds the applicable CLIA requirements. We are announcing the approval and granting the AAHHS/HFAP deeming authority for a period of 4 years.

DATES: The approval announced in this notice is effective from March 29, 2019 to March 29, 2023.

FOR FURTHER INFORMATION CONTACT: Kathleen Todd, (410)786–3385.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Authority

On October 31, 1988, the Congress enacted the Clinical Laboratory Improvement Amendments of 1988 (CLIA) (Pub. L. 100–578), which amended section 353 of the Public Health Service Act. We implemented the accreditation provisions of CLIA in the final rule published in the July 31, 1992 Federal Register (57 FR 33992). Under those provisions, we may grant deeming authority to an accreditation organization if its requirements for laboratories accredited under its program are equal to or more stringent than the applicable CLIA program requirements in 42 CFR part 493 (Laboratory Requirements). Subpart E of part 493 (Accreditation by a Private, Nonprofit Accreditation Organization or Exemption under an Approved State Laboratory Program) specifies the requirements an accreditation organization must meet to be approved by CMS as an accreditation organization under CLIA.

II. Notice of Approval of the AAHHS/HFAP as an Accreditation Organization

In this notice, we approve and grant deeming authority to the Accreditation Association for Hospitals and Health Systems/Healthcare Facilities Accreditation Program (AAHHS/HFAP) as an organization that may accredit laboratories for purposes of establishing their compliance with CLIA requirements for all specialty and subspecialty areas under CLIA. We have examined the initial AAHHS/HFAP application and all subsequent submissions to determine its accreditation program’s equivalency with the requirements for approval of an accreditation organization under subpart E of part 493. We have determined that AAHHS/HFAP meets or exceeds the applicable CLIA requirements. We have also determined that AAHHS/HFAP will ensure that its accredited laboratories will meet or exceed the applicable requirements in subparts H, I, J, K, M, Q, and the applicable sections of R.

Therefore, we grant AAHHS/HFAP approval as an accreditation organization under subpart E of part 493, for the period stated in the DATES section of this notice for all specialty and subspecialty areas under CLIA. As a result of this determination, any laboratory that is accredited by AAHHS/HFAP during the time period stated in the DATES section of this notice will be deemed to meet the CLIA requirements for the listed subspecialties and specialties, and therefore, will generally not be subject to routine inspections by a state survey agency to determine its compliance with CLIA requirements. However, the accredited laboratory may be subject to validation and complaint inspection surveys performed by CMS, or its agent(s).
III. Evaluation of the AAHHS/HFAP Request for Approval as an Accreditation Organization Under CLIA

The following describes the process used to determine that AAHHS/HFAP accreditation meets the necessary requirements for approval by CMS as an accreditation program with deeming authority under the CLIA program. AAHHS/HFAP formally applied to CMS for approval as an accreditation organization under CLIA for all specialties and subspecialties under CLIA. In reviewing these materials, we reached the following determinations for each applicable part of the CLIA regulations.

A. Subpart E—Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program

AAHHS/HFAP submitted information under §493.553 including a detailed comparison of the individual accreditation requirements with the comparable condition-level requirements, a detailed description of the inspection process, a statement concerning whether inspections are announced or unannounced, a description of the process for monitoring proficiency testing (PT) performance, a list of all its current laboratories and the expiration date of their accreditation, and procedures for making PT information available. The AAHHS/HFAP policies and procedures for oversight of laboratories performing laboratory testing for all CLIA specialties and subspecialties are equivalent to those of CLIA in the matters of inspection, monitoring proficiency testing (PT) performance, investigating complaints, and making PT information available. AAHHS/HFAP submitted additional information as required in §493.557 including its mechanism for monitoring compliance with all requirements equivalent to condition-level requirements within the scope of specialty and subspecialty areas for which it requested deeming authority, a description of its data management and analysis system with respect to its inspection and accreditation decisions, detailed information concerning the inspection process, procedures for removal or withdrawal of accreditation status, a proposed agreement with CMS with respect to the notification requirements, and information demonstrating its ability to provide CMS with required electronic data and reports, adequacy of staffing and other resources, and adequacy of funding for performing required inspections. The requirements of the accreditation program submitted for approval are equal to or more stringent than the requirements of the CLIA regulations.

B. Subpart H—Participation in Proficiency Testing for Laboratories Performing Nonwaived Testing

AAHHS/HFAP’s requirements are equal to or more stringent than the CLIA requirements at §§493.801 through 493.865 for participation in PT for laboratories performing nonwaived testing. Like CLIA, all of AAHHS/HFAP’s accredited laboratories are required to participate in an HHS-approved PT program for tests listed in subpart I.

C. Subpart J—Facility Administration for Nonwaived Testing

The AAHHS/HFAP requirements for the submitted subspecialties and specialties are equal to the CLIA requirements at §§493.1100 through 493.1105 for facility administration for nonwaived testing.

D. Subpart K—Quality System for Nonwaived Testing

The AAHHS/HFAP requirements are equal to the CLIA requirements at §§493.1200 through 493.1299 for quality systems for nonwaived testing.

E. Subpart M—Personnel for Nonwaived Testing

We have determined that the AAHHS/HFAP’s requirements are equal to the CLIA requirements at §§493.1403 through 493.1495 for personnel for nonwaived testing for laboratories that perform moderate and high complexity testing.

F. Subpart Q—Inspections

We have determined that the AAHHS/HFAP requirements for the submitted subspecialties and specialties are equal to or more stringent than the CLIA requirements at §§493.1771 through 493.1780 for inspections. AAHHS/HFAP will continue to conduct biennial onsite inspections consistent with the requirements at §§493.1771 through 493.1780.

G. Subpart R—Enforcement Procedures

AAHHS/HFAP meets the enforcement procedures requirements of subpart R as applicable accreditation organizations. AAHHS/HFAP policies set forth the actions the organization takes when laboratories it accredits do not comply with its requirements and standards for accreditation. When appropriate, AAHHS/HFAP will deny, suspend, or revoke accreditation of a laboratory accredited by AAHHS/HFAP and report that action to CMS within 30 days. AAHHS/HFAP also provides an appeals process for laboratories that have had accreditation denied, suspended, or revoked. We have determined that AAHHS/HFAP’s laboratory enforcement and appeal policies are equal to the requirements of part 493 subpart R as they apply to accreditation organizations.

IV. Federal Validation Inspections and Continuing Oversight

Consistent with the requirements at §§493.563 through 493.571, the federal validation inspections of laboratories accredited by AAHHS/HFAP may be conducted on a representative sample basis or in response to substantial allegations of noncompliance (that is, complaint inspections). The outcome of those validation inspections, performed by CMS or our agents, or the state survey agencies, will be our principal means for verifying that the laboratories accredited by AAHHS/HFAP remain in compliance with CLIA requirements. This federal monitoring is an ongoing process.

V. Removal of Approval as an Accrediting Organization

Section 493.575 provides that we may rescind the approval of an accreditation organization, for cause, before the end of the effective date of approval if we determine that the accreditation organization has failed to adopt, maintain and enforce requirements that are equal to, or more stringent than, the CLIA requirements, or that systemic problems exist in its monitoring, inspection or enforcement processes. We may impose a probationary period, not to exceed 1 year, in which the accreditation organization would be allowed to address any identified issues. Should the accreditation organization be unable to address the identified issues within that timeframe, we may revoke accreditation organization’s deeming authority under CLIA in accordance with applicable regulations.

Should circumstances result in our withdrawal of AAHHS/HFAP’s approval, we will publish a notice in the Federal Register explaining the justification for removing its deeming authority.

VI. Collection of Information

This document does not impose information collection requirements that is reporting, recordkeeping or third party disclosure. Consequently, it does not need to be reviewed by the Office of Management and Budget (OMB)
under the authority of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. Chapter 35).

VII. Executive Order 12866 Statement

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

Dated: March 15, 2019.

Seema Verma, Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2019–06291 Filed 3–28–19; 8:45 am]
BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: U.S. Repatriation Program Forms.

OMB No.: 0970–0474.

Description: The United States (U.S.) Repatriation Program was established by Title XI, Section 1113 of the Social Security Act (Assistance for U.S. Citizens Returned from Foreign Countries) to provide temporary assistance to U.S. citizens and their dependents who have been identified by the Department of State (DOS) as having returned, or been brought from a foreign country to the U.S. because of destitution, illness, war, threat of war, or a similar crisis, and are without available resources immediately accessible to meet their needs. The Secretary of the Department of Health and Human Services (HHS) was provided with the authority to administer this Program. On or about 1994, this authority was delegated by the HHS Secretary to the Administration for Children and Families (ACF) and later re-delegated by ACF to the Office of Human Services Emergency Preparedness and Response (OHSEPR). The Repatriation Program works with States, Federal agencies, and non-governmental organizations to provide eligible individuals with temporary assistance for up to 90 days. This assistance is in the form of a loan and must be repaid to the Federal Government.

The Program was later expanded in response to legislation enacted by Congress to address the particular needs of persons with mental illness (24 U.S.C. Sections 321 through 329). Further refinements occurred in response to Executive Order (E.O.) 11490 (as amended) where HHS was given the responsibility to “develop plans and procedures for assistance at ports of entry to U.S. personnel evacuated from overseas areas, their onward movement to final destination, and follow-up assistance after arrival at final destination.” In addition, under E.O. 12656 (53 CFR 47491), “Assignment of emergency preparedness responsibilities,” HHS was given the lead responsibility to develop plans and procedures to provide assistance to U.S. citizens and others evacuated from overseas.

In order to effectively and efficiently manage these legislative authorities, the Program has been divided into two major activities, Emergency and Non-Emergency Repatriation. Operationally, these two Program activities involve different kinds of preparation, resources, and implementation. However, the core Program statute, regulations, policies, and administrative procedures for these two Programs are essentially the same. The ongoing routine arrivals of individual repatriates and the repatriation of individuals with mental illness constitute the Program Non-emergency activities. Emergency Activities are characterized by contingency events such as civil unrest, war, threat of war or similar crisis, among other incidents. Depending on the type of event, number of evacuees and resources available, ACF will provide assistance using two scalable mechanisms, emergency repatriations or group repatriations. Emergency repatriations assume the evacuation of 500 or more individuals, while group repatriations assume the evacuation of 50–500 individuals.

The Program provides services through agreements with the States, U.S. Territories, Federal agencies, and non-governmental agencies. The list of Repatriation Forms is as follows:

1. Emergency and Group Processing Form (RR–01): During an emergency repatriation, individuals complete portions of this form to apply for repatriation assistance. Then State personnel use the form to perform a preliminary eligibility assessment. Authorized ACF staff make final eligibility decisions.

2. Emergency and Group Repatriation Financial Form (RR–02): States and supporting agencies complete this form if they have entered into an agreement with OHSEPR allowing for reimbursement of reasonable and allowable costs during emergency repatriation activities.

3. Repatriation Loan Waiver and Deferral Request Form (RR–03): Eligible repatriates, authorized legal custodians, or authorized state staff complete this form to request a waiver or deferral of a repatriation loan.

4. Non-Emergency Monthly Financial Statement Form (RR–04): States and other authorized OHSEPR agencies use this form to request reimbursement of reasonable and allowable costs for the provision of temporary assistance during non-emergency activities.

5. Privacy and Repayment Agreement Form (RR–05): This form authorizes HHS to release personally identifiable information to appropriate agencies for the purpose of providing services. In addition, through this form, eligible repatriates or authorized legal custodians agree to accept services under the Program’s terms and conditions, which include repaying the federal government for services received.

6. Refusal of Temporary Assistance Form (RR–06): Eligible repatriates or authorized legal custodians use this form to confirm and record their decision to relinquish repatriation services.

7. Temporary Assistance and Extension Request Form (RR–07): To request an extension of assistance beyond the 90-day eligibility period, eligible repatriates, authorized legal custodians, or authorized state staff submit this form to OHSEPR or its designated grantee generally 14 days prior to the expiration of the repatriate’s eligibility period.

8. Emergency and Group Repatriation State Request for Federal Support Form (RR–08): During emergency repatriation activities, OHSEPR-activated states must use this form to request support and/or assistance from the federal government, including but not limited to augmentation of personnel, funding, and reimbursement.

Respondents: Designated state, federal, and/or non-governmental agencies and individuals and eligible repatriates. Responders are authorized by 42 U.S.C. 1313 and 24 U.S.C. 321–329; Executive Order 12656 (as amended by E.O. 13074, February 9, 1998; E.O. 13228, October 8, 2001; E.O. 13286, February 28, 2003); and regulations found under 45 CFR 211 & 212.
ANNUAL BURDEN ESTIMATES

<table>
<thead>
<tr>
<th>Form</th>
<th>Number of respondents</th>
<th>Frequency of the response</th>
<th>Average burden hours per response</th>
<th>Total annual burden hours</th>
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<td>0.30</td>
<td>7,500</td>
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<tr>
<td>Privacy and Repayment Agreement Form</td>
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<td>0.05</td>
<td>1,250</td>
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<tr>
<td>Refusal of Temporary Assistance Form</td>
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<td>1</td>
<td>0.05</td>
<td>0.75</td>
</tr>
<tr>
<td>Emergency and Group Repatriation Financial Form</td>
<td>15</td>
<td>1</td>
<td>0.30</td>
<td>4.5</td>
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<tr>
<td>Non-Emergency Monthly Financial Statement Form</td>
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<td>Repatriation Loan Waiver and Deferral Request Form</td>
<td>800</td>
<td>1</td>
<td>0.30</td>
<td>240</td>
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<tr>
<td>Emergency and Group Repatriation State Request for Federal Support Form</td>
<td>20</td>
<td>1</td>
<td>0.30</td>
<td>6</td>
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<tr>
<td>Temporary Assistance and Extension Request Form</td>
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<td>1</td>
<td>0.30</td>
<td>15</td>
</tr>
</tbody>
</table>

Estimated Total Annual Burden Hours: 9203.25.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C St. SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: infocollection@acf.hhs.gov.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: OIRA-SUBMISSION@OMB.EOP.GOV. Attn: Desk Officer for the Administration for Children and Families.

Mary B. Jones, ACF/OPRE Certifying Officer.

[FR Doc. 2019–06059 Filed 3–28–19; 8:45 am]
BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
[Docket No. FDA–2019–D–0914]

Review and Update of Device Establishment Inspection Processes and Standards; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the draft guidance entitled “Review and Update of Device Establishment Inspection Processes and Standards.” FDA is issuing this draft guidance document to comply with changes to the Federal Food, Drug, and Cosmetic Act (FD&C Act) as amended by the FDA Reauthorization Act of 2017 (FDARA), which requires that FDA review and update, as needed, the processes and standards applicable to inspections (other than for-cause) of domestic and foreign medical device establishments in place as of August 18, 2017. This draft guidance describes how FDA will implement uniform inspection processes and standards. The draft guidance also describes standardized methods of communication during the inspection process and identifies practices for investigators and facility establishments to facilitate the continuity of inspections of such establishments. This draft guidance is not final nor is it in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by May 28, 2019 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

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

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

Instructions: All submissions received must include the Docket No. FDA–2019–D–0914 for “Review and Update of Device Establishment Inspection Processes and Standards.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at https://www.regulations.gov or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies to the Dockets Management Staff at the address shown above. One copy will include the information you claim to be confidential with a heading or cover note that states...
Establishment Inspection Processes and Standards.” FDA is issuing this guidance document to comply with section 702(b) of FDARA (Pub. L. 115–52), which directs FDA to issue draft guidance that specifies how FDA will review processes and standards applicable to inspections of domestic and foreign device establishments in effect as of August 18, 2017, and update such processes and standards, as needed, through the adoption of uniform processes and standards that meet the criteria set forth in section 704(b)(1)(A) through (D) of the FD&C Act (21 U.S.C. 374(b)(1)(A) through (D)), as added by section 702(a) of FDARA. FDA 702(b) also requires the draft guidance to provide for standardized methods of communication when communication is required under 704(b)(1), establish a standard timeframe for inspections, and identify practices for investigators and device establishments to facilitate the continuity of inspections of such establishments.

II. Significance of Draft Guidance
FDA is issuing this draft guidance consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

III. Paperwork Reduction Act of 1995
This draft guidance refers to currently approved collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 803 have been approved under OMB control number 0910–0437. The collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073.

IV. Electronic Access

Dated: March 25, 2019.
Lowell J. Schiller,
Acting Associate Commissioner for Policy.
[PR Doc. 2019–06061 Filed 3–28–19; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration
[Docket No. FDA–2018–N–4130]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Recordkeeping Requirements for Microbiological Testing and Corrective Measures for Bottled Water

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 29, 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 0910–0658. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794. PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.
Recordkeeping Requirements for Microbiological Testing and Corrective Measures for Bottled Water—21 CFR 129.35(a)(3)(i), 129.80(g), and 129.80(h)

OMB Control Number 0910–0658—Extension

The bottled water regulations in parts 129 and 165 (21 CFR parts 129 and 165) require that if any coliform organisms are detected in weekly total coliform testing of finished bottled water, followup testing must be conducted to determine whether any of the coliform organisms are Escherichia coli. The adulteration provision of the bottled water standard (21 CFR 165.110(d)) provides that a finished product that tests positive for E. coli will be deemed adulterated under section 402(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(3)). In addition, the current good manufacturing practice (CGMP) regulations for bottled water in part 129 require that source water from other than a public water system (PWS) be tested at least weekly for total coliform. If any coliform organisms are detected in the source water, the bottled water manufacturers are required to determine whether any of the coliform organisms are E. coli. Source water found to contain E. coli is not considered water of a safe, sanitary quality and would be unsuitable for bottled water production. Before a bottler may use source water from a source that has tested positive for E. coli, a bottler must take appropriate measures to rectify or otherwise eliminate the cause of the contamination. A source previously found to contain E. coli will be considered negative for E. coli after five samples collected over a 24-hour period from the same sampling site are tested and found to be E. coli negative.

Description of Respondents: The respondents to this information collection are domestic and foreign bottled water manufacturers that sell bottled water in the United States.

In the Federal Register of November 7, 2018 (83 FR 55726), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

<table>
<thead>
<tr>
<th>21 CFR section; activity</th>
<th>Number of recordkeepers</th>
<th>Number of records per recordkeeper</th>
<th>Total annual records</th>
<th>Average burden per recordkeeping</th>
<th>Total hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>§§ 129.35(a)(3)(i) and 129.80(h) (bottlers subject to both source water and finished product testing).</td>
<td>319</td>
<td>6</td>
<td>1,914</td>
<td>0.08 (5 minutes)</td>
<td>153</td>
</tr>
<tr>
<td>§ 129.80(g) and (h) (bottlers only subject to finished product testing).</td>
<td>95</td>
<td>3</td>
<td>285</td>
<td>0.08 (5 minutes)</td>
<td>23</td>
</tr>
<tr>
<td>§§ 129.35(a)(3)(i) and 129.80(h) (bottlers conducting secondary testing of source water).</td>
<td>3</td>
<td>5</td>
<td>15</td>
<td>0.08 (5 minutes)</td>
<td>1</td>
</tr>
<tr>
<td>§§ 129.35(a)(3)(i) and 129.80(h) (bottlers rectifying contamination).</td>
<td>3</td>
<td>3</td>
<td>9</td>
<td>0.25 (15 minutes)</td>
<td>2</td>
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<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>179</td>
</tr>
</tbody>
</table>

*There are no capital costs or operating and maintenance costs associated with this collection of information.*

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

The current CGMP regulations already reflect the time and associated recordkeeping costs for those bottlers that are required to conduct microbiological testing of their source water, as well as total coliform testing of their finished bottled water products. We therefore conclude that any additional burden and costs in recordkeeping based on followup testing that is required if any coliform organisms detected in the source water test positive for E. coli are negligible.

We estimate that the labor burden of keeping records of each E. coli followup test is about 5 minutes per test. We also require followup testing of source water and finished bottled water products for E. coli when total coliform positives occur. We expect that 319 bottlers that use sources other than PWSs may find a total coliform positive sample about 3 times per year in source water testing and about 3 times in finished product testing and thus would need to conduct 6 tests for E. coli, for a total of 153 hours of recordkeeping. In addition, about 95 bottlers that use PWSs may find one total coliform positive sample about 3 times per year in finished product testing and thus would need to conduct 3 tests for E. coli, for a total of 23 hours of recordkeeping. We expect that recordkeeping for the followup test for E. coli will also take about 5 minutes per test. As shown in table 1, we expect that three bottlers per year will test positive for E. coli in source water and will have to carry out the additional E. coli testing, with a burden of 1 hour. These bottlers will also have to keep records about rectifying the source contamination, for a burden of 2 hours. For all expected total coliform testing, E. coli testing, and source rectification, we estimate a total burden of 179 hours. We base our estimate on our experience with the current CGMP regulations.

Dated: March 22, 2019.

Lowell J. Schiller,
Acting Associate Commissioner for Policy.

[FR Doc. 2019–06069 Filed 3–28–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–4609]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Food and Drug Administration Safety and Innovation
Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that SYMDEKO (tezacaftor/ivacaftor), manufactured by Vertex Pharmaceutical, Inc., meets the criteria for a priority review voucher.


SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), which was added by FDASIA, FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined that SYMDEKO (tezacaftor/ivacaftor), manufactured by Vertex Pharmaceutical, Inc., meets the criteria for a priority review voucher. SYMDEKO (tezacaftor/ivacaftor) is indicated for the treatment of patients with cystic fibrosis aged 12 years and older who are homozygous for the F508del mutation or who have at least one mutation in the cystic fibrosis transmembrane conductance regulator gene that is responsive to tezacaftor/ivacaftor based on in vitro data and/or clinical evidence.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to https://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm. For further information about SYMDEKO (tezacaftor/ivacaftor), go to the “Drugs@FDA” website at https://www.accessdata.fda.gov/scripts/cder/daf/.

Dated: March 26, 2019.

Lowell J. Schiller,
Acting Associate Commissioner for Policy.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer’s Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer’s Research, Care, and Services (Advisory Council). The Advisory Council on Alzheimer’s Research, Care, and Services provides advice on how to prevent or reduce the burden of Alzheimer’s disease and related dementias on people with the disease and their caregivers. The April 29, 2019 meeting of the Advisory Council will focus on person-centered planning for older adults including information about implementation of care plans for people living with cognitive symptoms. There will also be discussion about the use of antipsychotic medication for people with dementia and other conditions living in community settings.

Procedure and Agenda: This meeting is open to the public. Please allow 30 minutes to go through security and walk to the meeting room. The meeting will also be webcast at https://www.hhs.gov/live.

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer’s Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: March 22, 2019.

Brenda Destro,
Deputy Assistant Secretary for Planning and Evaluation, Office of Human Services Policy.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication
Disorders Special Emphasis Panel; NIDCD Clinical Center Application Review.

**Date:** April 25, 2019.

**Time:** 1:30 p.m. to 4:30 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, Neuroscience Center Building (NSC), 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

**Contact Person:** Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, yangshi@nidcd.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 25, 2019.

**Sylvia L. Neal,**
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–06010 Filed 3–28–19; 8:45 am]

**BILLING CODE 4140–01–P**

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**Center for Scientific Review; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6). Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; BRAIN Initiative: Targeted BRAIN Circuits Projects.

**Date:** April 16, 2019.

**Time:** 2:30 p.m. to 4:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184,

MSC 7844, Bethesda, MD 20892, 301–435–1242, kgf@mail.nih.gov.


Dated: March 25, 2019.

**Sylvia L. Neal,**
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–06010 Filed 3–28–19; 8:45 am]

**BILLING CODE 4140–01–P**

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**SUPPLEMENTARY INFORMATION:** Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Proposed Collection Title:** Generic Clearance for Application Information from Fellows, Interns, and Trainees

**Agency:** National Institutes of Health, HHS.

**Action:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

**DATES:** Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Vivian Horovitch-Kelley, Program Analyst, Office of Management Policy and Compliance, National Cancer Institute, 9609 Medical Center Drive, Room 2W444, Bethesda, Maryland 20892 or call non-toll-free number (240) 276–6850 or Email your request, including your address to: vivian.horovitch-kelley@mail.nih.gov. Formal requests for additional plans and instruments must be requested in writing.

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**Proposed Collection: 60-Day Comment Request; National Cancer Institute (NCI) Generic Clearance for Application Information From Fellows, Interns, and Trainees**

**Agency:** National Institutes of Health, HHS.

**Action:** Notice.

**Summary:** In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

**Dates:** Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

**For Further Information Contact:** To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Vivian Horovitch-Kelley, Program Analyst, Office of Management Policy and Compliance, National Cancer Institute, 9609 Medical Center Drive, Room 2W444, Bethesda, Maryland 20892 or call non-toll-free number (240) 276–6850 or Email your request, including your address to: vivian.horovitch-kelley@mail.nih.gov. Formal requests for additional plans and instruments must be requested in writing.
### DEPARTMENT OF HEALTH AND HUMAN SERVICES

**National Institutes of Health**

**National Institute of Biomedical Imaging and Bioengineering Amended; Notice of Meeting**

Notice is hereby given of a location change in the meeting of the National Advisory Council for Biomedical Imaging and Bioengineering, May 21, 2019, 8:30 a.m. to May 21, 2019, 3:00 p.m., The William F. Bolger Center, Franklin Building, Classroom 1, 9600 Newbridge Drive, Potomac, MD 20854 which was published in the *Federal Register* on February 7, 2019, 84FR2557.

The meeting notice is amended to change the location of the meeting from the Franklin Building, Classroom 1 to the Osgood Building, #500 at the William F. Bolger Center. The meeting is partially closed to the public.

Dated: March 25, 2019.

*Sylvia L. Neal,*

Project Clearance Liaison, National Cancer Institute, National Institutes of Health.

[FR Doc. 2019–00658 Filed 3–28–19; 8:45 am]

BILLING CODE 4140–01–P

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Substance Abuse and Mental Health Services Administration**

**Statement of Organization, Functions, and Delegations of Authority**

Part M of the Substance Abuse and Mental Health Services Administration (SAMHSA) Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (DHHS) is amended to reflect the new functional statement for the Office of Financial Resources (OFR) and the Office of Management, Technology and Operations (OMTO). This notice re-locates the Division of Management Services (DMS), excluding the ethics function, from OMTO to OFR. This change aligns DMS staff under the Director of OFR. The changes include:

**Office of Financial Resources (MG)**

The Office of Financial Resources (OFR) provides executive-level direction, advice and guidance to the Administrator and SAMHSA components on all aspects of budget, financial management, grants and acquisition management, and provides for the direction and implementation of these activities across the Agency. The OFR has several formal and informal roles:

- Lead Agency Official for acquisitions responsible for contract policy, planning, review, and management.
- Lead Official for audits and financial statements.
- Lead Agency official for grant policy, planning, review and management.
- Lead official for the annual performance budget, responsible for the formulation, performance analysis and reporting, and presentation of the SAMHSA Budget and Performance Budget submitted to HHS and OMB.

**Office of the Director (MG–1)**

(1) Carries out all Chief Financial Officer functions provided by the Chief Financial Officers Act of 1990 including conducting the analyses necessary to provide agency managers with reliable financial, cost, and performance information both annually and throughout the year to manage programs and make difficult spending decisions; evaluates and improves financial management systems, controls, and operations to eliminate waste, fraud, abuse, and to improve management of assets; evaluates acquisition, grant, and contracting policy, practices and plans to cut costs and improve effectiveness and efficiencies; and establishes effective financial organizational structure and financial personnel requirements within the agency; (2) Provides advice and guidance to the Administrator on budget, financial management, and the alignment of program priorities with legislation and agency policies; (3) Represents the agency before OMB in matters of presentation of budgets, performance reporting and resolution of issues arising from the execution of final appropriations; (4) plans, administers, and coordinates the review of grant and cooperative agreement applications and contract proposals.

**Office of Financial Advisory Services (MG1A)**

Analyses financial and cost information for the Agency; (2) evaluates and improves financial management systems, controls, and operations to eliminate waste, fraud, abuse, and to improve management of assets; and (3) conducts audits and on site reviews of organizations who receive federal funds from SAMHSA to ensure compliance with Federal fiscal and management policies and reduce the risk of waste, fraud, and abuse.

**Office of Management, Analysis, and Coordination (MG1B)**

(1) Provides leadership, oversight, and guidance serving in the role of a central office for OFR, providing management, analysis, and coordination in support of the CFO and Director of OFR; (2) provides management support to the OFR Director including centralized communication and coordination within OFR and between OFR and other SAMHSA Offices and Centers; (3) serves as liaison with ASFR, OMB, ONDCP, and other external entities; (4) develops and executes Agency-wide procedures relating to implementation and management of the Government Performance and Results Act (GPRA); (5) manages and coordinates program assessment and performance reporting and prepares the Performance Appendix to the annual Performance Budget; (6) both annually and throughout the year conducts analyses of performance

### ESTIMATED ANNUALIZED BURDEN HOURS

<table>
<thead>
<tr>
<th>Type of respondent</th>
<th>Number of respondents</th>
<th>Number of responses per respondent</th>
<th>Average time per response (in hours)</th>
<th>Total annual burden hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individuals (Applicants)</td>
<td>5,000</td>
<td>1</td>
<td>60/60</td>
<td>5,000</td>
</tr>
<tr>
<td>Individuals (Professional Reference)</td>
<td>15,000</td>
<td>1</td>
<td>30/60</td>
<td>7,500</td>
</tr>
<tr>
<td>Totals</td>
<td>20,000</td>
<td>20,000</td>
<td></td>
<td>12,500</td>
</tr>
</tbody>
</table>
information to make difficult spending decisions; (7) represents the Agency in Department or government-wide activities to implement the development and implementation of performance measures and budget related performance planning, policies, requirements, and processes; (8) coordinates and manages General Accounting Office (GAO) and Office of Inspector General (OIG) reviews of the agency, analyzes results, and develops agency response; (9) coordinates with budget staff to evaluate proposed program initiatives to determine their policy, resource, and management implications as part of budget formulation; (10) coordinates with budget, policy, grant, contract, and program staff to develop plans for implementing programs and supporting activities insuring consistency with agency budget proposals and submissions and appropriations law and all other Federal laws, regulations, and policies; (11) conducts analyses of financial management system and activities to ensure effective internal controls, timely and reliable financial and performance data for reporting and system integration; (12) manages activities to analyze and improve program integrity, operations, internal controls, risk assessments and transparency; (13) develops extramural policy and guidance addressing peer and council review, interagency agreements, and jointly funded grant programs; (14) develops policy guidance for grants and contracts development processes, and monitors progress; and (15) admin subject and participant protection policies and procedures and confidentiality certificate activities.

**Division of Budget (MGA)**

(1) Provides guidance, manages and coordinates the Agency budget plans and formulates and presents SAMHSA’s future budget and financial management activities; (2) proposes budget options and policy initiatives as necessary to achieve program objectives established by the Administrator; (3) prepares budget justification documents which support the Administrator’s priorities and decisions; (4) assists in the development of strategies for the presentation of the budget to the OMB and the Congress and develops materials for key Agency officials who testify at hearings before these bodies; (5) provides day-to-day liaison with budget staff at other levels; (6) establishes a financial management planning process for the development of strategic and tactical plans, and provides guidance and financial management indicators that enable the CFO to evaluate the financial management programs and activities of the agency; (7) evaluates internal fiscal controls to assure compliance with laws, regulations, policies; (8) conducts special reviews and analyses to examine assigned program operations and management effectiveness; (9) provides leadership and direction in the Agency-wide review, analysis and appraisal of financial elements of program execution and the development and execution of policies related to efficient allocation, expenditure and control of funds; (10) coordinates the preparation of the corrective action plan (CAP), which is submitted quarterly to OMB and reflects the material weaknesses and reportable conditions from the annual CFO audit and the Federal Managers’ Financial Integrity Act (FMFIA) report; (11) manages and coordinates Agency budget execution, including the apportionment and allotment processes, overhead and assessment changes, and monitoring of overall expenditures; (12) responsible for the development and maintenance of a system of financial information which involves the collection, organization, and maintenance of financial data in electronic form as well as the development of reporting mechanisms for making the financial information useful and available for decision making; (13) manages the agency’s improper payment reduction initiatives which include recovery auditing, program risk assessments, estimating and reducing improper payments for high risk programs and reporting to OMB, Congress; and (14) provides analyses of high risk programs and improper payment identification strategies and formulates recommendations on best approaches to meeting the requirements of the Improper Payments Information Act of 2002 (IPIA) and other related legislation, regulation and policy.

**Division of Grants Management (MGB)**

(1) Conducts all aspects of the SAMHSA grants management process; (2) develops, implements, and coordinates the application of Agency standards, methods and procedures for the management of grants and cooperative agreements; (3) provides guidance to the Agency, applicants, and grantees on the management and administrative aspects of grant programs; (4) reviews applications, reports, and active projects to ensure compliance with management policies and procedures; (5) prepares, processes, and disseminates award documents; (6) prepares special and recurring reports relating to applications and awards; (7) measures and tracks grants management performance; (8) provides leadership in managing Department and agency cost policy and promotes cost efficiency in operations and individual grants; and (9) supports Government-wide electronic grant initiative.

**Formula Grants Branch (MGBA)**

(1) Develops and implements SAMHSA policies and procedures and performs the business management activities for all mandatory grants and all prevention services discretionary grants and cooperative agreements; (2) interprets higher level policies and procedures, advises grant and program staff on the effect and implementation activities required; (3) conducts Agency grant and cooperative agreement business management services for all discretionary prevention services grants and all mandatory grants; and (4) issues notices of Grant Award.

**Discretionary Grants Branch (MGBB)**

(1) Develops and implements SAMHSA policies and procedures and performs the business management activities for mental health and substance abuse treatment discretionary grants and cooperative agreements; (2) interprets higher level policies and procedures, advises grant and program staff on the effect and implementation activities required; (3) conducts Agency grant and cooperative agreement business management services for all discretionary treatment grants; and (4) issues notices of Grant Award.

**Division of Grant Review (MGC)**

Formulates SAMHSA-wide policies governing the review, scoring, and reporting of the review of grant applications. Participates in Department grant policy making workgroups and supports government wide electronic grant application initiatives. Provides assistance to potential applicants on grant review processes and electronic filing via GRANTS.GOV. Reviews SAMHSA strategic Initiatives and Plans, meets with Strategic Initiative Leaders and Center program staff to identify types of expertise needed for future review cycles and recruits and orient new reviewers to governing policies and procedures. Provides oversight and assessment of the grant application review function. Evaluates the adequacy of reviews and assesses the extent to which reviews provide a prognosis for grantee success. Aggregates data from a variety of sources for the purpose of identifying the need for alternative approaches. Develops new and improved grant review procedures to bring SAMHSA to the cutting edge of
new ideas in grant application management and review. Reviews trends in both public and private sectors evaluating new approaches in a systematic method.

### Division of Contracts Management (MGD)

1. Conducts all aspects of the SAMHSA contracts management process; 2. develops and implements standards and procedures for the management of the Agency’s contracts and purchase card programs; 3. reviews and evaluates contract proposals to determine acceptability and cost reasonableness; 4. advises Agency personnel on contracts management policies and procedures established by law and Agency guidelines; 5. maintains internal control over the contracts management function; 6. issues contract awards following appropriate laws, regulations, guidelines and policies; 7. coordinates and participates in all phases of the acquisition cycle, including pre-solicitation, solicitation, negotiation, award, administration, and close out of the Agency’s contracts; 8. measures and tracks contract management performance; 9. provides leadership in areas of managing cost policy and is responsible for implementing agency cost efficiency goals; 10. provides leadership to reduce reliance on high-risk contracting by increasing competition and shifting performance contracts to measures of impact; and (11) develops initiatives to cut contracting costs and works with program staff to improve cost efficiencies in contract solicitations and awards.

### Division of Management Services (MGE)

1. Provides leadership, coordination, implementation, and oversight of certain human resources services; 2. provides and/or coordinates with other service providers the provision of all human resources management services (e.g., for Civil Service, Commissioned Corps, intern programs, etc.), equal employment opportunity services, employee and labor relations services, and personnel security services, working with DHHS service components and outside organizations as necessary and monitoring performance; 3. provides advisory and other services to support planning, implementing and evaluating organizational structures, policies and procedures (e.g., by consulting on performance, organizational streamlining, business process re-engineering, change management and establishment of meaningful metrics and successful data collection strategies; and (4) develops, maintains, and manages systems regarding policies and procedures.

### Human Capital and Business Management Branch (MGEA)

Provides leadership for, and implementation of, certain human capital management, business management, and transformation and related services, including coordination and oversight of: (1) SAMHSA’s Performance Management Appraisal Program implementation, closeout and related Departmental reporting; (2) SAMHSA’s Performance Award Management System; (3) SAMHSA’s SES Performance Plan implementation and closeout; (4) SAMHSA’s SES Performance Review Board (PRB); (5) Department-level awards for SAMHSA nominees; (6) SAMHSA interagency awards and employee recognition; (7) SAMHSA’s Learning Education and Development training program; (8) Student programs [e.g., Presidential Management Fellows; Pathways Program; student volunteers; etc.]; (9) SAMHSA’s Internship Program; (10) SAMHSA’s Telework program and Electronic Telework Approval System; (11) DMS Records Management liaison duties; (12) DMS Delegations of Authority; (13) Departmental reporting on Branch responsibilities; and (14) Inter-agency employee moves.

### Human Resources Liaison and Data Branch (MGEB)

1. Provides leadership, coordination, implementation, and oversight of certain human resources services; 2. provides and/or coordinates with other service providers the provision of all human resources management services (e.g., for Civil Service, Commissioned Corps, intern programs, etc.), equal employment opportunity services, employee and labor relations services, and personnel security services, working with DHHS service components and outside organizations as necessary and monitoring performance; 3. provides advisory and other services to support planning, implementing and evaluating organizational structures, policies and procedures; and (6) design, plan and conduct agency-wide evaluations to determine the effectiveness of human resources programs in supporting the accomplishment of the SAMHSA’s mission, and the extent to which human resources programs comply with Federal law, regulations, and Departmental guidance.

### Proposed Functional Statements

#### Office of Management, Technology, and Operations (MB)

The Office of Management, Technology and Operations (OMTO) provides Agency leadership and executive support for information technology and agency administrative and operational services. The OMTO provides executive oversight over technology management functions by integrating planning, optimization, operation and control of technological products, processes and services for the Agency and serving as the liaison with HHS ITIO on consolidated services. Finally, OMTO coordinates and directs a broad range of administrative and operational services that allow the Agency to operate efficiently. OMTO provides oversight for travel, ITAS, and purchasing agency-wide; facilities maintenance and operations; major property and equipment procurement; and inventory management. Additionally, the Office of Management, Technology and Operations supports and oversees centralized operations that address crosscutting Department and Government-wide efforts, including sustainability, records management, telecommunications management, privacy, IT security, government ethics and continuity of operations planning.

#### Office of the Director (MB–1)

Coordinates agency participation with Department of Health and Human Services on an array of administrative activities; (2) Provides leadership and guidance, oversees and monitors the range of administrative, policy, program services, and IT support services which are provided to all SAMHSA components; (3) provides general policy review and executive oversight of cross-cutting management and administrative issues; (4) streamlines, improves, and integrates administrative services and systems; (5) coordinates cross-cutting tasks and initiatives; (6) tracks and measures administrative program performance, and ethics; and (7) manages the SAMHSA ethics program.

#### Division of Operational Support (MBH)

1. Provides centralized administrative services for the Agency, including processing and coordinating requests for, and providing advice on, procurement actions, travel, property, facilities, timekeeping and mail services as well as r(2) coordinates actions as necessary with other HHS components such as the Program Support Center (PSC), the HHS Office of the Assistant Secretary for Administration (HHS ASA) and the contract travel agency; (3) processes and coordinates requests for
SAMHSA administrative actions; (4) provides advice and guidance to staff on administrative procedures for processing actions such as travel orders, acquisition requests, credit card purchases, office moves, and training documents; (5) ensures administrative actions are consistent with regulations and other requirements, and implements general management policies as prescribed by SAMHSA and higher authorities; (6) coordinates the provision of support in the areas of real and personal property, building management, facility management, health and safety, logistics, security, transportation, parking, and telecommunications; (7) manages Program Management funds including performing budget execution tasks such as certifying funds, maintaining the commitment database, and reconciling accounts for program management for SAMHSA; (8) coordinates and complies with policies and procedures set forth by the Office of Financial Resources (OFR) for budget execution and formulation; and (9) manages continuity of operations (COOP) for the Agency and serves as pan-flu liaison for the Office of Management, Technology and Operations (OMTO).

Administrative Operations Branch (MBHC)

Provides services to support the Agency’s administrative functions including (1) researching, analyzing and evaluating financial obligations and providing budget services for program management funds; (2) analyzing administrative matters impacting Office/Center serviced and developing work plans, and formulating recommendations for modifications of procedures; (3) monitoring and evaluating the effectiveness and efficiency of practices and policies within the Division to simplify operations and/or establish control systems for accurate and timely planning and reporting; (4) interpreting policies, procedures and practices concerning travel and reimbursement for travel expenses and preparing travel documents for travelers; (5) serving as System Administrator for the automated travel system; (6) reviewing and analyzing proposed small acquisitions under $100,000, ensuring appropriate guidelines, processing and procedural requirements are met; (7) providing managers and staff of SAMHSA with guidance, technical support, and training regarding travel, purchases, and related administrative matters; (8) providing travel on various administrative systems, such as travel, federal charge cards, small acquisitions, etc.; (9) developing, monitoring and maintaining staffing status rosters; (10) time and attendance services; analyzing leave and pay discrepancies; training new timekeepers and leave approving officials, updating staff on new leave policies; (11) processing of identification badges and personnel security controls (12) working with components of the HHS/ASA and reporting on various aspects of travel, procurement, conferences, etc.; (13) managing conference policy and procedures for the Agency; and (14) Monitoring and Managing the agency’s travel card program.

Building, Logistics, and Telecommunications Branch (MBHB)

Provides services to support the Agency in (1) building operations including security, interagency agreements and meeting logistics, facilities management, building equipment including installation and removal, oversight of SAMHSA security, purchasing and maintenance, audio visual services, mail services, PIV badging replacements including renewals and damages, property management and GSA vehicle driver services; (2) logistical requirements including building moves, space management, property management, real property management, parking maintenance, managing and monitoring childcare and Transhare subsidy programs, and other Federal Occupational Health provided programs; Safety and Health Officer responsibilities, environmental issues, oversee and assist in all furniture needs from moves to repairs, management of signage, specification for and arrangement of reasonable accommodations, management of shipping and receiving services, and labor services; (3) telecommunication and related services including desk phone services, copier control, conference room management, long distance phone services, audio conferences; and (4) COOP, emergency preparedness.

Division of Technology Management (MBJ)

Provides leadership in the development of policies for and the analysis, performance measurement, and improvement of SAMHSA information systems; (2) manages, operates, and enhances SAMHSA-wide administrative applications software systems; (3) coordinates with other service providers the provision of information technology services, including operation of the local and SAMHSA managed IT Infrastructure, Government Furnished Equipment (GFE); personal computers, laptop, printers, iPhones network servers, databases, scanners etc. and general computer repairs, working with DHHS service components and outside organizations as necessary and monitoring their performance; (4) serves as the Agency focal point for information technology policy, strategic planning, budget preparation, FITARA, coordination with the Department regarding these issues and the submission of required reports to the Department on a timely basis; (5) reviews and analyzes new advances in technology to further SAMHSA’s leadership in technological capabilities; (6) ensures necessary support services are available, implemented, and managed to ensure SAMHSA is able to fulfill its mission; (7) ensures that the appropriate level of information technology cybersecurity is in place so that the safety of Agency data can be assured; (8) oversees Agency-wide database administration and systems configuration management, providing advice, assistance, and training to Agency staff to obtain maximum utilization of and services from its information/application systems and databases; (9) exercises clearance authority for Agency information technology management projects; and (10) serves as the Agency focal point for all technology issues relating to the Intranet/internet activities; (11) ensure that agency records management program activities and special projects are implemented across SAMHSA.

Delegation of Authority

All delegations and re-delegations of authority made to SAMHSA officials that were in effect immediately prior to this reorganization, and that are consistent with this reorganization, shall continue in effect pending further re-delegation.

Summer King,
Statistician.
[FR Doc. 2019–06143 Filed 3–28–19; 8:45 am]
BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration (SAMHSA),
Center for Mental Health Services (CMHS) National Advisory Council (NAC) will meet on April 22, 2019, from 11:00 a.m. to 1:00 p.m. (EDT).

The meeting is open and will include consideration of minutes from the August 1, 2018 SAMHSA, CMHS NAC meeting; updates from the CMHS Directors Report, the Hotline Improvement Act, and future NAC meetings.

The meeting will be held via WebEx and telephone only. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before April 15, 2019. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentation must notify the contact person on or before April 15, 2019. Three minutes will be allotted for each presentation.

This is an open public meeting that will be conducted via WebEx and telephone. Registration is required to participate during this meeting. To attend virtually, or to obtain the call-in number and access code, submit written or brief oral comments, or request special accommodation for persons with disabilities, register on-line at: http://snacregister.samhsa.gov/

MeetingList.aspx or communicate with the CMHS National Advisory Council Designated Federal Officer, Pamela Foote (see contact information below).

Meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council website at: http://www.samhsa.gov/about-us/advisory-councils/cmhs-national-advisory-council or by contacting Ms. Pamela Foote (see contact information below).

Council Name: Substance Abuse and Mental Health Services Administration

CENTER FOR MENTAL HEALTH SERVICES National Advisory Council.

Date/Time/Type: Monday, April 22, 2019, 11:00 a.m. to 1:00 p.m., EDT, OPEN.

Place: SAMHSA, 5600 Fishers Lane, Rockville, Maryland 20857.

Contact: Pamela Foote, Designated Federal Officer, CMHS National Advisory Council, 5600 Fishers Lane, Room 14E53C, Rockville, Maryland 20857. Telephone: (240) 276–1279. Fax: (301) 480–8491, Email: pamela.foote@samhsa.hhs.gov.

Dated: March 26, 2019.

Carlos Castillo,
Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2019–06081 Filed 3–28–19; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0873]

Imposition of Conditions of Entry on Certain Vessels Arriving to the United States From the Republic of Seychelles

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that it will impose conditions of entry on vessels arriving from ports in the Republic of Seychelles. Conditions of entry are intended to protect the United States from vessels arriving from countries that have been found to have deficient anti-terrorism port measures in place.

DATES: The policy announced in this notice will become effective April 12, 2019.

FOR FURTHER INFORMATION CONTACT: For information about this notice, call or email Ezekiel Lyons, International Port Security Evaluation Division, United States Coast Guard, telephone 202–372–1296, Ezekiel.J.Lyons@uscg.mil.

SUPPLEMENTARY INFORMATION:

Discussion

The authority for this notice is in 5 U.S.C. 552(a), 46 U.S.C. 70110, and Department of Homeland Security Delegation No. 0170.1(II)(97.f). As delegated, section 70110(a) authorizes the Coast Guard to impose conditions of entry on vessels arriving in U.S. waters from ports that the Coast Guard has found to have deficient anti-terrorism measures.

On April 02, 2018, the Coast Guard found that ports in the Republic of Seychelles failed to maintain effective anti-terrorism measures in its ports and that the Republic of Seychelles’s designated authority’s oversight, access control measures, cargo control measures, and facility monitoring measures are all deficient.

On May 28, 2018, as required by 46 U.S.C. 70109, the Republic of Seychelles was notified of this determination, provided recommendations for improving antiterrorism measures, and given 90 days to respond. In August 2018, the Coast Guard re-visited the Republic of Seychelles to review Seychelles’s progress on correcting the security deficiencies. The Coast Guard determined that Seychelles failed to maintain effective anti-terrorism measures in its port facilities.

Accordingly, beginning April 12, 2019, the conditions of entry shown in Table 1 will apply to any vessel that visited a port in the Republic of Seychelles in its last five port calls.

Table 1—Conditions of Entry for Vessels Visiting Ports in the Republic of Seychelles

<table>
<thead>
<tr>
<th>No.</th>
<th>Each vessel must</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Implement measures per the vessel’s security plan equivalent to Security Level 2 while in a port in the Republic of Seychelles. As defined in the ISPS Code and incorporated herein, “Security Level 2” refers to the “level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident.”</td>
</tr>
<tr>
<td>2</td>
<td>Ensure that each access point to the vessel is guarded and that the guards have total visibility of the exterior (both landside and waterside) of the vessel while the vessel is in ports in the Republic of Seychelles. Guards may be provided by the vessel’s crew; however, additional crew members should be placed on the vessel if necessary to ensure that limits on maximum hours of work are not exceeded and/or minimum hours of rest are met, or provided by outside security forces approved by the vessel’s master and Company Security Officer. As defined in the ISPS Code and incorporated herein, “Company Security Officer” refers to the “person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port facility security officers and the ship security officer.”</td>
</tr>
<tr>
<td>3</td>
<td>Attempt to execute a Declaration of Security while in a port in the Republic of Seychelles.</td>
</tr>
<tr>
<td>4</td>
<td>Log all security actions in the vessel’s security records.</td>
</tr>
<tr>
<td>5</td>
<td>Report actions taken to the cognizant Coast Guard Captain of the Port (COTP) prior to arrival into U.S. waters.</td>
</tr>
</tbody>
</table>
### Department of Homeland Security

**Federal Emergency Management Agency**

[Docket ID FEMA–2019–0002]

### Changes in Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized.

Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

**DATES:** Each LOMR was finalized as shown in the table below.

**ADDRESSES:** Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at [https://msc.fema.gov](https://msc.fema.gov).

**FOR FURTHER INFORMATION CONTACT:** Rick Sachibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmindex.html](https://www.floodmaps.fema.gov/fhm/fmindex.html).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information, together with the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessors and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at [https://msc.fema.gov](https://msc.fema.gov).

(Catalog of Federal Domestic Assistance No. 97.022, “Flood Insurance.”)

**Michael M. Grimm,**


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### Table 1—Conditions of Entry for Vessels Visiting Ports in the Republic of Seychelles—Continued

<table>
<thead>
<tr>
<th>No.</th>
<th>Each vessel must:</th>
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<tbody>
<tr>
<td>7</td>
<td>In addition, based on the findings of the Coast Guard boarding or examination, the vessel may be required to ensure that each access point to the vessel is guarded by armed, private security guards and that they have total visibility of the exterior (both landside and waterside) of the vessel while in U.S. ports. The number and position of the guards has to be acceptable to the cognizant COTP prior to the vessel’s arrival.</td>
</tr>
</tbody>
</table>

**The following countries do not maintain effective anti-terrorism measures in their ports and are therefore subject to conditions of entry: The Republic of Seychelles, Cambodia, Cameroon, Comoros, Côte d’Ivoire, Equatorial Guinea, The Gambia, Guinea-Bissau, Iran, Iraq, Liberia, Libya, Madagascar, Micronesia, Nauru, Nigeria, Sao Tome and Principe, Syria, Timor-Leste, Venezuela, and Yemen. The current Port Security Advisory is available at [https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/International-Domestic-Port-Assessment/](https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/International-Domestic-Port-Assessment/).**

**Dated:** March 13, 2019.

**Daniel B. Abel,**

Vice Admiral USCG, Deputy Commandant for Operations.

[FR Doc. 2019–06106 Filed 3–28–19; 8:45 am]

**BILLING CODE 9110–04–P**

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### Arizona:

<table>
<thead>
<tr>
<th>State and county</th>
<th>Location and case No.</th>
<th>Chief executive officer of community</th>
<th>Community map repository</th>
<th>Date of modification</th>
<th>Community No.</th>
</tr>
</thead>
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</tr>
<tr>
<td>Pima (FEMA Docket No.: B–1867).</td>
<td>Unincorporated Areas of Pima County (18–09–10877).</td>
<td>The Honorable Richard Elias, Chairman, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.</td>
<td>Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.</td>
<td>Feb. 22, 2019</td>
<td>040073</td>
</tr>
<tr>
<td>Yavapai (FEMA Docket No.: B–1858).</td>
<td>Unincorporated Areas of Yavapai County (18–09–08627).</td>
<td>The Honorable Rowie P. Simmons, Chairman, Board of Supervisors, Yavapai County, 1015 Fair Street, Prescott, AZ 86305.</td>
<td>1120 Commerce Drive, Prescott, AZ 86305.</td>
<td>Jan. 14, 2019</td>
<td>040093</td>
</tr>
</tbody>
</table>

**California:**
- Fresno (FEMA Docket No.: B–1867).
  - City of Clovis (18–09–0724P).
    - The Honorable Bob Whalen, Mayor, City of Clovis, 1033 5th Street, Clovis, CA 93612.
    - Planning and Development, 1033 5th Street, Clovis, CA 93612.
  - Unincorporated Areas of Fresno County (18–09–0724P).
    - The Honorable Sal Quintero, Chairman, Board of Supervisors, Fresno County, 2281 Tulare Street, Room 301, Fresno, CA 93721.
    - Fresno County Department of Public Works & Planning, 2220 Tulare Street, 6th Floor, Fresno, CA 93721.
  - Napa (FEMA Docket No.: B–1862).
    - City of Napa (16–09–1316P).
      - The Honorable Jill Techel, Mayor, City of Napa, P.O. Box 660, Napa, CA 94559.
      - Public Works Department, 1600 1st Street, Napa, CA 94559.
    - Napa (FEMA Docket No.: B–1862).
      - Unincorporated Areas of Napa County (16–09–1316P).
        - The Honorable Belia Ramos, Chairman, Board of Supervisors, Napa County, 1195 3rd Street, Suite 310, Napa, CA 94559.
        - Napa County Engineering Division, Planning & Building & Environmental Services, 1195 3rd Street, 2nd Floor, Napa, CA 94559.
  - Riverside (FEMA Docket No.: B–1858).
    - City of Perris (18–09–0229P).
      - The Honorable Michael M. Vargas, Mayor, City of Perris, 101 North D Street, Perris, CA 92570.
      - Engineering Department, 170 Wilkerson Avenue, Perris, CA 92570.
    - San Diego (FEMA Docket No.: B–1858).
      - City of San Marcos (18–09–0305P).
        - The Honorable Jim Desmond, Mayor, City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069.
        - City Hall, 1 Civic Center Drive, San Marcos, CA 92069.
  - San Diego (FEMA Docket No.: B–1858).
    - Unincorporated Areas of San Diego County (18–09–0305P).
      - The Honorable Kristin Gaspar, Chair, Board of Supervisors, San Diego County, 1600 Pacific Highway, Room 335, San Diego, CA 92101.
      - San Diego County Flood Control District, Department of Public Works, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.
    - San Joaquin (FEMA Docket No.: B–1854).
      - City of Lathrop (18–09–0871P).
        - The Honorable Sonny Dhilliwal, Mayor, City of Lathrop, 390 Towne Centre Drive, Lathrop, CA 95330.
        - Engineering Department, 919 Palm Street, Perris, CA 92570.
      - City of Lathrop, 390 Towne Centre Drive, Lathrop, CA 95330.
    - San Luis Obispo (FEMA Docket No.: B–1862).
      - City of San Luis Obispo (17–09–2800P).
        - The Honorable Heidi Harmon, Mayor, City of San Luis Obispo, 990 Palm Street, San Luis Obispo, CA 93401.
        - Engineering Department, 919 Palm Street, San Luis Obispo, CA 93401.
      - City of San Luis Obispo, 990 Palm Street, San Luis Obispo, CA 93401.
  - Florida:
    - Duval (FEMA Docket No.: B–1862).
      - City of Jacksonville (17–04–0692P).
        - The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.
        - City Hall, 117 West Duval Street, Jacksonville, FL 32202.
      - City of Jacksonville, 117 West Duval Street, Jacksonville, FL 32202.
    - Duval (FEMA Docket No.: B–1858).
      - City of Jacksonville (18–04–3852P).
        - The Honorable Lenny Curry, Mayor, City of Jacksonville, City Hall at St. James Building, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.
  - St. Johns (FEMA Docket No.: B–1858).
    - Unincorporated Areas of St. Johns County (18–04–3852P).
      - Mr. Henry Dean, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.
      - St. Johns County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084.
      - City Hall, 117 West Duval Street, Jacksonville, FL 32202.
  - Idaho:
    - Bannock (FEMA Docket No.: B–1867).
      - City of Pocatello (18–10–0482P).
        - The Honorable Brian Blad, Mayor, City of Pocatello, P.O. Box 4169, Pocatello, ID 83205.
        - City Hall, 911 North 7th Avenue, Pocatello, ID 83205.
      - City of Hailey (18–10–0371P).
        - The Honorable Fritz Haemmerle, Mayor, City of Hailey, 115 Main South Street, Suite H, Hailey, ID 83333.
        - City Hall, 115 Main Street South, Suite H, Hailey, ID 83333.
      - Blaine (FEMA Docket No.: B–1862).
        - Unincorporated Areas of Blaine County (18–10–0371P).
          - Ms. Angenie McCleary, Chairman, Blaine County Board of Commissioners, 206 1st Avenue South, Suite 300, Hailey, ID 83333.
          - Blaine County Planning and Zoning, 219 1st Avenue South, Suite 208, Hailey, ID 83333.
          - Tazewell County, McKenzie Building, 4th Floor, 11 South 4th Street, Pekin, IL 61554.
      - Blaine County Planning and Zoning, 219 1st Avenue South, Suite 208, Hailey, ID 83333.
        - Tazewell County, McKenzie Building, 4th Floor, 11 South 4th Street, Pekin, IL 61554.
      - Village of Morton (18–05–4174P).
        - The Honorable Jeff Kaufman, Village President, Village of Morton, P.O. Box 28, Morton, IL 61550.
        - Village Hall, 120 North Main Street, Morton, IL 61550.

**Illinois:**
- Tazewell (FEMA Docket No.: B–1867).
  - Unincorporated Areas of Tazewell County (18–05–4174P).
    - The Honorable David Zimmerman, Chairman, Tazewell County Board, McKenzie Building, 11 South 4th Street, Suite 432, Pekin, IL 61554.
    - Village Hall, 120 North Main Street, Morton, IL 61550.
  - Tazewell (FEMA Docket No.: B–1867).
    - Village of Morton (18–05–4174P).
      - The Honorable Jeff Kaufman, Village President, Village of Morton, P.O. Box 28, Morton, IL 61550.
<table>
<thead>
<tr>
<th>State and county</th>
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<th>Date of modification</th>
<th>Community No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kansas:</td>
<td>City of Lawrence (17–07–2396P).</td>
<td>The Honorable Stuart Moley, Mayor, City of Lawrence, P.O. Box 708, Lawrence, KS 66044.</td>
<td>City Hall, 6 East 6th Street, Lawrence, KS 66044.</td>
<td>Dec. 20, 2018</td>
<td>200090</td>
</tr>
<tr>
<td></td>
<td>Douglas (FEMA Docket No.: B–1854).</td>
<td>Mr. Mike Gaughan, Chairman, Douglas County Commission, County Courthouse, 1100 Massachusetts Street, Lawrence, KS 66044.</td>
<td>Douglas County Courthouse, 1100 Massachusetts Street, Lawrence, KS 66044.</td>
<td>Dec. 20, 2018</td>
<td>200087</td>
</tr>
<tr>
<td>Missouri: Jackson (FEMA Docket No.: B–1867).</td>
<td>City of Oak Grove (18–05–2850P).</td>
<td>The Honorable Randy Wilson, Mayor, City of Glencoe, Administration Building, 1107 11th Street East, Glencoe, MN 55336.</td>
<td>Administration Building, 1107 11th Street East, Glencoe, MN 55336.</td>
<td>Dec. 20, 2018</td>
<td>290694</td>
</tr>
<tr>
<td>Nebraska:</td>
<td>City of Schuyler (17–07–2227P).</td>
<td>The Honorable David Reinecke, Mayor, City of Schuyler, 1103 B Street, Schuyler, NE 68661.</td>
<td>Municipal Building, 1103 B Street, Schuyler, NE 68661.</td>
<td>Feb. 15, 2019</td>
<td>301046</td>
</tr>
<tr>
<td></td>
<td>Unincorporated Areas of Colfax County (17–07–2227P).</td>
<td>Mr. Gil Wigington, Chairman, Colfax County Board of Commissioners, 411 East 11th Street, Schuyler, NE 68661.</td>
<td>Colfax County Courthouse, 411 East 11th Street, Schuyler, NE 68661.</td>
<td>Feb. 15, 2019</td>
<td>301046</td>
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<tr>
<td>New Jersey:</td>
<td>City of Scotch Plains (Dec. 28, 2018)</td>
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<td>Unincorporated Areas of Scotch Plains (Dec. 28, 2018)</td>
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<td>City of Chagrin Falls (18–05–2119P).</td>
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<td></td>
<td>Village of Chagrin Falls (18–05–2119P).</td>
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</tr>
<tr>
<td>Franklin (FEMA Docket No.: B–1858).</td>
<td>City of Grove City (18–05–1293P).</td>
<td>The Honorable Richard L. Stage, Mayor, City of Grove City, 4035 Broadway Street, Grove City, OH 43123.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Franklin (FEMA Docket No.: B–1858).</td>
<td>City of Grove City (18–05–1293P).</td>
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</table>
DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0045]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition by Entrepreneur To Remove Conditions on Permanent Resident Status


ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 29, 2019.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at dhsdeskofficer@omb.eop.gov. All submissions received must include the agency name and the OMB Control Number 1615–0045 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at http://www.uscis.gov, or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the Federal Register on November 5, 2018, at 83 FR 55391, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions,
or additional information by visiting the Federal eRulemaking Portal site at:
http://www.regulations.gov and enter USCIS–2006–0009 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
(2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used:
(3) Enhance the quality, utility, and clarity of the information to be collected; and
(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) Type of Information Collection Request: Extension, Without Change, of a Currently Approved Collection.
(2) Title of the Form/Collection: Petition by Entrepreneur to Remove Conditions on Permanent Resident Status.
(3) Agency form number, if any, and the applicable component of the DHS sponsoring the collection: Form I–829; USCIS.
(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households. This form is used by a conditional resident alien entrepreneur who obtained such status through a qualifying investment, to apply to remove conditions on his or her conditional residence.
(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The estimated total number of respondents for the information collection I–829 is 3,500 and the estimated hour burden per response is 4 hours. The estimated total number of respondents for the information collection for Biometrics is 3,500 and the estimated hour burden per response is 1.17 hours.
(6) An estimate of the total public burden (in hours) associated with the collection: The total estimated annual hour burden associated with this collection is 18,095 hours.
(7) An estimate of the total public burden (in cost) associated with the collection: The estimated total annual cost burden associated with this collection of information is $42,785,700.

Dated: March 25, 2019.

Samantha L. Deshommes,

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0052]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Naturalization


ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 29, 2019.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at dhdsdeskofficer@omb.eop.gov. All submissions received must include the agency name and the OMB Control Number 1615–0052 in the subject line. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377. (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at http://www.uscis.gov, or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the Federal Register on November 21, 2018, at 83 FR 85781, allowing for a 60-day public comment period. USCIS did receive 33 comment(s) in connection with the 60-day notice.

In the previously published Federal Register Notice, USCIS indicated that the proposed action was Revision of a Currently Approved Collection. As a result of the comments received from the publication, USCIS has determined that to properly consider and respond to all comments, it will request that the current information collection be considered by OMB for an extension of the approval. Therefore, USCIS will be submitting this information collection as an Extension, Without Change, of an Approved Collection. USCIS will publish a separate 60-day Federal Register Notice when it is ready to proceed with the revision of the information collection.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: http://www.regulations.gov and enter USCIS–2006–0025 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
(2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
(3) Enhance the quality, utility, and clarity of the information to be collected; and
(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) Type of Information Collection Request: Extension, Without Change, of a Currently Approved Collection.
(2) Title of the Form/Collection: Application for Naturalization.
(3) Agency form number, if any, and the applicable component of the DHS sponsoring the collection: N–400; USCIS.
(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households. USCIS uses the information gathered on Form N–400 to make a determination as to a respondent’s eligibility to naturalize and become a U.S. citizen.
(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The estimated total number of respondents for the information collection N–400 (paper) is 567,314 and the estimated hour burden per response is 9.17 hours; the estimated total number of respondents for the information collection N–400 (electronic) is 214,186 and the estimated hour burden per response is 3.5 hours; and the estimated total number of respondents for the information collection biometrics is 778,000 and the estimated hour burden per response is 1.17 hours.
(6) An estimate of the total public burden (in hours) associated with the collection: The estimated annual hour burden associated with this collection is 6,862,180.38 hours.
(7) An estimate of the total public burden (in cost) associated with the collection: The estimated annual cost burden associated with this collection of information is $346,768,927.50.

Dated: March 25, 2019.
Samantha L. Deshommes,
Chief, Regulatory Coordination Division,

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR
Bureau of Land Management
[LLCO956000 L14400000.BJ0000 19X]

Notice of Filing of Plats of Survey, Colorado

AGENCY: Bureau of Land Management, Interior.
ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Colorado State Office, Lakewood, Colorado, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the U.S. Forest Service and the BLM, are necessary for the management of these lands.

DATES: Unless there are protests of this action, the plats described in this notice will be filed on April 29, 2019.

ADDRESSES: You may submit written protests to the BLM Colorado State Office, Cadastral Survey, 2850 Youngfield Street, Lakewood, CO 80215–7093.

FOR FURTHER INFORMATION CONTACT: Randy Bloom, Chief Cadastral Surveyor for Colorado, (303) 239–3856; rbloom@blm.gov. Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1–800–877–8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The plat of the protraction diagram of Township 9 North, Range 83 West, Sixth Principal Meridian, Colorado, was accepted on February 12, 2019. The plat, in 7 sheets, incorporating the field notes of the dependent resurvey and survey in Township 12 South, Range 72 West, Sixth Principal Meridian, Colorado, was accepted on March 4, 2019. The plat, in 5 sheets, incorporating the field notes of the dependent resurvey in Township 2 South, Range 73 West, Sixth Principal Meridian, Colorado, was accepted on March 7, 2019. The plat incorporating the field notes of the dependent resurvey and survey in Township 36 North, Range 1 West, New Mexico Principal Meridian, Colorado, was accepted on March 15, 2019. A person or party who wishes to protest any of the above surveys must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the ADDRESSES section of this notice. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Randy A. Bloom,
Chief Cadastral Surveyor.

BILLING CODE 4310–JB–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1058]

Certain Magnetic Tape Cartridges and Components Thereof; Notice of a Commission Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and Cease and Desist Orders; Termination of the Investigation


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 in this investigation and has issued a limited exclusion order and cease and desist orders. The remedial orders are suspended as to claim 17 of U.S. Patent No. 7,029,774 pending final resolution of a validity issue. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for
inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at https://www.usitc.gov. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at https://edis.usitc.gov. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 1, 2017, based on a complaint, as amended, filed by Sony Corporation of Tokyo, Japan; Sony Storage Media Solutions Corporation of Tokyo, Japan; Sony Storage Media Manufacturing Corporation of Miyagi, Japan; Sony DADC US Inc. of Terre Haute, Indiana; and Sony Latin America Inc. of Miami, Florida (collectively “Sony”). 82 FR 25333 (Jun. 1, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 magnetic tape cartridges and components thereof by reason of infringement of claims 1–11 and 15–20 of U.S. Patent No. 7,029,774 (“the '774 patent’); claims 1–19 of U.S. Patent No. 6,674,596 (“the ‘596 patent’); and claims 1–6, and 8 of U.S. Patent No. 6,979,501 (“the ‘501 patent’”). Id. The complaint further alleges that an industry in the United States exists as required by 19 U.S.C. 1337(a)(2). Id. The notice of investigation named Fujifilm Holdings Corporation of Tokyo, Japan; Fujifilm Corporation of Tokyo, Japan; Fujifilm Media Manufacturing Co., Ltd. of Kanagawa, Japan; Fujifilm Holdings America Corporation of Valhalla, New York; and Fujifilm Recording Media U.S.A., Inc. of Bedford, Massachusetts (collectively “Fujifilm”), as respondents. Id. at 25334. The Office of Unfair Import Investigations is also a party in this investigation. Id.

On March 22, 2018, the administrative law judge (“ALJ”) granted Sony’s motion to terminate claims 2–4, 9, 11, 15, and 18–20 of the ‘774 patent, claim 3 of the ‘501 patent, and claims 14–19 of the ‘596 patent from the investigation. See Order No. 26; Comm’n Notice of Non-Review (Apr. 23, 2018). The ALJ held an evidentiary hearing on May 8–11, 2018, and thereafter received post-hearing briefs.

On August 17, 2018, the ALJ issued his final initial determination (“ID”), finding a violation of section 337 by Fujifilm in connection with claims 1, 5–8, 10, 16, and 17 of the ‘774 patent, and claims 1–13 of the ‘596 patent, but not in connection with claims 1, 2, 4–6, and 8 of the ‘501 patent. Specifically, the ID found that Fujifilm’s accused products infringe the asserted claims of the ‘774 and the ‘596 patents; that the asserted claims of the ‘774 and ‘501 patents are not invalid; and that a domestic industry exists with respect to both patents. Although the ID also found that Fujifilm’s accused products infringe the asserted claims of the ‘501 patent, and that a domestic industry exists with respect to that patent, the ID found no violation as to the ‘501 patent because Fujifilm established that the asserted claims are invalid.

On August 17, 2018, the ALJ also issued his final initial determination on remedy and bonding. As instructed by the Commission, the ALJ made findings of fact and recommendations concerning the public interest factors set forth in 19 U.S.C. 1337(d)(1) and (f)(1). 82 FR 25334; 19 CFR 210.10(b), 210.42(a)(1)(ii)(C). The ALJ recommended that the appropriate remedy is a limited exclusion order and cease and desist orders directed to Fujifilm. The ALJ also recommended that the Commission require no bond during the period of Presidential review. The ALJ further recommended, based on the evidence presented, that public interest factors do not weigh against or warrant tailoring any remedy.

On September 4, 2018, Sony, Fujifilm, and the Commission’s Investigative Attorney each filed a timely petition for review of the final ID. Thereafter, the parties filed timely responses to the petitions for review and public interest comments pursuant to Commission Rule 210.50(a)(4).

On October 18, 2018, the Commission determined to review the final ID in part and requested the parties to brief certain issues under review and to brief issues of remedy, bonding, and the public interest. The Commission determined to review the ID’s finding that the economic prong of the domestic industry requirement has been satisfied for all three asserted patents under sections 337(a)(3)(B) and (C) based on the domestic activities of Sony’s licensee. In addition, with respect to the ‘774 patent, the Commission determined to review the ID’s findings that the asserted claims are not invalid for lack of enablement and are not invalid for lack of written description, and the ID’s finding that certain prior art tapes do not anticipate claim 17. The Commission also determined to review the ID’s findings with respect to the ‘501 patent in their entirety. Other than the ID’s economic prong finding, the Commission did not review any other finding related to the ‘501 patent.

On October 23, 2018, the Patent Trial and Appeal Board (“PTAB”) of the U.S. Patent and Trademark Office issued a Final Written Decision in an inter partes review finding claims 15 and 17 of the ‘774 patent unpatentable. On November 1, 2018, the parties filed submissions to the Commission’s questions and also briefed the issues of remedy, bonding, and the public interest. As part of its submission, Fujifilm requested that the Commission stay the enforcement of any remedial orders should the Commission find a violation of section 337 in connection with claims 15 and 17 of the ‘774 patent in view of the PTAB’s Final Written Decision finding the patents invalid.

On November 8, 2018, the parties filed responses to the initial submissions. That same day, Sony and Fujifilm also filed a joint unopposed motion to submit certain replacement pages to their respective initial written submission. Having examined the record of this investigation, including the final ID, and the parties’ submissions, the Commission has determined to (1) affirm the ID’s findings that the asserted claims of the ‘774 patent are not invalid for lack of enablement and are not invalid for lack of written description; (2) affirm with modifications the ID’s finding that certain prior art tapes do not anticipate claim 17 of the ‘774 patent; (3) affirm with modifications the ID’s finding that Fujifilm has not proven that the asserted claims of the ‘506 patent are obvious over Platte and Kano; (4) take no position on whether Fujifilm’s own acts of direct infringement can form a basis for a violation of section 337 with respect to the ‘506 patent, and whether Fujifilm contributorily infringes the ‘506 patent; (5) affirm with modifications the ID’s finding that the economic prong of the domestic industry requirement has been satisfied for the ‘506 patent under sections 337(a)(3)(B) and (C) based on the domestic activities of Sony’s licensee; (6) affirm with modifications the ID’s finding that the economic prong of the domestic industry requirement has been satisfied with respect to the ‘774 and the ‘501 patents under section 337(a)(3)(B) based on the domestic activities of Sony’s licensee; and (7) take no position on whether the economic
prong of the domestic industry requirement has been satisfied with respect to the '774 and the '501 patents under section 337(a)(3)(C) based on the domestic activities of Sony’s licensee. The Commission adopts the ID’s findings to the extent that they are not inconsistent with the Commission opinion issued herewith. The Commission action results in a violation of section 337 as to claims 1, 5–8, 10, 16, and 17 of the ‘774 patent, and claims 1–13 of the ‘596 patent, but not as to claims 2, 4–6, and 8 of the ‘501 patent.

The Commission has also determined to grant Sony’s and Fujifilm’s joint motion to submit certain replacement pages to their respective initial written submission.

Having found a violation of section 337 in this investigation, the Commission has determined that the appropriate form of relief is: (1) A limited exclusion order prohibiting the unlicensed entry of magnetic tape cartridges and components thereof that infringe one or more of claims 1, 5–8, 10, 16, and 17 of the ‘774 patent, and claims 1–13 of the ‘596, and (2) cease and desist orders directed to the domestic Fujifilm respondents. The Commission has also determined that the public interest factors enumerated in section 337(d) and (f) (19 U.S.C. 1337(d) and (f)) do not preclude issuance of the limited exclusion order or cease and desist orders. The Commission has, however, determined to exempt Fujifilm’s magnetic tape cartridges and components thereof that are imported or sold within the United States after importation of the limited exclusion order and cease and desist orders as to that claim pending final resolution of the PTAB’s Final Written Decision. See 35 U.S.C. 318(b).

The Commission has further determined to set a bond at zero (0) percent of entered value during the period of Presidential review (19 U.S.C. 1337(j)). The Commission’s orders and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.


By order of the Commission.
Issued: March 25, 2019.
Katherine Hiner,
Acting Secretary to the Commission.
[FR Doc. 2019–06045 Filed 3–28–19; 8:45 am]
BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION
[Investigation No. 337–TA–1134]
Certain Sleep-Disordered Breathing Treatment Mask Systems and Components Thereof; Notice of the Commission’s Determination Not To Review an Initial Determination Terminating the Investigation Based on Settlement; Termination of the Investigation in Its Entirety

ACTION: Notice.
SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge’s (‘‘ALJ’’) initial determination (‘‘ID’’) (Order No. 13) terminating the investigation based on settlement. The investigation is terminated.
FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at https://www.usitc.gov. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at https://edis.usitc.gov. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.
SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 4, 2018, based on a complaint, as supplemented, filed on behalf of ResMed Corp. of San Diego, California, ResMed Inc. of San Diego, California, and ResMed Ltd. of Bella Vista, Australia (collectively, ‘‘Complainants’’), 83 FR 50,121 (October 4, 2018). The complaint, as supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (‘‘section 337’’), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain sleep-disordered breathing treatment mask systems and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,119,931; U.S. Patent No. 9,027,556; U.S. Patent No. 9,962,511; U.S. Patent No. 9,962,510; and U.S. Patent No. 9,937,315. The complaint further alleges that an industry in the United States exists as required by section 337. The notice of investigation names Fisher & Paykel Healthcare Limited of Auckland, New Zealand; Fisher & Paykel Healthcare Inc. of Irvine, California; and ResMed Inc. of San Diego, California (collectively, ‘‘Respondents’’). The Office of Unfair Import Investigations was not named as party in the investigation.

On February 22, 2019, the Complainants and Respondents filed a joint motion to terminate the investigation based on settlement.
On February 26, 2019, the ALJ issued the subject ID, granting the joint motion pursuant to Commission Rule 210.21(b). The ALJ found the parties included confidential and public versions of the settlement agreement and that the parties represented that there are no other agreements, written or oral, express or implied concerning the subject matter of the investigation. The ALJ also found that termination of the investigation is not contrary to the public interest. No petitions for review were filed.

The Commission has determined not to review the ID. The investigation is terminated.


By order of the Commission.
Issued: March 25, 2019.
Katherine Hiner,
Acting Secretary to the Commission.
[FR Doc. 2019–06045 Filed 3–28–19; 8:45 am]
BILLING CODE 7020–02–P
rubber bands from Thailand.\(^4\) Notice of the scheduling of the final phase of the Commission’s investigations and of a public hearing held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register on September 17, 2018 (83 FR 46969). The hearing was held in Washington, DC, on November 13, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel. Following affirmative final determinations by Commerce regarding LTFV and subsidized imports of rubber bands from China,\(^5\) the Commission issued its final determinations that an industry in the United States was materially injured by reason of LTFV and subsidized imports of rubber bands from China.\(^6\) Commerce has issued a final affirmative antidumping duty determination and a final negative countervailing duty determination with respect to rubber bands from Thailand.\(^7\) Accordingly, the Commission currently is issuing a supplemental schedule for its antidumping investigation of imports of rubber bands from Thailand. This supplemental schedule is as follows: The deadline for filing supplemental party comments on Commerce’s final antidumping duty determination is March 19, 2019; the staff report in the final phase of this investigation will be placed in the nonpublic record on April 1, 2019; and a public version will be issued thereafter.

Supplemental party comments may address only Commerce’s final antidumping duty determination regarding rubber bands from Thailand. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length.

For further information concerning these investigations see the Commission’s notice cited above and the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission’s rules.


Katherine Hiner,
Acting Secretary to the Commission.

[FR Doc. 2019–06070 Filed 3–28–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–19–010]

Government in the Sunshine Act Meeting Notice


TIME AND DATE: April 9, 2019 at 11:00 a.m.


STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.

2. Minutes.

3. Ratification List.


6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: March 26, 2019.

William Bishop,
Supervisory Hearings and Information Officer.


BILLING CODE 7020–02–P
INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1139]

Certain Electronic Nicotine Delivery Systems and Components Thereof; Notice of Commission Decision Not to Review an Initial Determination Granting Complainant’s Motion To Amend the Complaint and Notice of Investigation


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 8) of the presiding administrative law judge ("ALJ") granting Complainant’s motion to amend the complaint and notice of investigation ("NOI").

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at https://www.usitc.gov. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at https://edis.usitc.gov. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On December 13, 2018, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by Juul Labs, Inc. of San Francisco, California ("Complainant"). See 83 FR 64156–57 (Dec. 13, 2018). The complaint, as amended and supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic nicotine delivery systems and components thereof by reason of infringement of certain claims of U.S. Patent No. 10,070,669; U.S. Patent No. 10,076,139; U.S. Patent No. 10,045,568; U.S. Patent No. 10,058,130; and U.S. Patent No. 10,104,915. See id. The notice of investigation named the following respondents: J Well France S.A.S. of Paris, France; Bo Vaping of Garden City, New York; MMS Distribution LLC of Rock Hill, New York; The Electric Tobacconist, LLC of Boulder, Colorado; Vapor 4 Life Holdings, Inc. of Northbrook, Illinois; Eonsmoke, LLC of Clifton, New Jersey; ZLab S.A. of Punta del Este, Uruguay; Zlips Lab Co., Limited of Shenzhen City, China; Shenzhen Yibo Technology Co., Ltd. of Shenzhen City, China; XFIRE, Inc. of Stafford, Texas; ALD Group Limited of Shenzhen City, China; Flair Vapor LLC of South Plainfield, New Jersey; Shenzhen Jocig Technology Co., Ltd. of Shenzhen City, China; Myle Vape Inc. of Jamaica, New York; Vapor Hub International, Inc. of Simi Valley, California; Limitless Mod Co. of Simi Valley, California; Asher Dynamics, Inc. of Chino, California; Ply Rock of Chino, California; Infinite-N Technology Limited of Shenzhen City, China; King Distribution LLC of Elmwood Park, New Jersey; and Keep Vapor Electronic Tech. Co., Ltd. of Shenzhen, China. See id.

On February 1, 2019, Complainant filed a motion to amend the complaint and NOI to: (1) Change the name of respondent “Bo Vaping” to “ECVD/MMS Wholesale LLC.” and (2) substitute for respondent “MMS Distribution LLC,” the correct entity, which is “MMS/ECVD LLC.” On February 25, 2019, the ALJ issued the subject ID (Order No. 8) granting the motion. See id. at 3. The ID finds that “good cause exists to amend the complaint and notice of investigation to conform to the correct information,” under Commission Rule 210.14(b), 19 CFR 210.14(b). See id. The ID further finds that “this amendment would not prejudice the public interest or the rights of the parties to the investigation.” See id.

No petition for review of the subject ID was filed. The Commission has determined not to review the ID. The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 25, 2019.

Katherine Hiner
Acting Secretary to the Commission.

[FR Doc. 2019–06047 Filed 3–28–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1057; Enforcement Proceeding]

Certain Robotic Vacuum Cleaning Devices and Components Thereof Such as Spare Parts; Notice of Institution of Formal Enforcement Proceeding


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has instituted a formal enforcement proceeding related to cease and desist orders issued in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server (https://www.usitc.gov). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at https://edis.usitc.gov. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted an investigation on May 23, 2017, based on a complaint filed by iRobot Corporation of Bedford, Massachusetts ("iRobot"). 82 FR 23593–94. The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 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 robotic vacuum cleaning devices and components thereof such as spare parts that infringe certain claims of, inter alia,
U.S. Patent No. 9,038,233 ("the ‘233 patent"). Id. The Commission’s notice of investigation named as a respondent, *inter alia*, Shenzhen Silver Star Intelligent Technology Co., Ltd., of Shenzhen, China ("Silver Star") and bObsweep USA of Henderson, Nevada and bObsweep, Inc. of Toronto, Canada (together, "bObSweep"). Id. at 23593.

The Office of Unfair Import Investigations did not participate in the investigation. Id.

On November 30, 2018, the Commission found, *inter alia*, that Silver Star and bObSweep violated section 337 with respect to the ‘233 patent, and issued a limited exclusion order ("LEO") against, *inter alia*, Silver Star with respect to claims 1, 10, 11, and 14–16 of the ‘233 patent. 83 FR 63186–87. The Commission also issued cease and desist orders ("CDOs") against Silver Star’s customer bObSweep regarding those same claims. Id.

On January 30, 2019, Silver Star filed a request for an advisory opinion that eight of its products do not violate the LEO and CDOs. On February 11, 2019, iRobot opposed the advisory opinion request on numerous grounds. On March 15, 2019, the Commission determined to institute an advisory opinion proceeding and delegated the proceeding to an administrative law judge.

On February 21, 2019, iRobot filed a complaint requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75(b) to investigate alleged violations of the CDOs by bObSweep. On March 5, 2019, bObSweep filed a letter opposing the institution of a formal enforcement proceeding.

Having examined the enforcement complaint and the supporting documents, as well as the letter, the Commission has determined to institute a formal enforcement proceeding to determine whether bObSweep is in violation of the CDOs issued in the original investigation and what, if any, enforcement measures are appropriate. The following entities are named as parties to the formal enforcement proceeding: (1) Complainant iRobot; (2) respondent Silver Star; and (3) the Office of Unfair Import Investigations.

The Commission has further determined to consolidate the enforcement proceeding with the advisory opinion proceeding.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.
Issued: March 25, 2019.

Katherine Hiner,
Acting Secretary to the Commission.

**INTERNATIONAL TRADE COMMISSION**

**[Investigation No. 701–TA–600 (Final)]**

**Rubber Bands From Thailand; Termination of Investigation**

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** On March 7, 2019, the Department of Commerce published notice in the *Federal Register* of a final negative determination regarding the subsidization of imports of rubber bands by the government of Thailand (84 FR 8302). Accordingly, the countervailing duty investigation concerning rubber bands from Thailand (Investigation No. 701–TA–600 (Final)) is terminated.

**DATES:** March 7, 2019.

**FOR FURTHER INFORMATION CONTACT:**

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

General information concerning the Commission may also be obtained by accessing its internet server (https://www.usitc.gov). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at https://edis.usitc.gov.

**Authority:** This investigation is being terminated under authority of title VII of the Tariff Act of 1930 and pursuant to section 207.40(a) of the Commission’s Rules of Practice and Procedure (19 CFR 207.40(a)). This notice is published pursuant to section 201.10 of the Commission’s rules (19 CFR 201.10).

By order of the Commission.
Issued: March 11, 2019.

Katherine Hiner,
Acting Secretary to the Commission.

[FR Doc. 2019–06006 Filed 3–28–19; 8:45 am]

**BILLING CODE 7020–02–P**
designed format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Section 241 of the Trade Act of 1974, as amended (Act), provides that: “the Secretary shall from time to time certify to the Secretary of the Treasury for payment to each cooperating state the sums necessary to enable such State as agents of the United States to make payments provided for by this chapter.” As such, states may request reserve funds to cover the costs of training, job search allowances and relocation allowances, employment and case management services, and state administration of these benefits before DOL issues the final distribution of state allocations. Reserve funds are distributed to states in accordance with 20 CFR 618.920 on an as-needed basis in response to requests to provide monies to those states that experience large, unexpected layoffs, or otherwise have financial needs that are not met by their initial allocation. These funds are requested using the Form ETA–9117. Section 236(a)(2)(D) of the Trade Act of 1974, as amended, authorizes this information collection.

The current approved version of the collection is based on amendments made to the Act through the Trade Reform Act of 2002 (Pub. L. 107–210). Since that time, there have been three additional major amendments to the Act, most recently through the Trade Adjustment Assistance Reauthorization Act of 2015 (Pub. L. 114–27). One of the major changes authorized funding for the provision of employment and case management services under Section 235 of the Act. The current collection does not take into account this authorized expenditure category. The revised collection will substitute information currently required on expenditures and obligations of funds for the job search allowances and relocation allowances under Section 237 and 238 of the Act, respectively, for information on expenditures and obligations under the Section 235 of the Act. The Department has also refined the layout of the form for clarity. The change will not affect the burden of this collection, and there is no additional cost to respondents.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displayed by OMB on its valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the ADDRESSES section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0275.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without reduction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:
• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
• Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
• Enhance the quality, utility, and clarity of the information to be collected; and
• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (e.g., permitting electronic submission of responses).

Agency: DOL–ETA.
Type of Review: Revision.
Title of Collection: Trade Adjustment Assistance Program Reserve Funding Request.
Form(s): ETA 9117.
OMB Control Number: 1205–0275.
Affected Public: State Governments.
Estimated Number of Respondents: 25.
Frequency: Once.
Total Estimated Annual Responses: 25.
Estimated Average Time per Response: 2 hours.
Estimated Total Annual Burden Hours: 50 hours.

Total Estimated Annual Other Cost Burden: $0.

Molly E. Conway,
Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2019–06055 Filed 3–28–19; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR
Employment and Training Administration

Agency Information Collection Activities; Comment Request; Work Application/Job Order Recordkeeping

ACTION: Notice.

SUMMARY: The Department of Labor’s (DOL’s), Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, “Work Application/Job Order Recordkeeping.” This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by May 28, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Adriana Kaplan by telephone at 202–693–3740 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at kaplan.adriana@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Ave. NW, Washington, DC 20210; by email: Kaplan.adriana@dol.gov; or by Fax at 202–693–3817.

FOR FURTHER INFORMATION CONTACT:
Adriana Kaplan by telephone 202–693–3740 (this is not a toll-free number) or by email at kaplan.adriana@dol.gov.


SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducted a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to
comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

This ICR collects the required information for work applications and job order recordkeeping. The exact information collected is determined by the State. At a minimum, the information to be collected is that which enables the State to comply with regulations under 20 CFR 652 and the Wagner-Peyser Act.

In June 2016, OMB approved the Information Collection Request (ICR), OMB control number 1205–0001, that allows the Department of Labor and Department of Education (the Departments) to collect information from States pertaining to work applications and job orders and their retention of that data. OMB granted approval for the ICR through September of 2019, 29 U.S.C. 49 (The Wagner-Peyser Act) authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the ADDRESSES section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0001.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments. DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.
Type of Review: Extension without changes.
Title of Collection: Work Application/Job Order Recordkeeping.
Form: N/A.
OMB Control Number: 1205–0001.
Affected Public: State governments.
Estimated Number of Respondents: 52.
Frequency: Annually.
Total Estimated Annual Responses: 52.
Estimated Average Time per Response: 8 hours.
Estimated Total Annual Burden Hours: 416 hours.
Total Estimated Annual Other Cost Burden: $0.

Molly E. Conway,
Acting Assistant Secretary for Employment and Training.

[FR Doc. 2019–06056 Filed 3–28–19; 8:45 am]

BILLING CODE 4510–FN–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

TIME AND DATE: The Legal Services Corporation’s Board of Directors and its six committees will meet April 7–9, 2019. On Sunday, April 7, the first meeting will commence at 1:00 p.m., Eastern Daylight Time (EDT). On Monday, April 8, the first meeting will commence at 9:00 a.m., EDT, with the next meeting commencing promptly upon adjournment of the immediately preceding meeting. On Tuesday, April 9, the closed session meeting of the Board of Directors will commence at 9:30 a.m., EDT.

PLACE: Legal Services Corporation, 3333 K Street NW, 3rd Floor, F. William McCalpin Conference Center, Washington, DC 20007.

Public Observation: Unless otherwise noted herein, the Board and all committee meetings will be open to public observation. Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

Call-in Directions for Open Sessions:
• Call toll-free number: 1–866–451–4981;
• When prompted, enter the following numeric pass code: 5907707348

• Once connected to the call, your telephone line will be automatically “MUTED”.
• To participate in the meeting during public comment press #6 to “UNMUTE” your telephone line, once you have concluded your comments please press *6 to “MUTE” your line.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the presiding Chair may solicit comments from the public.

MEETING SCHEDULE

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:00 p.m.</td>
<td>Sunday, April 7, 2019: 1. Governance &amp; Performance Review Committee. 2. Operations &amp; Regulations Committee. 3. Finance Committee.</td>
</tr>
<tr>
<td>9:30 a.m.</td>
<td>Tuesday, April 9, 2019: 1. Board of Directors.</td>
</tr>
</tbody>
</table>

STATUS: Open, except as noted below.

Board of Directors—Open, except that, upon a vote of the Board of Directors, a portion of the meeting may be closed to the public to hear briefings by management and LSC’s Inspector General, and to consider and act on the

*Please note that all times in this notice are in Eastern Daylight Time.*
General Counsel’s report on potential and pending litigation involving LSC.**

Institutional Advancement Committee—Open, except that the meeting may be closed to the public to hear a briefing on Development activities.**

Audit Committee—Open, except that the meeting may be closed to the public to hear a briefing on the Office of Compliance and Enforcement’s active enforcement matters.**

Governance and Performance Review Committee—Open, except that the meeting may be closed to the public to hear a report on the President’s evaluation of other officers.**

Finance Committee—Open, except that the meeting may be closed to the public to hear a briefing from the Office of Finance and Administrative Services.**

Combined Audit and Finance Committees—Open, except that the meeting may be closed to the public to hear a briefing from the auditors.**

A verbatim written transcript will be made of the closed session of the Board, Institutional Advancement Committee, Audit Committee, Governance and Performance Review Committee and Combined Audit and Finance Committee meetings. The transcript of any portions of the closed sessions falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) and (10), will not be available for public inspection. A copy of the General Counsel’s Certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

April 7, 2019

Governance and Performance Review Committee

Open Session
1. Approval of agenda
2. Approval of minutes of the Committee’s Open Session meeting on January 17, 2019
3. Report on foundation grants and LSC’s research agenda
   • Jim Sandman, President
4. Report on transition planning
   • Ron Flagg, General Counsel and Vice President for Legal Affairs
   • Carol Bergman, Vice President for Government Relations & Public Affairs
5. Consider and act on other business
6. Public comment
7. Consider and act on motion to adjourn the open meeting and proceed to a closed session

Closed Session
1. Report on evaluations of LSC’s Vice President for Grants Management, Vice President for Government Relations and Public Affairs, Vice President for Legal Affairs, and Chief Financial Officer
   • Jim Sandman, President
2. Consider and act on adjournment of meeting

April 7, 2019

Operations & Regulations Committee

Open Session
1. Approval of agenda
2. Approval of minutes of the Committee’s Open Session meeting on January 17, 2019
3. Consider and act on the 2019–2020 Rulemaking Agenda
   • Ron Flagg, General Counsel and Vice President for Legal Affairs
   • Stefanie Davis, Assistant General Counsel
4. Update on performance management and human capital management
   • Traci Higgins, Director of Human Resources
5. Public comment
6. Consider and act on other business
7. Consider and act on adjournment of meeting

April 7, 2019

Finance Committee

Open Session
1. Approval of agenda
2. Approval of minutes of the Committee’s Open Session meeting on January 18, 2019
3. Presentation of LSC’s Financial Report for the first five months of FY 2019
4. Discussion of LSC’s FY 2019 appropriations
   • Carol Bergman, Vice President for Government Relations & Public Affairs
5. Consider and act on Resolution #2019–XXX, LSC’s Consolidated Operating Budget for FY 2019
   • Debbie Moore, Chief Financial Officer & Treasurer
6. Discussion of LSC’s FY 2020 appropriations request
   • Carol Bergman, Vice President for Government Relations & Public Affairs
7. Discussion regarding process, timetable, and methodology for FY 2021 budget request

Closed Session
1. Approval of minutes of the Committee’s Closed Session meeting on January 18, 2019
2. Report on Office of Financial and Administrative Services (OFAS)

April 8, 2019

Combined Audit & Finance Committees

Open Session
1. Approval of agenda
2. Approval of minutes of the Committee’s Open Session meeting on January 18, 2019
3. Presentation of the Fiscal Year (FY) 2018 Annual Financial Audit
   • Roxanne Caruso, Assistant Inspector General for Audits
   • Millie Seijo, Castro & Company
5. Public comment
6. Consider and act on other business
7. Consider and act on motion to adjourn the Open Session Meeting and proceed to a Closed Session

Closed Session
1. Approval of minutes of the Combined Audit & Finance Committees telephonic meeting of January 18, 2019
2. Communication by Corporate Auditor with those charged with governance under Statement on Auditing Standards 114
   • Roxanne Caruso, Assistant Inspector General for Audits
   • Millie Seijo, Castro & Company
3. Consider and act on motion to adjourn the meeting

April 8, 2019

Audit Committee

Open Session
1. Approval of agenda
2. Approval of minutes of the Committee’s Open Session meeting on January 18, 2019
April 8, 2019
Communications Subcommittee of the Institutional Advancement Committee
Open Session
1. Approval of agenda
2. Approval of minutes of the Subcommittee’s Open Session meeting of January 17, 2019
3. Communications and social media update
   - Carl Rauscher, Director of Communications and Media Relations
4. Public comment
5. Consider and act on other business
6. Consider and act on motion to adjourn the meeting

April 8, 2019
Delivery of Legal Services Committee
Open Session
1. Approval of agenda
2. Approval of minutes of the Committee’s Open Session meeting on January 17, 2019
3. Presentation on grantee oversight by the Office of Program Performance
   - Lynn Jennings, Vice President for Grants Management
   - Joyce McGee, Director, Office of Program Performance
   - Althea Hayward, Deputy Director, Office of Program Performance
   - Ronke Hughes, Deputy Director, Office of Program Performance
4. Public comment
5. Consider and act on other business
6. Consider and act on motion to adjourn the meeting

April 8 & 9, 2019
Board of Directors
Open Session—April 8, 2019
1. Pledge of Allegiance
2. Approval of agenda
3. Approval of minutes of the Board’s Open Session meeting of January 18, 2019
4. Chairman’s Report
5. Members’ Report
6. President’s Report
7. Inspector General’s Report
8. Consider and act on the report of the Office of Program Performance
9. Consider and act on the report of the Combined Audit and Finance Committee
10. Consider and act on the report of the Finance Committee
11. Consider and act on the report of the Audit Committee
12. Consider and act on the report of the Institutional Advancement Committee
13. Consider and act on the report of the Delivery of Legal Services Committee
14. Consider and act on the report of the Delivery of Legal Services Committee
15. Public Comment
16. Consider and act on other business
17. Consider and act on whether to authorize a closed session of the Board to address items listed below

Closed Session—April 9, 2019
1. Approval of minutes of the Board’s Closed Session meeting of January 18, 2019
2. Management briefing
3. Inspector General briefing
4. Consider and act on General Counsel’s report on potential and pending litigation involving LSC
5. Consider and act on motion to adjourn meeting

CONTACT PERSON FOR INFORMATION:
Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to FR_NOTICEQUESTIONS@lsc.gov.

Non-confidential Meeting Materials:
Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC website, at http://www.lsc.gov/board-directors/meetings/board-meeting-notices/non-confidential-materials-be-considered-open-session.

Accessibility: LSC complies with the American’s with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals who need other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or FR_NOTICEQUESTIONS@lsc.gov, at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: March 26, 2019.
Katherine Ward,
Executive Assistant to the Vice President for Legal Affairs, General Counsel & Corporate Secretary.
NATIONAL SCIENCE FOUNDATION

Advisory Committee for Education and Human Resources; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Advisory Committee for Education and Human Resources (#1119).

Date and Time: April 25, 2019; 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Room E2030, Alexandria, VA 22314.

To attend the meeting in person, all visitors must contact the Directorate for Education and Human Resources at least 48 hours prior to the meeting to arrange for a visitor’s badge. All visitors must access NSF via the Visitor Center entry adjacent to the south building entrance on Eisenhower Avenue on the day of the meeting to receive a visitor’s badge. It is suggested that visitors allow time to pass through security screening.

Type of Meeting: Open.

Contact Person: Keaven M. Stevenson, National Science Foundation, 2415 Eisenhower Avenue, Room C11001, Alexandria, VA 22314; (703) 292–8600/ksstevens@nsf.gov.

Summary of Minutes: Minutes and meeting materials will be available on the EHR Advisory Committee website at http://www.nsf.gov/ehr/advisory.jsp or can be obtained from Dr. Nafeesa Owens, National Science Foundation, 2415 Eisenhower Ave., Room C11045, Alexandria, VA 22314; (703) 292–8600/nowens@nsf.gov.

Purpose of Meeting: To provide advice with respect to the Foundation’s science, technology, engineering, and mathematics (STEM) education and human resources programming.

Agenda

Thursday, April 25, 2019, 8:30 a.m.–5:00 p.m.

Morning Sessions

• Remarks from the EHR Advisory Committee Chair and EHR Assistant Director
• Update on Federal STEM Education 5-Year Strategic Plan
• Updates on NSF BIG IDEAS and from EHR AC Subcommittees

Afternoon Sessions

• Graduate Education AC Subcommittee Report
• Committee Business: Committee of Visitors
• EHR Evaluation
• Discussion with NSF Director, France Córdova and Chief Operating Officer, F. Fleming Crim

Final agenda can be located at the EHR AC: https://www.nsf.gov/ehr/advisory.jsp.

Dated: March 25, 2019.

Crystal Robinson, Committee Management Officer.

[FR Doc. 2019–06023 Filed 3–28–19; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Computing and Communication Foundations; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Computing and Communication Foundations—Science and Technology Centers—Integrative Partnerships Site Visit (#1192).

Date and Time: May 6, 2019; 7:00 p.m.–8:30 p.m., May 7, 2019; 8:00 a.m.–8:00 p.m., May 8, 2019; 8:00 a.m.–4:00 p.m.

Place: McGovern Institute for Brain Research, Massachusetts Institute of Technology (MIT), 43 Vassar St., Cambridge, MA 02139.

Type of Meeting: Part-Open.

Contact Person: Phillip Regalia, National Science Foundation, 2415 Eisenhower Avenue, Room W10207, Alexandria, VA 22314; Telephone: (703) 292–8910.

Purpose of Meeting: Site visit to assess the progress of the STC Award: 1231216 “A Center for Brains, Minds and Machines: The Science and the Technology of Intelligence”, and to provide advice and recommendations concerning further NSF support for the Center.

Agenda

MIT Review Site Visit

Monday, May 6, 2019

7:00 p.m. to 8:30 p.m.: Closed Site Team and NSF Staff meets to discuss site visit materials, review process and charge

Tuesday, May 7, 2019

8:00 a.m. to 8:00 p.m.: Open
Presentations by Awardee Institution, faculty staff and students, to Site Team and NSF Staff; Discussions, question and answer sessions

Wednesday, May 8, 2019

8:00 a.m.–4:00 p.m.: Closed Complete written site visit report with preliminary recommendations.

Reason for Closing: The work being reviewed during closed portions of the site visit will include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the project. These matters are exempt under 5 U.S.C. 552(b)(4) and 5 U.S.C. 552(b)(6) of the Government in the Sunshine Act.

Dated: March 26, 2019.

Crystal Robinson, Committee Management Officer.

[FR Doc. 2019–06077 Filed 3–28–19; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Polar Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Polar Programs (1130).

Date and Time: May 1, 2019; 9:00 a.m.–5:00 p.m., May 2, 2019; 9:00 a.m.–3:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314, Room 1010.

Type of Meeting: Open.

Contact Person: Andrew Backe, National Science Foundation, Room W 7237, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; Phone 703–292–2454.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation concerning support for polar research, education, infrastructure and logistics, and related activities.

Agenda

May 1, 2019; 9:00 a.m.–5:00 p.m.

• Opening Remarks and Introductions
• Antarctic Treaty
• Polar Cyberinfrastructure
• Arctic Portfolio Review Subcommittee Report
• Polar Research Vessel Requirements Subcommittee Report
• Safety Discussion
• IARPC Principles Document
• USAP Communications & Community Outreach Charter
• Astrophysics Decadal Process Update

May 2, 2019; 9:00 a.m.–3:00 p.m.

• Polar Advisory Overview Document
NATIONAL SCIENCE FOUNDATION
Sunshine Meeting: National Science Board

The National Science Board’s Awards and Facilities Committee, pursuant to NSF regulations (45 CFR part 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: Wednesday, April 3, 2019, from 8:00–9:00 and 10:00–11:00 a.m. EDT.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Ave., Alexandria, VA 22314.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agenda for the first session is: Share of the NSF budget for Research Infrastructure (RI); Changes to the RI portfolio; and Use of Major Research Equipment and Facility Construction (MREFC) and Research and Related Activities (R&R&A) lines for central Operations and Maintenance (O&M) funding. The agenda for the second session is: NSF’s processes and timetable for making the inaugural set of mid-scale awards; Community response to the mid-scale solicitations; and NSF’s plans for mid-scale program oversight.

CONTACT PERSON FOR MORE INFORMATION:

Point of contact for this meeting is: Elise Lipkowitz, elipkowi@nsf.gov, telephone: (703) 292-7900. Meeting information and updates may be found at http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine. Please refer to the National Science Board website www.nsf.gov/nsb for general information.

Chris Blair,
Executive Assistant to the NSB Office.
[FR Doc. 2019–06676 Filed 3–28–19; 8:45 am]
BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION
Notice of Intent To Seek Approval To Establish an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: Under the Paperwork Reduction Act of 1995 and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public or other Federal agencies to comment on this proposed information collection.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Foundation, including whether the information will have practical utility; (b) the accuracy of the Foundation’s estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments on this notice must be received by May 28, 2019, to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; telephone (703) 292–7556; or send email to splimpto@nsf.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Mathematical Sciences Postdoctoral Research Fellowship Application Data.

OMB Number: 3145–NEW.

Expiry Date of Approval: Not applicable.

Type of Request: Intent to seek approval to establish an information collection.

Abstract: The Division of Mathematical Sciences within the Directorate of Mathematical and Physical Sciences of the National Science Foundation will use the Mathematical Sciences Postdoctoral Research Fellowship Application Forms mentioned in the solicitation. Instructions on how to complete the application forms are provided at the program web page. All scientists submitting proposals to the solicitation will be asked to complete an electronic version of the Application Forms. The data collected on the forms does not duplicate that collected elsewhere in the same manner in the proposal. The information consists of PI’s current institution and position, (expected) doctoral degree date and institution, proposed fellowship institution and mentoring scientist, reference letter writers, and Mathematics Subject Classification codes.

Use of the Information: The data collected will be used to greatly reduce NSF staff workload in the merit review process.

Burden on the Public: The Directorate estimates that an average of 30 minutes is expended for each proposal submitted. An estimated 250 proposals will be submitted and 125 public burden hours annually.


Estimated Total Annual Burden on Respondents: 125 hours.

Frequency of Responses: Annually.

Dated: March 25, 2019.

Suzanne H. Plimpton,
Reports Clearance Officer, National Science Foundation.

[FR Doc. 2019–06137 Filed 3–28–19; 8:45 am]
BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION


New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission’s consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: Comments are due: April 2, 2019.

ADDRESSES: Submit comments electronically via the Commission’s Filing Online system at http://www.prc.gov. Those who cannot submit comments electronically should contact the person identified in the FOR FURTHER INFORMATION CONTACT section by telephone for advice on filing alternatives.
FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents
I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreements(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request’s acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadlines pertaining to each request.

The public portions of the Postal Service’s request(s) can be accessed via the Commission’s website (http://www.prc.gov). Non-public portions of the Postal Service’s request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.

The Commission invites comments on whether the Postal Service’s request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadlines(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. Docket No(s): CP2018–6; Filing Title: USPS Notice of Amendment to Priority Mail Contract 367, Filed Under Seal; Filing Acceptance Date: March 25, 2019; Filing Authority: 39 CFR 3015.5; Public Representative: Lyudmila Y. Bzhilyanskaya; Comments Due: April 2, 2019.


Stacy L. Ruble, Secretary.

SUPPLEMENTARY INFORMATION:

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule’s Competitive Products List.

DATES: Date of required notice: March 29, 2019.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.


Elizabeth Reed, Attorney, Corporate and Postal Business Law.

[FR Doc. 2019–06035 Filed 3–28–19; 8:45 am]

BILLING CODE 7710–12–P
**SEcurities and Exchange Commission**


The Sarbanes-Oxley Act of 2002 (the “Act”) provides that the Securities and Exchange Commission (the “Commission”) may recognize, as generally accepted for purposes of the securities laws, any accounting principles established by a standard setting body that meets certain criteria. Consequently, Section 109 of the Act provides that all of the budget of such a standard setting body shall be payable from an annual accounting support fee assessed and collected against each issuer, as may be necessary or appropriate to pay for the budget and provide for the expenses of the standard setting body, and to provide for an independent, stable source of funding, subject to review by the Commission. Under Section 109(f) of the Act, the amount of fees collected for a fiscal year shall not exceed the “recoverable budget expenses” of the standard setting body. Section 109(h) amends Section 13(b)(2) of the Securities Exchange Act of 1934 to require issuers to pay the allocable share of a reasonable annual accounting support fee or fees, determined in accordance with Section 109 of the Act. On April 25, 2003, the Commission issued a policy statement concluding that the Financial Accounting Standards Board (“FASB”) and its parent organization, the Financial Accounting Foundation (“FAF”), satisfied the criteria for an accounting standard-setting body under the Act, and recognizing the FASB’s financial accounting and reporting standards as “generally accepted” under Section 108 of the Act. As a consequence of that recognition, the Commission undertook a review of the FASB’s accounting support fee for calendar year 2019.

1 Financial Reporting Release No. 70.

**Small Business Administration**

**Data Collection Available for Public Comments**

ACTION: 60 Day notice and request for comments.

**SUMMARY:** The Small Business Administration (SBA) intends to request an approved budget to the Commission on November 30, 2018.

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approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires agencies to publish a notice in the Federal Register concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before May 28, 2019.

ADDRESSES: Send all comments to Lori Gillen, Director, All Small Mentor Protégé Program, Office of Government Contracting, Small Business Administration, 409 3rd Street NW, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Lori Gillen, Director, All Small Mentor Protégé Program, Office of Government Contracting, AllSmallMpp@sba.gov, Curtis B. Rich, Management Analyst, 202–205–7030 curtis.rich@sba.gov.

SUPPLEMENTARY INFORMATION: In 2016, based on authorities provided in the Small Business Jobs Act of 2010, and the National Defense Authorization Act for Fiscal Year 2013, the Small Business Administration established a Government-wide mentor-protégé program for all small business concerns, (the All Small Mentor Protégé Program) consistent with SBA’s mentor-protégé program for Participants in SBA’s 8(a) Business Development (BD) program. This information collection facilitates ongoing implementation and administration of that program. The collection of information consists of:

SBA Form 2459, Mentor Protégé Agreement, which collects information to assist with evaluating the protégé’s needs and goals as well as the mentor’s ability to meet those needs; SBA Form 2460, Mentor Protégé Benefits Report, which collects information to determine the participants continuing eligibility to participate in the All Small Business Mentor Protégé Program and evaluate program performance, including the level of technical, management, and financial assistance the mentor provided to the protégé. Each mentor is also required to submit information to show that it is financially capable of carrying out its responsibilities to assist the protégé firm meet its goals. Finally, for those mentors and proteges that are involved in joint ventures, this information collection requires them to submit a copy of quarterly financial statements and performance of work reports to help SBA monitor compliance with performance of work requirements. Both Forms 2459 and 2460 have been changed to collect additional

information. Changes to Form 2459 include questions about other mentor protégé agreements and information that might lead to a finding of affiliation between the mentor and protege, and changes to Form 2460 include additional clarifying questions about joint ventures, contract offers, awards and performance, as well as information about subcontract awards and the protégé’s revenue and/or staff growth.

Title: “Mentor Protégé Program”.
OMB Control Number: 3245–0393.

Description of Respondents: Small or large business concerns participating in the All Small Mentor Protégé program as a protégé or mentor, consistent with SBA’s mentor-protégé program.
Form Number: SBA Forms 2459 and 2460.
Estimated Annual Responses: 3,750.
Estimated Annual Hour Burden: 5,850.

Curtis Rich, Management Analyst.


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 29, 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: Prior to Small Business Administration (SBA) approval of subsequent loan disbursement, disaster loan borrowers are required to submit information to demonstrate that they used loan proceeds for authorized purposes only and to make certain certification regarding current financial condition and previously reported compensation paid in connection with the loan.

Title: Borrower’s Progress Certification.

Description of Respondents: Disaster loan Borrowers.
Form Number: 1366.
Estimated Annual Responses: 15,966.
Estimated Annual Hour Burden: 7,983.

Curtis Rich, Management Analyst.

[FR Doc. 2019–06064 Filed 3–28–19; 8:45 am] BILING CODE 6025–01–P

DEPARTMENT OF STATE

[Public Notice: 10718]

30-Day Notice of Proposed Information Collection: Special Immigrant Visa Biodata Form

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to April 29, 2019.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

• Email: oira_submission@omb.eop.gov. You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.

• Fax: 202–395–3806. Attention: Desk Officer for Department of State

FOR FURTHER INFORMATION CONTACT: Direct requests for additional
information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Irving Jones, PRM/Admissions, 2025 E Street NW, SA–9, 8th floor, Washington, DC 20522–0908, who may be reached on 202–453–9248 or at jonesji2@state.gov.

SUPPLEMENTARY INFORMATION:

- Title of Information Collection: Special Immigrant Visa Biodata Form.
- OMB Control Number: 1405–0203.
- Type of Request: Revision of a Currently Approved Collection.
- Form Number: DS–0234.
- Respondents: Iraqi and Afghan Special Immigrant Visa Applicants.
- Estimated Number of Respondents: 14,000.
- Estimated Number of Responses: 14,000.
- Average Time per Response: 15 minutes.
- Total Estimated Burden Time: 3,500 annual hours.
- Frequency: On Occasion.
- Obligation to Respond: Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Form DS–234 is being revised to better elicit information used to determine the eligibility of Iraqis and Afghan nationals applying for special immigrant visas.

Methodology

The SIV Biodata information form (DS–234) is submitted electronically by the applicant to the National Visa Center, which will forward the forms to the Refugee Processing Center of the Bureau of Population, Refugees, and Migration.

Lawrence Bartlett,
Director, Office of Admissions, Bureau of Population, Refugees, and Migration, Department of State.

[FR Doc. 2019–06054 Filed 3–28–19; 8:45 am]
BILLING CODE 4710–33–P

DEPARTMENT OF STATE

[Public Notice 10721]

Notice of Public Meeting

The Department of State will conduct an open meeting at 9:30 a.m. on April 23, 2019, in conference room 5116–15 of the Foreign Affairs Building, 1400 New York Avenue, NW, Washington, DC 20523. The primary purpose of the meeting is to prepare for the sixth session of the International Maritime Organization’s (IMO) Sub-Committee on Human Element, Training and Watchkeeping (HTW) to be held at the IMO Headquarters, United Kingdom, April 29 to May 3, 2019.

The agenda items to be considered include:

- Decisions of other IMO bodies
- Validated model training courses
- Reports on unlawful practices associated with certificates of competency
- Guidance for STCW Code, section B–1/2
- Comprehensive review of the 1995 STCW–F Convention
- Role of the human element
- Development of amendments to the Revised guidelines for the development, review and validation of model courses
- Development of amendments to the STCW Convention and Code for the use of electronic certificates and documents of seafarers
- Biennial status report and provisional agenda for HTW 7
- Election of Chair and Vice-Chair for 2020
- Any other business

Members of the public may attend this meeting up to the seating capacity of the room. Upon request to the meeting coordinator, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. To access the teleconference line, participants should call (202) 475–4000 and use Participant Code: 796 771 84. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Mr. Kenneth Doyle, by email at Kenneth.J.Doylene@uscg.mil, by phone at (202) 372–1046, or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509 not later than April 9, 2019, 14 days prior to the meeting. Requests made after April 9, 2019 might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Douglas A. Munro Coast Guard Headquarters Building at St. Elizabeth’s. This building is accessible by taxi, public transportation, and privately owned conveyance (upon request).

Gregory J. O’Brien,
Senior Oceans Policy Advisor, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2019–06075 Filed 3–28–19; 8:45 am]
BILLING CODE 4710–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36278]

Akron Barberton Cluster Railway Company—Acquisition Exemption—Board of Portage County Commissioners

Akron Barberton Cluster Railway Company (ABC), a Class III carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire the entire line of railroad owned by the Board of Portage County Commissioners, in Portage County, Ohio (the Line). The Line extends from milepost 190.04 near Kent, Ohio, to milepost 182.82 near Ravenna, Ohio, a total distance of 7.22 miles. ABC is the current operator of the Line. 1

ABC certifies that the projected annual rail revenues of ABC as a result of the proposed transaction will not exceed $1.7 million.

1 In 1994, ABC obtained authority to acquire from Consolidated Rail Corporation (Conrail) and operate the nearly adjoining line segment between milepost 192.51 and milepost 190.05. See Akron Barberton Cluster Ry.—Acquis. & Operation Exemption—Certain Lines of Consol. Rail Corp., F.D. 32537 (ICC served Aug. 10, 1994). In its verified notice here, however, ABC indicates that Conrail’s transfer to ABC in 1994 also included an additional 0.9-mile segment between milepost 190.05 and milepost 190.04, for which authority was not received. ABC asks that, to the extent any further authority is deemed necessary for ABC to acquire that segment, such authority be included as part of the exemption invoked here. However, such after-the-fact authority for acquisition from Conrail cannot be granted in this proceeding. ABC should file a new notice seeking the appropriate authority for the additional segment. See, e.g., Ga. Dept’ of Transp.—Acquis. Exemption—CSX Transp., Inc., F.D. 35591 (STB served Feb. 27, 2012).
SUMMARY: On February 27, 2019, National Express LLC (National Express) and Sodrel Holding Company, Inc. (Sodrel Holding) (collectively, Applicants), both noncarriers, jointly filed an application under 49 U.S.C. 11056(b) and from historic reporting requirements under 49 CFR 1105.6(c) and from Sodrel Holding. The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by May 13, 2019. Applicants may file a reply by May 28, 2019. If no opposing comments are filed by May 13, 2019, this notice will be effective on May 14, 2019.

ADDRESSES: Send an original and 10 copies of any comments referring to Docket No. MCF 21085 to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Michael J. Barron, Fletcher & Sippel, LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208. According to the application, National Express is a noncarrier holding company organized under the laws of Delaware that is indirectly wholly owned and controlled by a publicly held, British corporation, National Express Group PLC (Express Group). (Appl. 1–2.) Applicants state that National Express Group indirectly controls the following 17 motor passenger carriers (collectively, National Express Affiliated Carriers) that hold interstate carrier operating authority in the United States (id. at 2–8):

1.分子Student Delivery LLC, which provides public passenger charter services in New Jersey, New York, and Pennsylvania, and intrastate passenger charter services in New York;
2. Beck Bus Transportation Corp., which primarily provides student school bus transportation services in Illinois, and charter passenger services to the public;
3. Chicagoland Coach Lines LLC, formerly known as National Express Coach, LLC, and National Express Transit—Yuma, which does not have any current operations;
4. Durham School Services, L.P., which primarily provides student school bus transportation services in several states, and charter passenger services to the public;
5. MV Student Transportation, Inc., which primarily provides student school bus transportation services, and charter passenger services to the public;
6. New Dawn Transit LLC, which primarily provides non-regulated school bus transportation services in New York, and charter passenger services to the public;
7. Petermann Ltd., which primarily provides non-regulated school bus transportation services in Ohio, and charter passenger services to the public;
8. Petermann Northeast LLC, which primarily provides non-regulated school bus transportation services primarily in Ohio and Pennsylvania, and charter passenger services to the public;
9. Petermann Southwest LLC, which primarily provides non-regulated school bus transportation services in Texas, and charter passenger services to the public;
10. Petermann STSA, LLC, which primarily provides non-regulated school bus transportation services primarily in Kansas, and charter passenger services to the public;
11. Quality Bus Service LLC, which primarily provides non-regulated student school bus transportation services primarily in New York, and charter passenger services to the public;
12. Queen City Transportation, LLC, which primarily provides non-regulated school bus transportation services in Ohio, and charter passenger services to the public;
13. Trans Express Inc., which provides interstate and intrastate passenger transportation services in New York;
14. Trinity, Inc., which provides non-regulated school bus transportation services in southeastern Michigan, and charter service to the public;
15. Trinity Student Delivery LLC, which primarily provides non-regulated school bus transportation services in

SURFACE TRANSPORTATION BOARD
[Docket No. MCF 21085]
National Express LLC—Acquisition of Control—Free Enterprise System/Royal, LLC
AGENCY: Surface Transportation Board.
ACTION: Notice tentatively approving and authorizing finance transaction.

SUMMARY: On February 27, 2019, National Express LLC (National Express) and Sodrel Holding Company, Inc. (Sodrel Holding) (collectively, Applicants) both noncarriers, jointly filed an application for National Express to acquire control of Free Enterprise System/Royal, LLC (Royal) from Sodrel Holding. The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by May 13, 2019. Applicants may file a reply by May 28, 2019. If no opposing comments are filed by May 13, 2019, this notice will be effective on May 14, 2019.

ADDRESSES: Send an original and 10 copies of any comments referring to Docket No. MCF 21085 to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Michael J. Barron, Fletcher & Sippel, LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.
northern Ohio, and passenger charter services to the public;
- White Plains Bus Company, Inc., d/b/a Suburban Paratransit Service, which primarily provides non-regulated school bus transportation services in New York, paratransit services, and charter services to the public; and
- Wise Coaches, Inc., which provides interstate passenger charter services in Tennessee and its surrounding states, and intrastate passenger charter and shuttle services in Tennessee.

Applicants state that Royal, the carrier being acquired, is an Indiana limited liability company that holds interstate carrier operating authority in the United States. Royal operates primarily as a motor carrier providing interstate and intrastate passenger charter services in Illinois and Indiana, and their surrounding states, and corporate and university shuttle services for employees and students in the greater metropolitan area of Chicago, Ill. (the Service Area). (Appl. 9.)

According to the application, Mr. Michael E. Sodrel holds all of the equity stock of Sodrel Holding. (Id. at 8.) Sodrel Holding, the seller and a noncarrier, is an Indiana corporation that holds all of the issued and outstanding equity membership interests in Royal. (Id.) Sodrel Holding also owns all of the outstanding equity stock or interests in three other motor passenger carriers that hold interstate carrier operating authority in the United States (Sodrel Affiliated Carriers) (id. at 8–10):
- The Free Enterprise System Inc., which provides interstate and intrastate passenger charter services in Illinois, Indiana, and Kentucky;
- Star of America LLC, which does not currently have any operations; and
- Student Transit, LLC, which provides non-regulated school bus transportation services in Indiana.

Applicants state that the National Express Affiliated Carriers, Royal, and the Sodrel Affiliated Carriers are the only carriers with regulated interstate operations involved in this application. (Id. at 11.)

Applicants state that, through this transaction, National Express will acquire all of the outstanding equity membership interest in Royal, giving National Express direct 100% control of Royal. (Id. at 10.)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges that result, and (3) the interest of affected carrier employees. Applicants have submitted the information required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), see 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded $2 million during the 12-month period immediately preceding the filing of the application, see 49 CFR 1182.2(a)(5).

Applicants assert that the proposed transaction is not expected to have a material, detrimental impact on the adequacy of transportation services available to the public. (Appl. 11.) They state that National Express expects that services to the public will be improved as operating efficiencies are realized. (Id.) They state that for the foreseeable future, Royal will continue to provide the services it currently provides under the same name, but will operate within the National Express corporate family, which is experienced in passenger transportation operations. (Id.) Applicants further state that Royal is experienced in some of the same market segments already served by some of the National Express Affiliated Carriers, and the transaction is expected to result in improved operating efficiencies, increased equipment utilization rates, and cost savings derived from economies of scale within Royal, which will help ensure the provision of adequate service to the public. (Id. at 12.) They also assert that combining Royal to National Express’ corporate family will enhance the viability of the overall National Express organization and the operations of the National Express Affiliated Carriers by adding the Service Area to their areas serviced. (Id.)

Applicants claim that neither competition nor the public interest will be adversely affected by the proposed transaction. (Id. at 14.) Applicants state that the population and demand for charter and shuttle services in the Service Area are expected to increase in the foreseeable future, and that Royal competes directly with other passenger charter and shuttle service providers, including ABC Transportation Services, Aries Charter Transportation, Chicago Charter Bus, Chicago Classic Coach, Ideal Charter, Infinity Transportation, Signature Transportation Group, and Windy City Limousine. (Id.) According to Applicants, a number of passenger transportation arrangers or brokers for charter services operate within the Service Area, and passenger motor coach charter providers also compete “with a number of scheduled airlines and scheduled rail transportation within the Service Area.” (Id.) With regard to interstate charter service offerings, Applicants also state that the Service Area is geographically dispersed from the service areas of the National Express Affiliated Carriers, and there is very limited overlap in the service areas and customer bases among the National Express Affiliated Carriers and Royal. (Id.)

Applicants state that there are no material fixed charges associated with the transaction. (Appl. 12.) Regarding the interests of employees, Applicants claim that the transaction is not expected to have substantial impacts on employees or labor conditions, nor does National Express anticipate a measurable reduction in force or changes in compensation levels and/or benefits. (Id.) Applicants submit, however, that staffing redundancies could result in limited downsizing of back-office or managerial-level personnel. (Id.)

The Board finds that the acquisition as proposed in the application is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6. If no opposing comments are filed by expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at www.stb.gov.

It is ordered:
1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.
2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.
3. This notice will be effective May 14, 2019, unless opposing comments are filed by May 13, 2019.
4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: March 25, 2019.
DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration
[DOcket No. FAA2019–0238]
Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Human Response to Aviation Noise in Protected Natural Areas Survey

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. This information will be used to establish a scientific basis for air tour management policy decisions in the National Parks as mandated by the National Parks Air Tour Management Act of 2000.

DATES: Written comments should be submitted by May 28, 2019.

ADDRESSES: Please send written comments:
By Electronic Docket: www.regulations.gov (Enter docket number into search field).
By mail: Office of Environment and Energy (AEE–100) Federal Aviation Administration, 880 Independence Ave. SW, Washington, DC 20591.
FOR FURTHER INFORMATION CONTACT: Sean Doyle by email at: sean.doyle@faa.gov; phone: 202–267–3493.

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 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.

OMB Control Number: 2120–0744.
Title: Human Response to Aviation Noise in Protected Natural Areas Survey.
Form Numbers: There are no FAA forms associated with this request.
Type of Review: Renewal of an information collection.
Background: The data from this research are critically important for establishing the scientific basis for air tour management policy decisions in the National Parks as mandated by the National Parks Air Tour Management Act of 2000 (NPATMA). The research expands on previous aircraft noise dose-response work by using a wider variety of survey methods, by including different site types and visitor experiences from those previously measured, and by increasing site type replication.
Respondents: Approximately 16,800 visitors to National Parks annually.
Frequency: Information is collected on occasion.
Estimated Average Burden per Response: 15 minutes.
Estimated Total Annual Burden: 4,200 hours annually.
Issued in Washington, DC, on March 25, 2019.
Kevin Welsh,

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration
[Summary Notice No. 2019–13]
Petition for Exemption; Summary of Petition Received: Tyce Bluth
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 18, 2019.

ADDRESSES: Send comments identified by docket number FAA–2019–0138 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:
Michelle Ross (202) 287–9836, 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 25, 2019.
Brandon Roberts,
Deputy Executive Director, Office of Rulemaking.

Petition for Exemption
Petitioner: Tyce Bluth.
Section(s) of 14 CFR Affected: 121.311(a), (b), (c).
Description of Relief Sought: Petitioner seeks relief from 14 CFR part 121.311(b) to the extent required to use a non-FAA approved child restraint system, Merritt Churchill belt.
DEPARTMENT OF TRANSPORTATION
Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in North Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for Judicial Review of actions by FHWA and other Federal Agencies.

SUMMARY: This notice announces actions taken by FHWA and the other Federal agencies that are final. The actions relate to a proposed new crossing of Currituck Sound along the North Carolina Coast in Currituck and Dare Counties, North Carolina. This project, known as the Mid-Currituck Bridge Project, is also known as State Transportation Improvement Program Project R-2576. Those actions grant licenses, permits, and approvals for the project.

DATES: A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before August 26, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Clarence W. Coleman, P. E., Preconstruction and Environmental Director, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina, 27601-1418; Telephone: (919) 747-7014; email: clarence.coleman@dot.gov. FHWA North Carolina Division Office’s normal business hours are 8 a.m. to 5 p.m. (Eastern Time). Mr. Roger D. Rochelle, P.E., Chief Engineer-Innovative Delivery, North Carolina Turnpike Authority (NCTA), 1578 Mail Service Center, Raleigh, North Carolina 27699–1578; Telephone (919) 707–2710, email: rdrochelle@dot.state.nc.us. NCTA’s normal business hours are 8 a.m. to 5 p.m. (Eastern Time).

SUPPLEMENTAL INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing a Record of Decision (ROD) for the following highway project in the State of North Carolina: the Mid-Currituck Bridge project, which proposes to create a second crossing of Currituck Sound—north of the Wright Memorial Bridge—to help alleviate congestion and improve the flow of evacuation traffic in the event of a hurricane or severe storm.

The 7-mile toll project includes a two-lane bridge that spans Currituck Sound and connects the Currituck County mainland to the Outer Banks. It also includes a second two-lane bridge that spans Maple Swamp on the Currituck County mainland, connecting Aydlett to U.S. 158.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (EIS) for the project, approved on January 12, 2012, and the FHWA ROD issued on March 7, 2019 approving the Mid-Currituck Bridge project, and in other documents in the project records. The Final EIS, ROD, and other documents in the project file are available by contacting FHWA or the NCDOT Turnpike Authority at the addresses provided above. The Final EIS and ROD along with referenced technical documents can be viewed and downloaded from the project website at https://www.ncdot.gov/projects/mid-currituck-bridge/Pages/default.aspx or viewed at the Turnpike Authority office at 1 South Wilmington Street, Raleigh, North Carolina, 27601.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the ROD for the project and other documents in the project file. The ROD and other documents in the project file are available by contacting FHWA or NCDOT at the addresses provided above. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

2. Air: Clean Air Act [42 U.S.C. 7401–7671][q].
9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Indian Tribal Governments; E.O. 11514 Consultation and Coordination with Indian Tribal Governments; E.O. 13007 Indian Sacred Sites; E.O. 13175 Preserve America; E.O. 13159 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11931 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1)
DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0079]

Hours of Service of Drivers: PJ Helicopters, Inc.; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that it has received an application from PJ Helicopters, Inc. (PJH) requesting an exemption from two provisions of the hours-of-service (HOS) regulations for its ground support equipment operators. PJH requested relief from the 14-hour rule and the requirement that drivers have 10 consecutive hours off-duty at the end of the work shift. The exemption would allow PJH’s ground support equipment operators a 16-hour window within which to complete all driving, and enable these operators to use an 8-consecutive hour off duty break, combined with at least two other off duty hours during the 16-hour window within which driving would be completed, in lieu of taking 10 consecutive hours off duty. If granted, the exemption would cover PJH’s CMV operators only when they are responding to or returning from an active incident as requested by an officer of a public agency or public utility. PJH believes that granting these exemptions will have no adverse safety impacts while its ground support equipment operators are responding to said incidents. FMCSA requests public comment on PJH’s application for exemptions.

DATES: Comments must be received on or before April 29, 2019.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2019–0079 by any of the following methods:

- Federal eRulemaking Portal: www.regulations.gov. See the Public Participation and Request for Comments section below for further information.
- Hand Delivery or Courier: West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to www.regulations.gov at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 552(a), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, please contact Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Telephone: (202) 366–2722; Email: MCPSD@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2019–0079), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to www.regulations.gov and put the docket number, “FMCSA–2019–0079” in the “Keyword” box, and click “Search.” When the screen appears, click on “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the Federal Register (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the Federal Register (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

The exemption application from PJ Helicopters, Inc. (PJH) states that the company has been serving the utility helicopter industry as an emergency response company for over 45 years. Most of its customers are firefighting...
agencies, law enforcement agencies, and public utilities. PJH’s customers require timely responses and long hours when dealing with emergency-related incidents. PJH’s helicopters must be fueled and serviced in a timely fashion by PJH’s ground support crews. PJH is requesting an exemption from 49 CFR 395.3(a)(1) and 49 CFR 395.3(a)(2), for all of its ground support equipment operators.

The requested exemption would apply to approximately 32 ground support equipment operators who all possess commercial driver’s licenses with applicable endorsements, including the operation of tank vehicle combinations. A ground support equipment operator is an individual specially trained to work around helicopters performing refueling, rigging, reloading and maintenance duties. PJH states in its application that if its ground crew cannot legally support the helicopter for the duration of the requirements, the firefighters, law enforcement and linemen will not have air support or resources at remote locations. This in turn, results in communities being under greater threat from fires, lawless individuals and destabilized electrical grids.

The first exemption, if granted, would allow PJH’s ground support equipment operators to drive up until the end of the 16th hour after coming on duty instead of 14 hours. PJH states that is an emergency response company contracted to agencies focused on public safety, and that there currently are no exemptions provided in the Part 395 HOS regulations for private companies that assist in emergency efforts. PJH’s Federal and State government contracts specify that ground support equipment operators must be available for a maximum of 14 hours. On a typical day, at 6:00 a.m., the commercial motor vehicle (CMV) is dispatched 100 miles away to a remote landing area. Upon arrival, the unit stays at the dispatched location to support efforts in extinguishing a fire until 8:30 p.m. The unit is then released by the agency to travel to the nearest lodging 1.5 hours away. This would result in the driver arriving at 10:00 p.m., and at this point, the driver is in violation of the “14-hour rule” in 49 CFR 395.3(a)(2). In summary, at the end of the day, when the helicopter is finished flying, a mechanic is required to inspect and repair the aircraft as needed. With a long flight day and these added duties, a PJH mechanic is most certainly going to exceed the “14-hour rule” when finishing maintenance duties and travelling between the helicopter and the place of lodging. Without the requested 16-hour exemption, PJH’s ground crew must be released earlier in the day to get back to the place of lodging before reaching the “14-hour rule” limit, which decreases the availability of the aircraft by a minimum of 14 total hours each week.

PJH’s second exemption request is intended to work in conjunction with the first request and would enable its ground support equipment operators to have only 8, instead of 10, consecutive hours off duty before coming on duty again. Relating to the scenario detailed above, in complying with the current “14-hour rule,” PJH’s employees also cannot go on duty to drive until 8:00 a.m. the next morning, at the earliest, after a required 10 consecutive hour rest break. As is typical with these operations, if the helicopter was dispatched at 6:00 a.m. to another fire, which resulted in a 3-hour drive time, the PJH driver would not arrive until 11:30 a.m. at the earliest. Depending on the helicopter model’s fuel capacity and burn rate, the average helicopter can only fly for 2 hours. Due to the driver’s duty limitations, the helicopter would be unable to support emergency incidents for at least 3.5 hours until the fuel truck arrives to refuel. If the driver in this example—a not uncommon one—was able to utilize the proposed exemption request of 8 consecutive hours off duty instead of 10, the helicopter would have been available to fight fires for an additional 2 hours the second day, and the PJH driver would not be in violation of the Federal HOS regulations. As a part of this exemption request, PJH’s “ground crew members” would be required to have had 8 uninterrupted hours off duty [instead of 10] before driving again, provided they have had at least 2 hours off duty during that 16-hour period PJH they also requested, and are responding to or returning from an active incident as requested by an officer of a public agency or public utility. PJH states that the ground crew members’ schedules are characterized by daytime hours, low-stress periods of waiting during the workday, and very limited hours of actual driving on public roads. Ground crew members are relieved of any work—and are off duty—for long periods throughout a typical workday, so, relative to the service provided, allowing 2 more hours of duty time when coming on duty responding to and returning from emergency incidents would, if anything, increase the overall safety of the public. PJH believes that its application includes simple, alternative HOS options; among them not driving after the 16th hour after coming on duty and allowing only 8 hours consecutively off duty before coming on duty again. In addition, the driver must have at least 2 hours off duty during that 16-hour period and be responding to or returning from an active incident as requested by an officer of a public agency or public utility. PJH’s drivers would need to use this exemption, on average, once every two weeks during the months of April through October.

PJH would still be required to use electronic logging devices to help track duty hours, and most of the time they would be subject to Part 395 HOS rules. PJH has proposed conditional rules that are designed to keep the drivers using this exemption from driving fatigued. PJH states that when using this proposed exemption, its drivers would achieve a level safety that meets or exceeds the current regulations. A copy of PJH’s application for exemptions is available for review in the docket for this notice.

Issued on: March 22, 2019.
Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2019–06097 Filed 3–28–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0085]

Hours of Service of Drivers: National Waste & Recycling Association; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that it has received an application from the National Waste & Recycling Association (NWRA) requesting an exemption from one of the criteria for using the “short-haul”—100 air-mile radius driver”—exception to the requirement for the preparation and retention of records of duty status (RODS). NWRA asks that all short-haul commercial motor vehicle (CMV) drivers in the waste and recycling industry be allowed up to 14 hours (instead of the current 12 hours) to return to the original work reporting location without losing their short-haul status. FMCSA requests public comment on NWRA’s application for exemption.

DATES: Comments must be received on or before April 29, 2019.

ADDRESS: You may submit comments identified by Federal Docket
Management System Number FMCSA–2019–0085 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the Public Participation and Request for Comments section below for further information.
- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- **Hand Delivery or Courier:** West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- **Fax:** 1–202–493–2251.

Each submission must include the Agency name and the docket number of this notice. DOT posts all comments received without change to www.regulations.gov, including personal information in a comment. Please see the Privacy Act heading below.

**Docket:** To read background documents or comments, go to www.regulations.gov or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS) at www.dot.gov/privacy.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (202) 366–2722; Email: MCPSD@dot.gov. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

**Submitting Comments**

If you submit a comment, please include the docket number for this notice (FMCSA–2019–0085), the specific section of this document to which the comment applies, and provide reasons for suggestions or recommendations. You may submit online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in your document so the Agency can contact you if it has questions about your submission.

To submit your comments online, go to www.regulations.gov and put the docket number, “FMCSA–2019–0085” in the “Keyword” box, and click “Search.” When the new screen appears, click on the “Submit a Formal Comment” button and type your comment into the text box in the following screen. Indicate whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or deny this application based on your comments.

**II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the Federal Register (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the Federal Register (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice will specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

**III. Request for Exemption**

Under FMCSA’s current hours-of-service (HOS) rules, drivers are not required to prepare and maintain records of duty status (RODS) provided that (among other things) they return to their normal work reporting location and are released from work within 12 hours after coming on duty (49 CFR 395.1(e)(1)). A driver who exceeds the 12-hour limit loses the short-haul exception and must immediately prepare RODS for the entire day, often by means of an electronic logging device (ELD) (49 CFR 395.8(a)(1)(i)).

NWRA represents approximately 700 publicly traded and privately-owned local, regional, national and international waste and recycling companies. These motor carriers operate more than 100,000 waste and recycling collection trucks and employ an even greater number of CMV drivers. NWRA indicated its members represent approximately 70 percent of the private sector waste and recycling market.

The industry’s fleet includes, but is not limited to, waste and recycling collection trucks, roll-off trucks, post collection tractor trailers, container delivery vehicles, and grapple trucks. Their drivers routinely qualify for the short-haul HOS exception in 49 CFR 395.1(e)(1). Waste and recycling companies operate local route service trucks with drivers starting and ending their days at the same location and their drivers rarely travel beyond a 40-mile radius from the work-reporting location.

Residential collection route trucks repeatedly stop and start while on-route in order to collect a load of waste or recyclable materials, with an average of 400 to 600 stops at residences each day. Commercial collection route trucks tend to have fewer stops than those on residential routes, but can average more than 80 stops per day at business addresses. On occasion, drivers in this industry cannot complete their duty day within 12 hours. The drivers may exceed the 12-consecutive hour limitation of the short-haul exception more than 8 times in any 30-day period due to operating restrictions placed upon the industry by States and localities, inclement weather, traffic congestion, and other circumstances beyond their control. Once they exceed the 8-in-30-day threshold, NWRA’s companies must install electronic logging devices (ELDs) to document drivers’ duty status (see 49 CR 395.8(a)(1)(ii)(A)(1)). Therefore, NWRA’s application for an exemption to allow waste and recycling industry
granting this exemption request.

While NWRA recognizes the safety benefits that ELDs present for other industry sectors, it claims that these devices are actually counterproductive for the waste and recycling industry due to the frequency with which these drivers must interact with them. Waste and recyclable collection CMV drivers are required to interact with and make duty status changes in the ELD or RODS when stopping at one-third to one-half of their 400 to 600 stops per day or every 22 seconds—the average time to service a customer—before then driving to the next residence, which could be less than 100 feet away.

NWRA notes that certain CMV drivers may already operate up to 14 hours without forfeiting short-haul status. Drivers in the asphalt-paving business were granted a similar exemption [83 FR 3864, Jan. 26, 2018], and 49 CFR 395.1(e)(1)(ii)(B) reflects a statutory exemption for the ready-mixed concrete industry. NWRA further notes that FMCSA recently granted one of its member companies—Waste Management Holdings, Inc.—a similar exemption [83 FR 53940, Oct. 25, 2018]. NWRA argues that granting a broader exemption would create regulatory consistency across the entire waste and recycling industry.

NWRA asserts that waste and recycling carriers have virtually no record of HOS violations in the Agency’s Compliance, Safety, Accountability (CSA) Safety Measurement System (SMS) HOS BASIC scores, nor is there a history of CSA intervention consequences for HOS non-compliance with these carriers. NWRA further adds that there is no equivalent or greater level of safety that ELDs would bring to the waste and recycling industry. The waste and recycling industry recognizes and agrees with the need for ELDs for drivers and carriers in long haul, over-the-road, and regional operations, as well as for those carriers with Unsatisfactory safety ratings and that are over the threshold in their CSA HOS BASIC score. For these reasons, NWRA states that the agency should not require CMV drivers and companies transporting waste and recyclable material to invest in ELDs by granting this exemption request.

NWRA’s application for exemption is available for review in the docket referenced at the beginning of this notice.

Issued on: March 22, 2019.
Larry W. Minor,
Associate Administrator for Policy.
[FR Doc. 2019–06094 Filed 3–28–19; 8:45 am]
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Competitive Funding Opportunity: Innovations in Transit Public Safety

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) is soliciting proposals under the Department of Transportation’s Public Transportation Innovation Program to select an eligible project or projects that will identify innovative solutions to reduce or eliminate human trafficking occurring on transit systems, protect transit operators from the risk of assault, and reduce crime on public transit vehicles and in facilities. The awarded projects will be referred to as the Innovations in Transit Public Safety projects, and the available funding is $2,000,000 in research funds.

DATES: Applicants must submit completed proposals for funding opportunity
FTA—2019–006–TSO through the GRANTS.GOV “APPLY” function by 11:59 p.m. Eastern Time on May 28, 2019. Prospective applicants should register as soon as possible on the GRANTS.GOV website to ensure they can complete the application process before the submission deadline. Application instructions are available on FTA’s website at http://transit.dot.gov/howtoapply and in the “FIND” module of GRANTS.GOV. FTA will not accept mail and fax submissions.

FOR FURTHER INFORMATION CONTACT:
Daksha Spratling, FTA Office of Transit Safety and Oversight; phone: (202) 366–2530; email: FTAPublicSafety@dot.gov.

SUPPLEMENTARY INFORMATION:

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A. Program Description
B. Federal Award Information
C. Eligibility Information
D. Application and Submission Information
E. Application Review Information
F. Federal Award Administration Information
G. Federal Awarding Agency Contacts

Information

A. Program Description

The Innovations in Transit Public Safety projects are funded through the Public Transportation Innovation Program (49 U.S.C. 5312), with the goal of developing innovative projects that assist transit agencies with identifying and adopting specific measures to address public safety in transit systems, including crime prevention, human trafficking, and operator assault.

Human Trafficking is a crime that involves exploiting a person for labor, services, or commercial sex. Section 7102(9), of Title 22, U.S.C., defines “severe forms of trafficking in persons,” as:

(a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
(b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The coercion can be subtle or overt, physical or psychological. Exploitation of a minor for commercial sex is human trafficking, regardless of whether any form of force, fraud, or coercion was used. There is no single profile of a trafficking victim. Victims of human trafficking can be anyone—regardless of race, color, national origin, disability, religion, age, gender, sexual orientation, gender identity, socioeconomic status, education level, or citizenship status.

The U.S. Department of Transportation (DOT) combats human trafficking by working with public and private sector stakeholders to empower transportation employees and the traveling public to recognize and report possible instances of human trafficking. The Innovations in Transit Public Safety projects support the DOT’s Transportation Leaders Against Human Trafficking initiative, which has the following focus areas: Leadership, training and education, policy development, public awareness, and information sharing and analysis.

Eligible projects will identify innovative solutions to reduce or eliminate human trafficking occurring on transit systems, protect transit operators from the risk of assault, and reduce crime on public transit vehicles and facilities. Specific project eligibility under this competitive allocation is described in Section C of this notice.

B. Federal Award Information

The FTA makes available $2,000,000 under the Public Transportation Innovation Program (49 U.S.C. 5312) to
finance projects that demonstrate innovative methods of addressing and preventing human trafficking on transit, improving public safety in transit, and reducing crime on transit, including operator assault.

The FTA will grant pre-award authority starting on the date of project award announcements for selected projects. Funds are available only for projects that have not incurred costs prior to the announcement of project selections. The FTA may supplement the total funds currently available with future appropriations.

C. Eligibility Information

(1) Eligible Applicants

Eligible applicants for awards are limited to State and local governmental entities; providers of public transportation; non-profit organizations; or a consortium of entities, including a provider of public transportation, that will share the costs, risks, and rewards of early deployment and demonstration of innovation. Eligible applicants are limited to FTA grantees who would be the primary beneficiaries of the innovative products and services that are developed. Eligible applicants may submit consolidated proposals for projects. Proposals may contain projects the recipient or its subrecipients will implement. Eligible subrecipients include public agencies, private nonprofit organizations, and private providers engaged in public transportation.

(2) Cost Sharing or Matching

The maximum Federal share of project costs is 80 percent. The applicant must document the source(s) of the local match in the grant application. Eligible local match sources include the following:

- Cash from non-Government sources other than revenues from providing public transportation services;
- Revenues derived from the sale of advertising and concessions;
- Revenues generated from value capture financing mechanisms;
- Funds from an undistributed cash surplus;
- Replacement or depreciation cash fund or reserve;
- New capital; or
- In-kind contributions.

The FTA may give additional consideration to applicants who propose a local share that is greater than the minimum requirement of 20 percent, and may view these applicants as more competitive.

(3) Eligible Projects

Eligible projects include innovation and development projects that advance the interests of public transportation, to include projects that identify innovative solutions to:

- Reduce or eliminate human trafficking occurring at transit systems or through the use of transit systems;
- Protect transit operators from the risk of assault;
- Reduce crime on public transit vehicles and facilities, and
- Improve rider and public safety.

Key focus areas will be education and training, policy development, public awareness and outreach, and information sharing and analysis.

Applicants may each submit one proposal.

D. Application and Submission Information

(1) Address To Request Application Package

Applications must be submitted through GRANTS.GOV. Applicants can find general information for submitting applications through GRANTS.GOV at www.fta.dot.gov/howtoapply, along with specific instructions for the forms and attachments required for submission. Mail and fax submissions will not be accepted.

(2) Content and Form of Application Submission

a. Proposal Submission

A complete proposal submission consists of at least two forms:

1. The SF–424 Mandatory Form (downloadable from GRANTS.GOV) and
2. The supplemental form for the FY 2018 Innovations in Transit Public Safety Program (downloadable from GRANTS.GOV), which is available on FTA’s website at (placeholder for FTA Human Trafficking Program website).

The application must include responses to all sections of the SF–424 mandatory form and the supplemental form unless a section is indicated as optional. FTA will use the information on the supplemental form to determine applicant and project eligibility for the program and to evaluate the proposal against the selection criteria described in part E of this notice. The FTA will accept only one supplemental form per SF–424 submission. The FTA encourages applicants to consider submitting a single supplemental form that includes multiple activities to be evaluated as a consolidated proposal. Applicants may attach additional supporting information to the SF–424 submission, including but not limited to letters of support, project budgets, or excerpts from relevant planning documents. Supporting documentation must be described and referenced by file name in the appropriate response section of the supplemental form, or it may not be reviewed.

Information such as applicant name, Federal amount requested, local match amount, description of areas served, etc., may be requested in varying degrees of detail on both the SF–424 form and supplemental form. Applicants must fill in all fields unless stated otherwise on the forms. If applicants copy information into the supplemental form from another source, they should verify that the supplemental form has fully captured pasted text and that it has not truncated the text due to character limits built into the form. Applicants should use both the “Check Package for Errors” and the “Validate Form” validation buttons on both forms to check all required fields. Applicants should also ensure that the Federal and local amounts specified are consistent.

b. Application Content

The SF–424 Mandatory Form and the supplemental form will prompt applicants for the required information, including:

a. Applicant Name
b. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number
c. Key contact information (contact name, address, email address, and phone number)
d. Congressional district(s) where project will take place
e. Project Information (title, executive summary, and type)
f. A detailed description of the need for the project
g. A detailed description of how the project will support the Innovations in Transit Public Safety objectives
h. Evidence that the applicant can provide the local cost share
i. A description of the technical, legal, and financial capacity of the applicant
j. A detailed project budget
k. An explanation of the scalability of the project
l. Details on the local matching funds
m. A detailed project timeline

(3) Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) Be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has
an active Federal award or an application or plan under consideration by FTA. These requirements do not apply if the applicant: (1) Is excepted from the requirements under 2 CFR 25.110(b) or (c); or (2) has an exception approved by FTA under 2 CFR 25.110(d). The FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. All applicants must provide a unique entity identifier provided by SAM. Registration in SAM may take as little as 3–5 business days, but there can be unexpected steps or delays. For example, the applicant may need to obtain an Employer Identification Number. The FTA recommends allowing ample time, up to several weeks, to complete all steps. For additional information on obtaining a unique entity identifier, please visit www.sam.gov.

(4) Submission Dates and Times
Project proposals must be submitted electronically through GRANTS.GOV by 11:59 p.m. Eastern on May 28, 2019. Mail and fax submissions will not be accepted.

The FTA urges applicants to submit applications at least 72 hours prior to the due date to allow time to correct any problems that may have caused either GRANTS.GOV or FTA systems to reject the submission. Proposals submitted after the deadline will only be considered under extraordinary circumstances not within the applicant’s control.

Deadlines will not be extended due to scheduled website maintenance. GRANTS.GOV scheduled maintenance and outage times are announced on the GRANTS.GOV website.

Within 48 hours after submitting an electronic application, the applicant should receive two email messages from GRANTS.GOV: (1) Confirmation of successful transmission to GRANTS.GOV; and (2) confirmation of successful validation by GRANTS.GOV. If the applicant does not receive confirmation of successful validation or receives a notice of failed validation or incomplete materials, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, applicants must include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

Applicants are encouraged to begin the process of registration on the GRANTS.GOV site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered applicants may still be required to update their registration before submitting an application. Registration in SAM is renewed annually and persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in GRANTS.GOV by the AOR to make submissions.

(5) Funding Restrictions
Funds may be used for expenditures only. Funds under this NOFO cannot be used to reimburse projects for otherwise eligible expenses incurred prior to the date of project award announcements.

(6) Other Submission Requirements
The FTA encourages applicants to identify scaled funding options in case insufficient funding is available to fund a project at the full requested amount. If an applicant indicates that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how a reduced award would affect the project budget. The FTA may award a lesser amount whether or not the applicant provides a scalable option.

E. Application Review Information
(1) Project Evaluation Criteria
Each application for Innovations in Transit Public Safety must include a statement of purpose detailing: (1) The need being addressed; (2) the short- and long-term goals of the project, including opportunities for future innovation and development and benefits to riders of public transportation; (3) how the project will improve personal safety in public transit stations and vehicles; and (4) the short- and long-term funding requirements to complete the project and any future objectives of the project.

The FTA will evaluate proposals submitted according to the following criteria: (a) Demonstration of need; (b) demonstration of benefits; (c) coordination, planning and partnerships; (d) local financial commitment; (e) project readiness; and (f) technical, legal and financial capacity. The FTA encourages each applicant to demonstrate how a project supports all criteria with the most relevant information the applicant can provide, regardless of whether such information has been specifically requested or identified in this notice.

a. Demonstration of Need
The FTA will evaluate proposals based on how the proposed project will address reducing crime and improving the safety of riders, including preventing human trafficking; and operators, including preventing operator assault. Proposals should clearly define the public safety challenge(s) experienced by the transit agency and its customers, and how the proposed project will improve transit public safety.

b. Demonstration of Benefits
The FTA will evaluate proposals on the benefits provided by the proposed project. The FTA is interested in how these investments will improve the quality of transit public safety, and in particular, rider safety and human trafficking awareness and prevention, as well as prevention of operator assault. The Innovations in Transit Public Safety projects provide an opportunity for communities to put into practice new and innovative ideas, practices, and approaches that reduce crime and address the personal safety of passengers and operators. The FTA encourages applicants to consider qualitative and quantitative benefits to transit systems, transit users, transit employees, and the surrounding communities. The FTA will rate proposals based on the quality and extent to which they discuss the following five factors:

i. The project’s ability to improve transit safety and operator safety;

ii. The project’s ability to provide quantitative data for expected benefits and outputs associated with the project;

iii. The degree to which the project addresses human trafficking prevention;

iv. Benefits such as increased educational opportunities; and

v. Outputs that promote collaboration between community organizations, local government entities, state government entities, and federal agencies.

Proposals must show that the applicant will be able to provide impact data during and at the conclusion of the project. Successful applicants will evaluate the performance of their project(s). At various points in the deployment process and at the end of the pilot project, the recipient will be
asked by FTA, or its designee, to provide performance measures required to conduct this evaluation. The FTA requires each applicant to submit the performance data on a quarterly basis. This data will be used by FTA to produce the required Annual Report to Congress that contains a detailed description of the activities carried out under the research program, and an evaluation of the program, including an evaluation of the performance measures described.

c. Demonstration of Coordination, Planning, and Partnerships

Applicants must describe the eligible project and outline project partners (if any) and their specific role in the project. Applications should also include the following:

i. Discuss the level of support by the community and other organizations for the proposed project;

ii. Describe the opportunities for public participation that are or will be provided by the project;

iii. Describe how the proposed project complements rather than duplicates any current and similar innovations in transit public safety projects;

iv. Describe the implementation schedule for the proposed project, including time period, staffing, and procurement; and

v. Describe any other planning or coordination efforts not mentioned above.

d. Local Financial Commitment

Applicants must identify the source of the local share and describe whether such funds are currently available for the project or will need to be secured if the project is selected for funding. The FTA will consider the availability of the local share as evidence of local financial commitment to the project. In addition, an applicant may propose a local share that is greater than the minimum requirement or provide documentation of previous local investment in similar projects as evidence of local financial commitment. The FTA may give additional consideration to applicants who propose a local share that is greater than the minimum requirement of 20 percent, and may view these applicants as more competitive.

e. Project Readiness

The FTA will evaluate the proposed schedule and the applicant’s ability to implement it. Applicants should indicate the short-term, mid-range, and long-term goals for the project. The project readiness factor involves assessing whether:

i. Project implementation plan documents are complete;

ii. Project funds can be obligated and the project can be implemented quickly, if selected; and

iii. The applicant demonstrates the ability to carry out the proposed project successfully.

f. Technical, Legal and Financial Capacity

The FTA will evaluate the capacity of the applicant and any partners to successfully execute the research effort. There should be no outstanding legal, technical, or financial issues with the applicant that would make this a high-risk project. The FTA will evaluate each proposal (including the business plan, financial projections, and other relevant data) for feasibility and long-term sustainability. It is FTA’s intent to select projects with a high likelihood of long-term success, sustainability, and ability to be replicated in other communities.

(2) Review and Selection Process

An FTA technical evaluation committee will evaluate proposals based on the published project evaluation criteria. Members of the technical evaluation committee and other involved FTA staff will rate the applications, and may seek clarification about any statement in an application. The FTA Administrator will determine the final selection and amount of funding for each project after consideration of the findings of the technical evaluation committee. Geographic diversity and the applicant’s receipt and management of other Federal transit funds may be considered in FTA’s award decisions. The FTA Administrator will consider the following key DOT objectives:

a. Supporting economic vitality at the national and regional level;

b. Utilizing alternative funding sources and innovative financing models to attract non-Federal sources of investment;

c. Whether the project is located in or supports public transportation service in a qualified opportunity zone designated pursuant to 26.U.S.C. 1400Z–1;

d. Using innovative approaches to improve safety and expedite project delivery; and,

e. Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

Prior to making an award, FTA is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS) accessible through SAM. An applicant may review and comment on information about itself that a Federal awarding agency previously entered.

The FTA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant’s integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205 Federal Awarding Agency Review of Risk Posed by Applicants.

F. Federal Award Administration

(1) Federal Award Notice

The FTA will announce the final project selections on the FTA website. Project recipients should contact their FTA Regional Office for additional information regarding allocations for projects. At the time project selections are announced, FTA will extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects before announcement.
(2) Award Administration

There is no minimum or maximum grant award amount; however, FTA intends to fund as many meritorious projects as possible. The FTA will only consider proposals from eligible recipients for eligible activities. Due to funding limitations, projects selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

(3) Administrative and National Policy Requirements

a. Pre-Award Authority

The FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. The FTA does not provide pre-award authority for competitive funds until projects are selected, and there are Federal requirements that must be met before costs are incurred. For more information about FTA’s policy on pre-award authority, please see the FY 2018 Apportionments Notice published on July 16, 2018, at https://www.gpo.gov/fdsys/pkg/FR-2018-07-16/pdf/2018-14989.pdf.

b. Grant Requirements

Selected applicants will submit a grant application through FTA’s electronic grant management system and adhere to the customary FTA grant requirements. All competitive grants, regardless of award amount, will be subject to the Congressional notification and release process. The FTA emphasizes that third-party procurement applies to all funding awards, as described in FTA Circular 4220.1F, “Third Party Contracting Guidance.” However, FTA may approve applications that include a specifically identified partnering organization(s) (2 CFR 200.302(f)). When included, the application, budget, and budget narrative should provide a clear understanding of how the selection of these organizations is critical for the project and give sufficient detail about the costs involved.

c. Planning

The FTA encourages applicants to engage the appropriate State Departments of Transportation, Regional Transportation Planning Organizations, or Metropolitan Planning Organizations in areas to be served by the project funds available under this program.

d. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

(4) Reporting

The post-award reporting requirements include submission of the Federal Financial Report (FFR) and Milestone Progress Report in TrAMS. An evaluation of the pilot program or research grant will occur at various points in the deployment process and at the end of the project. In addition, FTA is responsible for producing an Annual Report to Congress that compiles evaluations of selected projects, including an evaluation of the performance measures identified by the applicants. All applicants must develop an evaluation plan to measure the success or failure of their projects and to describe any plans for broad-based implementation of successful projects. FTA may request data and reports to support the evaluation and Annual Report.

G. Federal Awarding Agency Contact

For questions about applying, please contact Daksha Spratling, at Federal Transit Administration, Office of Transit Safety and Oversight, phone: (202) 366–2530, or email, FTAPublicSafety@dot.gov. A TDD is available at 1–800–877–8339 (TDD/FRS). To ensure that applicants receive accurate information about eligibility or the program, applicants are encouraged to contact FTA directly with questions, rather than through intermediaries or third parties. The FTA staff may also conduct briefings on the competitive grants selection and award process upon request.

K. Jane Williams,
Acting Administrator.

[FR Doc. 2019–06071 Filed 3–28–19; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Competitive Funding Opportunity: Crime Prevention and Public Safety Awareness

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) is soliciting proposals under the Department of Transportation’s Technical Assistance and Workforce Development Program to select an eligible project or projects for the development and dissemination of technical assistance materials supporting public safety awareness campaigns. The technical assistance materials will address public safety issues impacting the transit industry, including but not limited to human trafficking, operator assault, and crime prevention. Technical assistance also may include recommended practices, and public and employee training. The awarded projects will be referred to as the Crime Prevention and Public Safety Awareness projects, and the available funding is $2,000,000 in Fiscal Year (FY) 2018 funds.

DATES: Applicants must submit completed proposals for funding opportunity FTA–2019–007–TSO through the GRANTS.GOV “APPLY” function by 11:59 p.m. Eastern Time on May 28, 2019. Prospective applicants should register as soon as possible on the GRANTS.GOV website to ensure they can complete the application process before the submission deadline. Application instructions are available on FTA’s website at http://transit.dot.gov/howtoapply and in the “FIND” module of GRANTS.GOV. FTA will not accept mail and fax submissions.

FOR FURTHER INFORMATION CONTACT: Daksha Spratling, FTA Office of Transit Safety and Oversight; phone: (202) 366–2530; email: FTAPublicSafety@dot.gov.

SUPPLEMENTARY INFORMATION:

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A. Program Description
B. Federal Award Information
The Crime Prevention and Public Safety Awareness projects are funded through the Technical Assistance and Workforce Development Program (49 U.S.C. 5314), with the goal of developing and disseminating technical assistance materials supporting public safety awareness campaigns addressing public safety in transit systems, including crime prevention, human trafficking, and operator assault.

Human trafficking is a crime that involves exploiting a person for labor, services, or commercial sex. Section 7102(9), of Title 22, U.S.C., defines "severe forms of trafficking in persons," as: Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

The coercion can be subtle or overt, physical or psychological. Exploitation of a minor for commercial sex is human trafficking, regardless of whether any form or force, fraud, or coercion was used. There is no single profile of a trafficking victim. Victims of human trafficking can be anyone—regardless of race, color, national origin, disability, religion, age, gender, sexual orientation, gender identity, socioeconomic status, education level, or citizenship status.

The U.S. Department of Transportation (DOT) combats human trafficking by working with public and private sector stakeholders to empower transportation employees and the traveling public to recognize and report possible instances of human trafficking. The Crime Prevention and Safety Awareness projects support the DOT’s Transportation Leaders Against Human Trafficking initiative, which has the following focus areas: Leadership, training and education, policy development, public awareness, and information sharing and analysis.

Eligible projects will support the development, evaluation, demonstration, dissemination, and implementation of technical assistance materials promoting public safety awareness. Specific project eligibility under this competitive allocation is described in Section C.

B. Federal Award Information

The FTA makes available $2,000,000 in FY 2018 funds under the Technical Assistance and Workforce Development Program (49 U.S.C. 5314) to finance projects that support a public safety awareness campaign through the development, evaluation, demonstration, and implementation of technical guidance materials that promote practices to improve public safety.

The FTA will award funding through a cooperative agreement. Funds are available only for projects that have not incurred costs prior to the announcement of project selections. The FTA may supplement the total funds currently available with future appropriations.

C. Eligibility Information

(1) Eligible Applicants

Eligible applicants for awards are national non-profit organizations. Organizations must have crime prevention experience, the capacity to provide public transportation-related technical assistance, and the ability to deliver a national public awareness campaign. A single lead organization must be designated in the proposal. Other organizations may participate as subcontractors or subrecipients. An organization identified as the single lead organization for a proposal may be named as a subcontractor or subrecipient in another proposal. Eligible subrecipients include public agencies, private nonprofit organizations, and private providers engaged in public transportation. Eligible applicants may submit consolidated proposals for projects. Proposals may contain projects the recipient or its subrecipients will implement.

(2) Eligible Projects

Eligible projects include technical assistance materials, development and dissemination projects supporting transit public safety awareness campaigns. The technical assistance materials will address one or more of the following topics:

- Reducing or eliminating human trafficking occurring at transit systems or through the use of transit systems.
- Protecting transit operators from the risk of assault.
- Reducing crime on public transit vehicles and facilities, and
- Improving rider and public safety.

Key focus areas will be education and training, policy development, public awareness and outreach, and information sharing and analysis. Applicants may each submit one proposal.

D. Application and Submission Information

(1) Address To Request Application Package

Applications must be submitted through GRANTS.GOV. Applicants can find general information for submitting applications through GRANTS.GOV at www.fta.dot.gov/howtoapply, along with specific instructions for the forms and attachments required for submission. Mail and fax submissions will not be accepted.

(2) Content and Form of Application Submission

a. Proposal Submission

A complete proposal submission will consist of at least two files: (1) The SF–424 Mandatory form (downloaded from GRANTS.GOV) and (2) a narrative application document in Microsoft Word, Adobe Acrobat or compatible file format. The narrative application should be in the format outlined in section B, Application Content. Once completed, the narrative application must be placed in the attachments section of the SF–424 Mandatory form. Applicants must attach the narrative application file to their submission in GRANTS.GOV to successfully complete the proposal process. A proposal submission may contain additional supplemental materials as attachments.

b. Application Content

Proposals shall be submitted in a Microsoft Word, Adobe Acrobat or compatible file format, double-spaced using Times New Roman, 12-point font. The proposal must contain the following components and adhere to the specified maximum lengths:

1. Cover sheet (1 page): The cover sheet must include: The name of the entity submitting the proposal, the principal name, title, and contact information (e.g., address, phone, fax, and email), and the name and contact information for the key point of contact for all five activities if different from principal.

2. Abstract (not to exceed 4 pages): The abstract must include the following sections: Background, purpose, methodology, intended outcomes, and plan for evaluation.

3. Detailed budget proposal and budget narrative (not to exceed 3 pages).
weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit www.sam.gov.

(4) Submission Dates and Times

Project proposals must be submitted electronically through GRANTS.GOV and must be received by 11:59 p.m. Eastern time on May 28, 2019.

GRANTS.GOV attaches a time stamp to each application at the time of submission. Proposals submitted after the deadline will only be considered under extraordinary circumstances not within the applicant’s control. Mail and fax submissions will not be accepted.

Within 48 hours after submitting an electronic application, the applicant should receive two email messages from GRANTS.GOV: (1) Confirmation of successful transmission to GRANTS.GOV, and (2) confirmation of successful validation by GRANTS.GOV. If the applicant does not receive confirmation of successful validation or receives a notice of failed validation or incomplete materials, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, applicants must include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

The FTA urges applicants to submit proposals at least 72 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification. GRANTS.GOV scheduled maintenance and outage times are announced on the GRANTS.GOV website. Deadlines will not be extended due to scheduled website maintenance.

Applicants are encouraged to begin the process of registration on the GRANTS.GOV site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered applicants may still be required to take steps to update their registration before submitting an application. Registration in SAM is renewed annually and persons making submissions and persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in GRANTS.GOV by the AOR to make submissions.

(5) How To Register To Apply Through GRANTS.GOV

To register and for detailed instructions, please see the “APPLICANTS” tab in GRANTS.GOV (https://www.grants.gov/web/grants/applicants.html). To be eligible for this opportunity, organizations must have a Data Universal Numbering System (DUNS) Number, active System for Award Management (SAM) registration, and an established GRANTS.GOV account.

Creating a GRANTS.GOV account can be completed online in minutes, but DUNS and SAM registrations may take several weeks. Therefore, an organization’s registration should be done in sufficient time to ensure it does not impact the entity’s ability to meet required application submission deadlines.

Complete organization instructions can be found on GRANTS.GOV: https://www.grants.gov/web/grants/applicants/organization-registration.html.

E. Application Review Information

Proposals will be evaluated by a review team based on the proposals: (1) Ability to meet the goal of the Crime Prevention and Public Safety Awareness project; (2) qualifications of key personnel, experience and knowledge; (3) communication, technical assistance and outreach strategy; (4) research and demonstration capacity; and (5) management approach. The criteria are detailed below:

1. Ability to Meet the Goal of the Crime Prevention and Public Safety Awareness project: Proposals will be evaluated based on the planned approach and project activities identified that will assist the transit industry in making progress towards improved public transit safety awareness through the development and dissemination of technical assistance materials and public safety awareness campaigns.

2. Qualifications of Key Personnel, Experience and Knowledge: The proposal should demonstrate that key personnel have the appropriate skills and experience to carry out the project activities. FTA will evaluate the qualifications and experience of the key staff detailed in the proposal for their:

   a. Knowledge and experience with crime prevention, to include human trafficking, operator assault, and transit rider safety;
   b. Knowledge and experience with public transit safety; and
   c. Knowledge and experience with public safety awareness campaigns.

3. Communication, Technical Assistance and Outreach Strategy. The
The proposal should demonstrate the ability to execute a technical assistance project with a national and local scope, as well as strategies for delivering targeted outreach to state, regional, and local stakeholders. Proposing organizations are encouraged to think innovatively about this technical assistance delivery. The proposal should also demonstrate the ability to carry out outreach, dissemination and information management activities. These activities will include capturing and sharing useful and best practices in crime prevention and public safety. The proposal should demonstrate innovative approaches, such as the use of social media and other information technologies, to accomplish this strategy.

4. Research and Demonstration Capacity. The proposal should demonstrate the applicant’s capability and capacity (either internally or through external sources) to conduct research, analysis, and demonstration projects related to crime prevention, human trafficking, operator assault, and rider safety.

5. Management Approach. The proposal must include an effective management plan to administer and manage the Crime Prevention and Public Safety Awareness project and must demonstrate that the applicant has the technical capacity to carry out the plan. FTA will evaluate the applicant’s:
   a. Technical capacity to administer and manage the activities proposed;
   b. Total budget and staffing;
   c. Evidence of understanding of the Crime Prevention and Public Safety Awareness project objective and a comprehensive technical approach to delivering the project;
   d. Plan for evaluation and data collection; and,
   e. A plan for coordinating with FTA staff.

F. Federal Award Administration Information

(1) Federal Award Notices

Final award decisions will be made by the Administrator of the Federal Transit Administration. In making these decisions, the Administrator will take into consideration:
   a. Recommendations of the review panel;
   b. Past performance of the applicant regarding programmatic and grants management compliance;
   c. Whether the project is located in or supports public transportation service in a qualified opportunity zone designated pursuant to 26 U.S.C. 1400Z–1;
   d. The reasonableness of the estimated cost to the Federal Government considering the available funding and anticipated results; and
   e. The likelihood that the proposed project will result in the transportation outcomes expected.

FTA will notify any successful applicant and may announce any selection on its website https://www.transit.dot.gov. Following notification, a successful applicant will be required to submit its application through the FTA Transit Award Management System (TrAMS). The FTA will work with the successful applicant to develop a detailed cooperative agreement. The FTA will award and manage a cooperative agreement through TrAMS.

(2) Award Administration

a. Grant Requirements: A successful applicant will apply for a cooperative agreement through TrAMS and adhere to the customary FTA grant requirements of Section 5314, Technical Assistance and Workforce Development. There is no pre-award authority for this project. Discretionary grants and cooperative agreements greater than $500,000 will go through the Congressional notification and release process. Assistance regarding these requirements is available from FTA.

b. Standard Assurances: The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the cooperative agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and that modifications may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a cooperative agreement if it does not have current certifications on file.

(3) Reporting

Post-award reporting requirements include submission of Federal Financial Reports and Milestone Progress Reports in TrAMS on a monthly or quarterly basis, as determined by the FTA Project Manager. Documentation is required for payment. The Federal Financial Accountability and Transparency Act (FFATA) requires data entry at the FFATA Sub Award Reporting System (http://www.FSRS.gov) for all sub-awards and sub-contracts issued for $30,000 or more, as well as addressing executive compensation for both grantee and sub-award organizations.

Additionally, FTA is required to report to Congress every year on the value of Section 5314 investments. Applicants will be required to provide details indicating the need, problem, or opportunity addressed by activities of the program. The national significance and relevance to the public transportation industry must also be clearly detailed.

(4) Legal Capacity

Applicants must certify that there are no legal issues which would impact their eligibility and authority to apply for FTA funds, or prevent their acceptance of FTA funds.

G. Federal Awarding Agency Contacts

For questions about applying, please contact Dakisha Spratling, at Federal Transit Administration, Office of Transit Safety and Oversight, phone: (202) 366–2530, or email, FTAPublicSafety@dot.gov. A TDD is available at 1–800–877–8339 (TDD/FRS). To ensure that applicants receive accurate information about eligibility or the program, applicants are encouraged to contact FTA directly with questions, rather than through intermediaries or third parties.

The FTA staff may also conduct briefings on the competitive grants selection and award process upon request.

K. Jane Williams,
Acting Administrator.

[FR Doc. 2019–06073 Filed 3–28–19; 8:45 am]
BILLCODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Solicitation of Nominations for Appointment to the Safety Oversight and Certification Advisory Committee (SOCAC)

AGENCY: Office of the Secretary of Transportation (OST), U.S. Department of Transportation (DOT).

ACTION: Solicitation of nominations for appointment to the SOCAC.

SUMMARY: The U.S. Secretary of Transportation is publishing this notice to solicit nominations for membership on the Safety Oversight and Certification Advisory Committee (SOCAC).
The SOCAC’s duties shall include recommending consensus national goals, strategic objectives, and priorities for the most efficient, streamlined, and cost-effective certification and safety oversight processes in order to maintain the safety of the aviation system and, at the same time, allow the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace. Other duties shall include providing policy guidance recommendations for the FAA’s certification and safety oversight efforts; providing appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment; and recommending performance metrics and goals to track and review the FAA and the regulated aviation industry on their progress towards streamlining certification reform, conducting flight standards reform, and carrying out regulation consistency efforts. As directed in Public Law 115–254, the SOCAC will terminate on the last day of the 6-year period beginning on the date of the initial appointment of members of the advisory committee. Additional duties are described in the SOCAC Charter.

Membership

The SOCAC shall comprise members appointed by the Secretary of Transportation upon recommendation by the FAA Administrator. All SOCAC members serve at the pleasure of the Secretary of Transportation. The SOCAC will have no more than 20 members. The SOCAC shall comprise the Administrator (or the Administrator’s designee) and at least 11 individuals, each of whom represents at least one of the following interests: Transport aircraft and engine manufacturers; general aviation aircraft and engine manufacturers; avionics and equipment manufacturers; aviation labor organizations, including collective bargaining representatives of FAA aviation safety inspectors and aviation safety engineers; general aviation operators; air carriers; business aviation operators; unmanned aircraft systems manufacturers and operators; aviation safety management experts; aviation maintenance, repair, and overhaul; and airport operators. Members are appointed for a 2-year term.

The employing organization bears all costs related to its members’ operations, policy, technology, labor relations, training, and finance. Members serve without compensation.

The advisory committee shall consult with, and ensure participation by the private sector, including representatives of: (1) General aviation; (2) commercial aviation; (3) aviation labor; (4) aviation maintenance, repair, and overhaul; (5) aviation, aerospace, and avionics manufacturing; (6) unmanned aircraft systems operators and manufacturers; (7) commercial space transportation industry; and (8) members of the public; and other interested parties.

Description of Duties

The SOCAC’s duties shall include recommending consensus national goals, strategic objectives, and priorities for the most efficient, streamlined, and cost-effective certification and safety oversight processes in order to maintain the safety of the aviation system and, at the same time, allow the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace. Other duties shall include providing policy guidance recommendations for the FAA’s certification and safety oversight efforts; providing appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment; and recommending performance metrics and goals to track and review the FAA and the regulated aviation industry on their progress towards streamlining certification reform, conducting flight standards reform, and carrying out regulation consistency efforts. As directed in Public Law 115–254, the SOCAC will terminate on the last day of the 6-year period beginning on the date of the initial appointment of members of the advisory committee. Additional duties are described in the SOCAC Charter.

Membership

The SOCAC shall comprise members appointed by the Secretary of Transportation upon recommendation by the FAA Administrator. All SOCAC members serve at the pleasure of the Secretary of Transportation. The SOCAC will have no more than 20 members. The SOCAC shall comprise the Administrator (or the Administrator’s designee) and at least 11 individuals, each of whom represents at least one of the following interests: Transport aircraft and engine manufacturers; general aviation aircraft and engine manufacturers; avionics and equipment manufacturers; aviation labor organizations, including collective bargaining representatives of FAA aviation safety inspectors and aviation safety engineers; general aviation operators; air carriers; business aviation operators; unmanned aircraft systems manufacturers and operators; aviation safety management experts; aviation maintenance, repair, and overhaul; and airport operators. Members are appointed for a 2-year term.

Each voting member will be an executive officer of the organization who has decision-making authority within the member’s organization and can represent the interest of the organization, and enter into commitments on behalf of such organization. The SOCAC will have the ability to obtain necessary information from experts in the aviation and aerospace communities. The SOCAC shall have a membership size that enables the advisory committee to have substantive discussions and reach consensus on issues in a timely manner. Also, the SOCAC will have the appropriate expertise, including expertise in certification and risk-based safety oversight processes, operations, policy, technology, labor relations, training, and finance. Members serve without compensation. The employing organization bears all costs related to its members’ participation.

The Secretary shall appoint non-voting members representing FAA safety oversight program offices. Non-voting members may take part in deliberations of the advisory committee and provide input with respect to any

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled “Securities Exchange Act Disclosure Rules and Securities of Federal Savings Associations.”

**DATES:** Comments must be received on or before May 28, 2019.

**ADDRESSES:** Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- **Email:** prainfo@occ.treas.gov.
- **Hand Delivery/Courier:** 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- **Fax:** (571) 465–4326.

**Instructions:** You must include “OCC” as the agency name and “1557–0106” in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by any of the following methods:

- **Viewing Comments Electronically:** Go to www.reginfo.gov. Click on the “Information Collection Review” tab. Underneath the “Currently under Review” section heading, from the drop-down menu, select “Department of Treasury” and then click “submit.” This information collection can be located by searching by OMB control number “1557–0106” or “Securities Exchange Act Disclosure Rules and Securities of Federal Savings Associations.” Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.
- **For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482–7340.**
- **Viewing Comments Personally:** You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

**FOR FURTHER INFORMATION CONTACT:** Shaquita Merritt, Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel’s Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include 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 title 44 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, the OCC is publishing notice of the renewal of the collection of information set forth in this document.


**Description:** This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements.

The OCC requests only that OMB approve its revised burden estimates.

The Securities and Exchange Commission (SEC) is required by statute to collect, in accordance with its regulations, certain information and documents from any firm that is required to register its stock with the SEC. Federal law requires the OCC to apply similar regulations to any national bank or federal savings association similarly required to be registered with the SEC (generally those with a class of equity securities held by 2,000 or more shareholders). 2

12 CFR part 11 ensures that a national bank or federal savings association whose securities are subject to registration provides adequate information about its operations to current and potential shareholders, and the public. The OCC reviews the information to ensure that it complies with federal law and makes public all information required to be filed under the rule.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals; Businesses or other for-profit.

**Frequency of Response:** On occasion.

**Estimated Number of Respondents:** 41.

**Estimated Total Annual Burden:** 408,948 hours.

Comments submitted in response to this notice will be summarized and included in the submission to OMB. Comments are requested on:

(a) Whether the information collections are necessary for the proper performance of the OCC’s functions, including whether the information has practical utility;

(b) The accuracy of the OCC’s estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

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1 Following the close of the 60-day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.


Department of the Treasury
Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Margin and Capital Requirements for Covered Swap Entities

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 the renewal of an information collection as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, “Margin and Capital Requirements for Covered Swap Entities.”

DATES: Comments must be submitted on or before May 28, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- Email: prainfo@occ.treas.gov.
- Fax: (571) 465–4326.

Instructions: You must include “OCC” as the agency name and “1557–0251” in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by any of the following methods:

- Viewing Comments Electronically: Go to www.reginfo.gov. Click on the “Information Collection Review” tab. Underneath the “Currently under Review” section heading, from the drop-down menu, select “Department of Treasury” and then click “submit.” This information collection can be located by searching by OMB control number “1557–0251” or “Margin and Capital Requirements for Covered Swap Entities.” Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482–7340.

- Viewing Comments Personally: You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.


SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include 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 title 44 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. The OCC requested and received emergency PRA approval for the interim final rule. The emergency approval will expire in six months and this notice is the first step in renewing it.

Title: Margin and Capital Requirements for Covered Swap Entities.

OMB Control No.: 1557–0251.

Description: On March 19, 2019, the OCC, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Farm Credit Administration, and the Federal Housing Finance Agency (agencies) issued an interim final rule amending the agencies’ regulations that require swap dealers and security based swap dealers (Swap Margin Rule) under the agencies’ respective jurisdictions to exchange margin with their counterparties for swaps that are not centrally cleared. Swaps entered into before the effective dates of the Swap Margin Rule are grandfathered by the Swap Margin Rule until they expire according to their terms. There are currently financial services firms in the United Kingdom (U.K.) that conduct swap dealing activities subject to the Swap Margin Rule. If the U.K. withdraws from the European Union (E.U.) without a negotiated agreement between the U.K. and E.U., entities located in the U.K. may not be authorized to provide full-scope financial services to swap counterparties located in the E.U. The agencies are addressing a scenario whereby entities located in the U.K. might transfer their existing swap portfolios that face counterparties located in the E.U. over to an affiliate or other related establishment located within the E.U. or the United States (U.S.). These transfers, if carried out in accordance with the conditions of the interim final rule, will not trigger the application of the Swap Margin Rule to grandfathered swaps that were entered into before the Swap Margin Rule’s compliance dates.

The interim final rule distinguishes transfers initiated by the financial entity standing as the covered swap entity at the completion of the transaction from transfers initiated by the covered swap

1 Following the close of the 60-day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

2 84 FR 9940.
DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Disclosure and Reporting of CRA-Related Agreements

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC), 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning its information collection titled “Disclosure and Reporting of CRA-Related Agreements.”

DATES: Comments must be received by May 28, 2019.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- Email: prainfo@occ.treas.gov.
- Fax: (571) 465–4326.

Instructions: You must include “OCC” as the agency name and “1557–0219” in your comments. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by any of the following methods:

- Viewing Comments Electronically: Go to www.reginfo.gov. Click on the “Information Collection Review” tab. Underneath the “Currently under Review” section heading, from the drop-down menu select “Department of Treasury” and then click “submit.” This information collection can be located by searching for OMB control number “1557–0219” or “Disclosure and Reporting of CRA-Related Agreements.”

Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 649–7340.

- Viewing Comments Personally: You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shauquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 et seq.), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor.

“Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include 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 title 44 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.

Total Estimated Burden: 10 hour.

Estimated Number of Respondents: 10.

Estimated Burden per Response: 1 hour.

Type of Request: Regular. Affected Public: Individuals; Businesses or other for-profit. Frequency of Response: On occasion. Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility; (b) The accuracy of the OCC’s estimate of the burden of the collection of information; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; (d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 25, 2019.

Theodore J. Dowd,
Deputy Chief Counsel, Office of the Comptroller of the Currency.
for approval. To comply with this requirement, the OCC is publishing notice of the extension of the collection of information set forth in this document. 

Title: Disclosure and Reporting of CRA-Related Agreements. 

OMB Control No.: 1557–0219. 

Description: National banks, federal savings associations, and their affiliates occasionally enter into agreements with nongovernmental entities or persons (NGEPs) that are related to their Community Reinvestment Act (CRA) responsibilities. Section 48 of the Federal Deposit Insurance Act (FDI Act) requires disclosure of certain of these agreements and imposes related reporting requirements on insured depository institutions (IDIs), their affiliates, and NGEPs. As mandated by the FDI Act, the OCC, the Federal Deposit Insurance Corporation, and the Board of Governors of the Federal Reserve System issued regulations to implement this disclosure and reporting requirements. The disclosure and reporting provisions of these regulations constitute collections of information under the PRA. The regulation issued by the OCC is codified at 12 CFR 35 and is known as the “CRA Sunshine” regulation.

Section 48 of the FDI Act applies to written agreements that: (1) Are made in fulfillment of the CRA; (2) involve funds or other resources of an IDI or affiliate with an aggregate value of more than $10,000 in a year or loans with an aggregate principal value of more than $30,000 in a year; and (3) are entered into by an IDI or affiliate and an NGEP. 

Under section 48, the parties to a covered agreement must make the agreement available to the public and the appropriate agency. This section also requires the parties to file a report annually with the appropriate agency concerning the disbursement, receipt, and use of funds or other resources under the agreement. The collections of information in CRA Sunshine regulation implement these statutorily mandated disclosure and reporting requirements. The parties to the agreement may request confidential treatment of proprietary and confidential information in an agreement or annual report and may withhold from public disclosure confidential or proprietary information in an agreement. 

The information collections are found in 12 CFR 35.4(b); 35.6; and 35.7 and they require: 

- IDIs or affiliates to notify NGEPs that are parties to certain agreements that are agreements with a CRA affiliate; 
- NGEPs and IDIs or their affiliates to make a copy of a covered agreement available to any individual or entity upon request; 
- NGEPs to provide a copy of the covered agreement within 30 days of receiving a request from the relevant supervisory agency; 
- Each IDI and affiliate to provide each relevant supervisory agency with a copy of each covered agreement or a list of all covered agreements entered into during the calendar quarter, within 60 days of the end of each calendar quarter; and 
- Annual reporting.

Type of Review: Extension of a currently approved collection. 

Affected Public: Individuals; Businesses or other for-profit. 

Estimated Number of Respondents: 13 (7 IDIs; 6 NGEPs). 

Number of Agreements: 237. 

Number of Annual Reports: 9. 

Estimated Total Annual Burden: 527. 

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and will become a matter of public record. Comments are invited on: 

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility; 
(b) The accuracy of the OCC’s estimate of the information collection burden; 
(c) Ways to enhance the quality, utility, and clarity of the information to be collected; 
(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and 
(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

4 12 U.S.C. 1831y(e). 
5 12 U.S.C. 1831y(a). 
6 12 U.S.C. 1831y(b)–(c). 
7 12 CFR 35.6(b)(2), 35.8; see 12 U.S.C. 1831y(b)(2)(A).

DEPARTMENT OF THE TREASURY 
Office of the Comptroller of the Currency 

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review Fiduciary Activities 


ACTION: Notice and request for comment. 

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number.

The OCC is soliciting comment concerning the renewal of its information collection titled “Fiduciary Activities.” The OCC also is giving notice that it has sent the collection to OMB for review. April 29, 2019. 

DATES: You should submit written comments by April 29, 2019. 

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods: 

Email: prinfo@occ.treas.gov. 


Fax: (571) 465–4326. 

Instructions: You must include “OCC” as the agency name and “1557–0140” in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public
Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from 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) to include agency requests and requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks OMB to extend its approval of this collection.

Title: Fiduciary Activities.

OMB Control No.: 1557–0140.

Description: The OCC regulates the fiduciary activities of national banks and federal savings associations (FSAs), including the administration of collective investment funds (CIFs), pursuant to 12 U.S.C. 92a and 12 U.S.C. 1464(n), respectively. Twelve CFR part 9 contains the regulations that national banks must follow when conducting fiduciary activities, and 12 CFR part 150 contains the regulations that FSAs must follow when conducting fiduciary activities. Regulations adopted by the former Office of Thrift Supervision, now recodified as OCC rules pursuant to title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act,² have long required FSAs to comply with the requirements of the OCC’s CIF regulation.³ Thus, 12 CFR 9.18 governs CIFs managed by both national banks and FSAs.

Twelve CFR part 9 and 150.410–150.430 require that national banks and FSAs document the establishment and termination of each fiduciary account and maintain adequate records. Records must be retained for a period of three years from the later of the termination of the account or the termination of any litigation. The records must be separate and distinct from other records of the institution.

Twelve CFR 9.9 and 12 CFR 150.480 require national banks and FSAs to note the results of any audit conducted (including significant actions taken as a result of the audit) in the minutes of the board of directors. National banks and FSAs that adopt a continuous audit plan available for public inspection at their main offices and provide a copy of the plan to any person who requests it. Twelve CFR 9.18(b)(4)(iii)(E) (and 150.260 by cross-reference) require that national banks and FSAs adopt portfolio and issuer qualitative standards and concentration restrictions for short-term investment funds (STIFs), a type of CIF.

Twelve CFR 9.18(b)(4)(iii)(F) (and 150.260 by cross-reference) require that national banks and FSAs adopt liquidity standards and include provisions that address contingency funding needs for STIFs.

Twelve CFR 9.18(b)(4)(iii)(E) (and 150.260 by cross-reference) require that national banks and FSAs adopt shadow pricing procedures for STIFs that calculate the extent of difference, if any, of the mark-to-market net asset value per participating interest from the STIF’s amortized cost per participating interest, and to take certain actions if that difference exceeds $0.005 per participating interest.

Twelve CFR 9.18(b)(4)(iii)(H) (and 150.260 by cross-reference) require that national banks and FSAs adopt, for STIFs, procedures for stress testing the STIF’s ability to maintain a stable net asset value per participating interest and provide for reporting the results.

Twelve CFR 9.18(b)(4)(iii)(I) (and 150.260 by cross-reference) require that national banks and FSAs adopt, for STIFs, procedures that require a national bank or FSA to disclose to the OCC and to STIF participants within

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¹ On November 13, 2018, the OCC published a 60-day notice for this information collection.
² 76 FR 49890 (August 9, 2011).
³ See 12 CFR 150.260(b)(3).
five business days after each calendar month-end the following information about the fund: Total assets under management; mark-to-market and amortized cost net asset values; dollar-weighted average portfolio maturity; dollar-weighted average portfolio life maturity as of the last business day of the prior calendar month; and certain other security-level information for each security held.

Twelve CFR 9.18(b)(4)(i)(j) (and 150.260 by cross-reference) require that national banks and FSAs adopt, for STIFs, procedures that require a national bank or FSA that manages a STIF to notify the OCC prior to or within one business day thereafter of certain events.

Twelve CFR 9.18(b)(4)(i)(K) (and 150.260 by cross-reference) require that national banks and FSAs adopt, for STIFs, certain procedures in the event that the STIF has repriced its net asset value below $0.995 per participating interest.

Twelve CFR 9.18(b)(4)(i)(L) (and 150.260 by cross-reference) require that national banks and FSAs, at least once during each 12-month period, prepare a financial report of the fund based on the audit required by 12 CFR 9.18(b)(6)(i). The report must disclose the fund’s fees and expenses in a manner consistent with applicable state law in the state in which the national bank or FSA maintains the fund and must contain:

- A list of investments in the fund showing the cost and current market value of each investment;
- A statement covering the period after the previous report showing the following (organized by type of investment):
  - A summary of purchases (with costs);
  - A summary of sales (with profit or loss and any investment change);
  - Income and disbursements; and
  - An appropriate notation of any investments in default.

Twelve CFR 9.18(b)(6)(iv) (and 150.260 by cross-reference) require that a national bank or FSA managing a CIF provide a copy of the financial report, or provide notice that a copy of the report is available upon request without charge, to each person who ordinarily would receive a regular periodic accounting with respect to each participating account. The national bank or FSA may provide a copy to prospective customers. In addition, the national bank or FSA must provide a copy of the report upon request to any person for a reasonable charge.

Twelve CFR 9.18(c)(3) (and 150.260 by cross-reference) require that, for special exemption CIFs, national banks and FSAs must submit to the OCC a written plan that sets forth:

- The reason the proposed fund requires a special exemption;
- The provisions of the fund that are inconsistent with 12 CFR 9.18(a) and (b);
- The provisions of 12 CFR 9.18(b) for which the national bank or FSA seeks an exemption; and
- The manner in which the proposed fund addresses the rights and interests of participating accounts.

Type of Review: Extension without change of an approved information collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 320.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 115,125 hours.

On November 13, 2018, the OCC issued a notice for 60 days of comment regarding the collection, 83 FR 56400.

Two comments were received. One comment was from an advocacy group and one was from a trade association.

One commenter requested that the OCC allow flexibility in the timing of a final audit required by § 9.18(b)(6), which requires a national bank administering a CIF to prepare a financial audit of the fund once every 12 months. The commenter specifically recommended that the OCC should allow a bank that is terminating a fund within 15 months after the most recent audit to wait until the fund has terminated to complete the final audit.

The second commenter proposed the elimination of § 9.9(a) and (b), which require national banks to include in the minutes of the board of directors the results of any audits conducted of a national bank’s fiduciary activities (including significant actions taken as a result of the audit). The commenter stated that these § 9.9 requirements are unnecessarily burdensome and overreaching in that they inappropriately prescribe the content and level of detail of information to be included in board minutes and presuppose that the board of directors should discuss the results of every audit conducted pursuant to part 9, regardless of the materiality of the audit to the bank.

In response to both comments, the OCC notes that the OCC cannot revise or rescind regulations through the PRA renewal process. The OCC also notes that in 2015, as part of the OCC’s ten-year regulatory review required under section 222 of the Economic Growth and Regulatory Paperwork Reduction Act (“EGRPRA”), the OCC issued notices soliciting comments on all OCC regulations, including 12 CFR part 9. In response to the relevant OCC notice regarding 12 CFR part 9, the OCC received the same comment regarding § 9.18(b)(6), a recommendation that the OCC allow a national bank that is terminating a fund within 15 months after the most recent audit to wait until the fund has terminated to complete the final audit. The OCC did not agree with the proposed recommendation and did not adopt it in the part 9 rules. The OCC stated that in many instances, banks should be able to schedule fund terminations to occur at or just prior to the end of a plan year.

The OCC did not receive any comments regarding § 9.9(a) or (b) in response to the OCC EGRPRA notice regarding 12 CFR part 9. The OCC therefore did not rescind or propose any revisions to § 9.9 in connection with the review required under EGRPRA. Given the lack of comments on § 9.9 during the most recent EGRPRA review and the OCC’s inability to rescind or revise § 9.9 through this PRA renewal, the OCC has not adopted the proposed recommendation to rescind the board minutes-related requirements in § 9.9(a) and (b).

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;
(b) The accuracy of the OCC’s estimate of the burden of the collection of information;
(c) Ways to enhance the quality, utility, and clarity of the information to be collected;
(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and
(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.
Dated: March 22, 2019.

Theodore J. Dowd, Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2019–06020 Filed 3–28–19; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Agency Information Collection Activities; Proposed Collection; Comment Request; Electronic License Application Form

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on proposed or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Office of Foreign Assets Control (OFAC) within the Department of the Treasury is soliciting comments concerning OFAC’s Electronic License Application Form TD–F 90–22.54, which is referred to throughout this Notice as the “OFAC Application for the Release of Blocked Funds.”

DATES: Written comments must be submitted on or before May 28, 2019 to be assured of consideration.

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


Instructions: All submissions received must include the agency name and the Federal Register Doc. number that appears on this document. Comments received will be made available to the public via regulations.gov or upon request, without change and including any personal information provided.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

Title: OFAC Application for the Release of Blocked Funds.

OMB Number: 1505–0170.

Abstract: Transactions prohibited pursuant to the Trading With the Enemy Act, 50 U.S.C. 4301 et seq., the International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq., and other authorities may be authorized by means of specific licenses issued by OFAC. Such licenses are issued in response to applications submitted by persons whose property and interests in property have been blocked or who wish to engage in transactions that would otherwise be prohibited. The OFAC Application for the Release of Blocked Funds, which provides a standardized method of application for all applicants seeking the unblocking of funds, is available in electronic format on OFAC’s website. By obviating the need for applicants to write lengthy letters to OFAC, this form reduces the overall burden of the application process. Since February 2000, use of the OFAC Application for the Release of Blocked Funds to apply for the unblocking of funds has been mandatory pursuant to a revision in OFAC’s regulations at 31 CFR 501.801. See 65 FR 10707 (February 29, 2000). Applications to OFAC for the release of blocked funds can also be made via the electronic licensing portal here: https://www.treasury.gov/resource-center/sanctions/Pages/licensing.aspx.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals/businesses, other for-profit institutions, and non-governmental organizations. The likely respondents and recordkeepers affected by this collection of information are U.S. financial institutions. Estimated Number of Respondents: 3,000. Estimated Time per Respondent: 30 minutes. Estimated Total Annual Burden Hours: 1,500.

Request for Comments

Comments submitted in response to this notice will be summarized or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has 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; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Authority: 44 U.S.C. 3501 et seq.


Andrea Gacki, Director, Office of Foreign Assets Control.

[FR Doc. 2019–06084 Filed 3–28–19; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

[Case IDs DPRK3–13946, DPRK4–13621]

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC’s Specially Designated Nationals and Blocked Persons List based on OFAC’s determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See SUPPLEMENTARY INFORMATION section.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; Assistant Director for Sanctions Compliance &
Notice of OFAC Actions

On March 21, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

**Entities**

1. DALIAN HAIBO INTERNATIONAL FREIGHT CO. LTD., 1103 A, Fortune Plaza No. 20, Harbour Street, Zhongshan District, Dalian, China; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210 [DPRK3].

   Designated pursuant to Section 2(a)(vii) of Executive Order 13722 of March 15, 2016, “Blocking Property of the Government of North Korea and the Workers’ Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea” (E.O. 13722) for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Paeksol Trading Corporation, a person whose property and interests in property are blocked pursuant to E.O. 13722.

2. LIAONING DANXING INTERNATIONAL FORWARDING CO. LTD. (Chinese Simplified: 辽宁丹兴国际货运有限公司), Room D1302, Langham Place, East Harbour, No. 11 Zhubao Street, Ganglong Road, Dalian, China; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Registration Number 9121020024663544B [DPRK4].

   Designated pursuant to Section 1(a)(i) of Executive Order 13810 of September 20, 2017, “Imposing Additional Sanctions With Respect to North Korea,” for operating in the transportation industry in North Korea.

**DATES:** The meeting will be held Thursday, April 25, 2019.

**FOR FURTHER INFORMATION CONTACT:** Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, April 25, 2019, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Gilbert Martinez at 1–888–912–1227 or (737) 800–4060, or write TAP Office 3651 S. IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: http://www.improveirs.org.

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**Open Meeting of the Taxpayer Advocacy Panel Joint Committee**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.
burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Alternative Motor Vehicle Credit.

DATES: Written comments should be received on or before May 28, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at Martha.R.Brinson@irs.gov.

SUPPLEMENTARY INFORMATION:
Title: Alternative Motor Vehicle Credit.
Form Number: 8910.
Abstract: Taxpayers will file Form 8910 to claim the credit for certain alternative motor vehicles placed in service after 2005.

Current Actions: There are no changes being made to the form at this time.
Type of Review: Extension of a currently approved collection.
Affected Public: Individuals or households, Business or other for-profit organizations, Not-for-profit institutions, farms, Federal Government and State, Local or Tribal Government.
Estimated Number of Respondents: 3,333.
Estimated Time per Respondent: 5 hours, 56 minutes.
Estimated Total Annual Burden Hours: 19,764 hours.

The following paragraph applies to all of the collections of information covered by this notice: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 25, 2019.
Laurie Brimmer.
Senior Tax Analyst.
[FR Doc. 2019–06060 Filed 3–28–19; 8:45 am]
The President

Executive Order 13865—Coordinating National Resilience to Electromagnetic Pulses
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. Purpose.** An electromagnetic pulse (EMP) has the potential to disrupt, degrade, and damage technology and critical infrastructure systems. Human-made or naturally occurring EMPs can affect large geographic areas, disrupting elements critical to the Nation’s security and economic prosperity, and could adversely affect global commerce and stability. The Federal Government must foster sustainable, efficient, and cost-effective approaches to improving the Nation’s resilience to the effects of EMPs.

**Sec. 2. Definitions.** As used in this order:

(a) “Critical infrastructure” means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(b) “Electromagnetic pulse” is a burst of electromagnetic energy. EMPs have the potential to negatively affect technology systems on Earth and in space. A high-altitude EMP (HEMP) is a type of human-made EMP that occurs when a nuclear device is detonated at approximately 40 kilometers or more above the surface of Earth. A geomagnetic disturbance (GMD) is a type of natural EMP driven by a temporary disturbance of Earth’s magnetic field resulting from interactions with solar eruptions. Both HEMPs and GMDs can affect large geographic areas.

(c) “National Critical Functions” means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

(d) “National Essential Functions” means the overarching responsibilities of the Federal Government to lead and sustain the Nation before, during, and in the aftermath of a catastrophic emergency, such as an EMP that adversely affects the performance of Government.

(e) “Prepare” and “preparedness” mean the actions taken to plan, organize, equip, train, and exercise to build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation. These terms include the prediction and notification of impending EMPs.

(f) A “Sector-Specific Agency” (SSA) is the Federal department or agency that is responsible for providing institutional knowledge and specialized expertise as well as leading, facilitating, or supporting the security and resilience programs and associated activities of its designated critical infrastructure sector in the all-hazards environment. The SSAs are those identified in Presidential Policy Directive 21 of February 12, 2013 (Critical Infrastructure Security and Resilience).

**Sec. 3. Policy.** (a) It is the policy of the United States to prepare for the effects of EMPs through targeted approaches that coordinate whole-of-government activities and encourage private-sector engagement. The Federal Government must provide warning of an impending EMP; protect against, respond
to, and recover from the effects of an EMP through public and private engagement, planning, and investment; and prevent adversarial events through deterrence, defense, and nuclear nonproliferation efforts. To achieve these goals, the Federal Government shall engage in risk-informed planning, prioritize research and development (R&D) to address the needs of critical infrastructure stakeholders, and, for adversarial threats, consult Intelligence Community assessments.

(b) To implement the actions directed in this order, the Federal Government shall promote collaboration and facilitate information sharing, including the sharing of threat and vulnerability assessments, among executive departments and agencies (agencies), the owners and operators of critical infrastructure, and other relevant stakeholders, as appropriate. The Federal Government shall also provide incentives, as appropriate, to private-sector partners to encourage innovation that strengthens critical infrastructure against the effects of EMPs through the development and implementation of best practices, regulations, and appropriate guidance.

Sec. 4. Coordination. (a) The Assistant to the President for National Security Affairs (APNSA), through National Security Council staff and in consultation with the Director of the Office of Science and Technology Policy (OSTP), shall coordinate the development and implementation of executive branch actions to assess, prioritize, and manage the risks of EMPs. The APNSA shall, on an annual basis, submit a report to the President summarizing progress on the implementation of this order, identifying gaps in capability, and recommending how to address those gaps.

(b) To further the Federal R&D necessary to prepare the Nation for the effects of EMPs, the Director of OSTP shall coordinate efforts of agencies through the National Science and Technology Council (NSTC). The Director of OSTP, through the NSTC, shall annually review and assess the R&D needs of agencies conducting preparedness activities for EMPs, consistent with this order.

Sec. 5. Roles and Responsibilities. (a) The Secretary of State shall:

(i) lead the coordination of diplomatic efforts with United States allies and international partners regarding enhancing resilience to the effects of EMPs; and

(ii) in coordination with the Secretary of Defense and the heads of other relevant agencies, strengthen nuclear nonproliferation and deterrence efforts, which would reduce the likelihood of an EMP attack on the United States or its allies and partners by limiting the availability of nuclear devices.

(b) The Secretary of Defense shall:

(i) in cooperation with the heads of relevant agencies and with United States allies, international partners, and private-sector entities as appropriate, improve and develop the ability to rapidly characterize, attribute, and provide warning of EMPs, including effects on space systems of interest to the United States;

(ii) provide timely operational observations, analyses, forecasts, and other products for naturally occurring EMPs to support the mission of the Department of Defense along with United States allies and international partners, including the provision of alerts and warnings for natural EMPs that may affect weapons systems, military operations, or the defense of the United States;

(iii) conduct R&D and testing to understand the effects of EMPs on Department of Defense systems and infrastructure, improve capabilities to model and simulate the environments and effects of EMPs, and develop technologies to protect Department of Defense systems and infrastructure from the effects of EMPs to ensure the successful execution of Department of Defense missions;

(iv) review and update existing EMP-related standards for Department of Defense systems and infrastructure, as appropriate;
(v) share technical expertise and data regarding EMPs and their potential effects with other agencies and with the private sector, as appropriate;

(vi) incorporate attacks that include EMPs as a factor in defense planning scenarios; and

(vii) defend the Nation from adversarial EMPs originating outside of the United States through defense and deterrence, consistent with the mission and national security policy of the Department of Defense.

(c) The Secretary of the Interior shall support the research, development, deployment, and operation of capabilities that enhance understanding of variations of Earth’s magnetic field associated with EMPs.

(d) The Secretary of Commerce shall:

(i) provide timely and accurate operational observations, analyses, forecasts, and other products for natural EMPs, exclusive of the responsibilities of the Secretary of Defense set forth in subsection (b)(ii) of this section; and

(ii) use the capabilities of the Department of Commerce, the private sector, academia, and nongovernmental organizations to continuously improve operational forecasting services and the development of standards for commercial EMP technology.

(e) The Secretary of Energy shall conduct early-stage R&D, develop pilot programs, and partner with other agencies and the private sector, as appropriate, to characterize sources of EMPs and their couplings to the electric power grid and its subcomponents, understand associated potential failure modes for the energy sector, and coordinate preparedness and mitigation measures with energy sector partners.

(f) The Secretary of Homeland Security shall:

(i) provide timely distribution of information on EMPs and credible associated threats to Federal, State, and local governments, critical infrastructure owners and operators, and other stakeholders;

(ii) in coordination with the heads of any relevant SSAs, use the results of risk assessments to better understand and enhance resilience to the effects of EMPs across all critical infrastructure sectors, including coordinating the identification of national critical functions and the prioritization of associated critical infrastructure at greatest risk to the effects of EMPs;

(iii) coordinate response to and recovery from the effects of EMPs on critical infrastructure, in coordination with the heads of appropriate SSAs;

(iv) incorporate events that include EMPs as a factor in preparedness scenarios and exercises;

(v) in coordination with the heads of relevant SSAs, conduct R&D to better understand and more effectively model the effects of EMPs on national critical functions and associated critical infrastructure—excluding Department of Defense systems and infrastructure—and develop technologies and guidelines to enhance these functions and better protect this infrastructure;

(vi) maintain survivable means to provide necessary emergency information to the public during and after EMPs; and

(vii) in coordination with the Secretaries of Defense and Energy, and informed by intelligence-based threat assessments, develop quadrennial risk assessments on EMPs, with the first risk assessment delivered within 1 year of the date of this order.

(g) The Director of National Intelligence shall:

(i) coordinate the collection, analysis, and promulgation, as appropriate, of intelligence-based assessments on adversaries’ capabilities to conduct an attack utilizing an EMP and the likelihood of such an attack; and
(ii) provide intelligence-based threat assessments to support the heads of relevant SSAs in the development of quadrennial risk assessments on EMPs.

(h) The heads of all SSAs, in coordination with the Secretary of Homeland Security, shall enhance and facilitate information sharing with private-sector counterparts, as appropriate, to enhance preparedness for the effects of EMPs, to identify and share vulnerabilities, and to work collaboratively to reduce vulnerabilities.

(i) The heads of all agencies that support National Essential Functions shall ensure that their all-hazards preparedness planning sufficiently addresses EMPs, including through mitigation, response, and recovery, as directed by national preparedness policy.

Sec. 6. Implementation. (a) Identifying national critical functions and associated priority critical infrastructure at greatest risk.

(i) Within 90 days of the date of this order, the Secretary of Homeland Security, in coordination with the heads of SSAs and other agencies as appropriate, shall identify and list the national critical functions and associated priority critical infrastructure systems, networks, and assets, including space-based assets that, if disrupted, could reasonably result in catastrophic national or regional effects on public health or safety, economic security, or national security. The Secretary of Homeland Security shall update this list as necessary.

(ii) Within 1 year of the identification described in subsection (a)(i) of this section, the Secretary of Homeland Security, in coordination with the heads of other agencies as appropriate, shall, using appropriate government and private-sector standards for EMPs, assess which identified critical infrastructure systems, networks, and assets are most vulnerable to the effects of EMPs. The Secretary of Homeland Security shall provide this list to the President, through the APNSA. The Secretary of Homeland Security shall update this list using the results produced pursuant to subsection (b) of this section, and as necessary thereafter.

(b) Improving understanding of the effects of EMPs.

(i) Within 180 days of the identification described in subsection (a)(ii) of this section, the Secretary of Homeland Security, in coordination with the heads of other agencies as appropriate, shall review test data—identifying any gaps in such data—regarding the effects of EMPs on critical infrastructure systems, networks, and assets representative of those throughout the Nation.

(ii) Within 180 days of identifying the gaps in existing test data, as directed by subsection (b)(i) of this section, the Secretary of Homeland Security, in coordination with the Director of OSTP and the heads of other appropriate agencies, shall use the sector partnership structure identified in the National Infrastructure Protection Plan to develop an integrated cross-sector plan to address the identified gaps. The heads of agencies identified in the plan shall implement the plan in collaboration with the private sector, as appropriate.

(iii) Within 1 year of the date of this order, and as appropriate thereafter, the Secretary of Energy, in consultation with the heads of other agencies and the private sector, as appropriate, shall review existing standards for EMPs and develop or update, as necessary, quantitative benchmarks that sufficiently describe the physical characteristics of EMPs, including waveform and intensity, in a form that is useful to and can be shared with owners and operators of critical infrastructure.

(iv) Within 4 years of the date of this order, the Secretary of the Interior shall complete a magnetotelluric survey of the contiguous United States to help critical infrastructure owners and operators conduct EMP vulnerability assessments.
(c) Evaluating approaches to mitigate the effects of EMPs.

(i) Within 1 year of the date of this order, and every 2 years thereafter, the Secretary of Homeland Security, in coordination with the Secretaries of Defense and Energy, and in consultation with the Director of OSTP, the heads of other appropriate agencies, and private-sector partners as appropriate, shall submit to the President, through the APNSA, a report that analyzes the technology options available to improve the resilience of critical infrastructure to the effects of EMPs. The Secretaries of Defense, Energy, and Homeland Security shall also identify gaps in available technologies and opportunities for future technological developments to inform R&D activities.

(ii) Within 180 days of the completion of the activities directed by subsections (b)(iii) and (c)(i) of this section, the Secretary of Homeland Security, in coordination with the heads of other agencies and in consultation with the private sector as appropriate, shall develop and implement a pilot test to evaluate available engineering approaches for mitigating the effects of EMPs on the most vulnerable critical infrastructure systems, networks, and assets, as identified in subsection (a)(ii) of this section.

(iii) Within 1 year of the date of this order, the Secretary of Homeland Security, in coordination with the heads of relevant SSAs, and in consultation with appropriate regulatory and utility commissions and other stakeholders, shall identify regulatory and non-regulatory mechanisms, including cost recovery measures, that can enhance private-sector engagement to address the effects of EMPs.

(d) Strengthening critical infrastructure to withstand the effects of EMPs.

(i) Within 90 days of completing the actions directed in subsection (c)(ii) of this section, the Secretary of Homeland Security, in coordination with the Secretaries of Defense and Energy and in consultation with the heads of other appropriate agencies and with the private sector as appropriate, shall develop a plan to mitigate the effects of EMPs on the vulnerable priority critical infrastructure systems, networks, and assets identified under subsection (a)(ii) of this section. The plan shall align with and build on actions identified in reports required by Executive Order 13800 of May 11, 2017 (Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure). The Secretary of Homeland Security shall implement those elements of the plan that are consistent with Department of Homeland Security authorities and resources, and report to the APNSA regarding any additional authorities and resources needed to complete its implementation. The Secretary of Homeland Security, in coordination with the Secretaries of Defense and Energy, shall update the plan as necessary based on results from the actions directed in subsections (b) and (c) of this section.

(ii) Within 180 days of the completion of the actions identified in subsection (c)(i) of this section, the Secretary of Defense, in consultation with the Secretaries of Homeland Security and Energy, shall conduct a pilot test to evaluate engineering approaches used to harden a strategic military installation, including infrastructure that is critical to supporting that installation, against the effects of EMPs.

(iii) Within 180 days of completing the pilot test described in subsection (d)(ii) of this section, the Secretary of Defense shall report to the President, through the APNSA, regarding the cost and effectiveness of the evaluated approaches.

(e) Improving response to EMPs.

(i) Within 180 days of the date of this order, the Secretary of Homeland Security, through the Administrator of the Federal Emergency Management Agency, in coordination with the heads of appropriate SSAs, shall review and update Federal response plans, programs, and procedures to account for the effects of EMPs.
(ii) Within 180 days of the completion of actions directed by subsection (e)(i) of this section, agencies that support National Essential Functions shall update operational plans documenting their procedures and responsibilities to prepare for, protect against, and mitigate the effects of EMPs.

(iii) Within 180 days of identifying vulnerable priority critical infrastructure systems, networks, and assets as directed by subsection (a)(ii) of this section, the Secretary of Homeland Security, in consultation with the Secretaries of Defense and Commerce, and the Chairman of the Federal Communications Commission, shall provide the Deputy Assistant to the President for Homeland Security and Counterterrorism and the Director of OSTP with an assessment of the effects of EMPs on critical communications infrastructure, and recommend changes to operational plans to enhance national response and recovery efforts after an EMP.

Sec. 7. 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 26, 2019.
LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today’s List of Public Laws.

Last List March 25, 2019

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