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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 217

Greece Electronic System for Travel Authorization Validity Period

AGENCY: Office of the Secretary; DHS.

ACTION: Announcement of ESTA validity period.

SUMMARY: In 2016, DHS reduced Greece's Electronic System for Travel Authorization (ESTA) travel authorization validity period for travel by nationals of Greece under the Visa Waiver Program (VWP) from two years to one year. The reduction was based on a 2015 VWP assessment of Greece, which had identified a number of shortcomings in satisfying VWP requirements. In November 2018, DHS re-evaluated Greece's progress to meet the requirements and determined that Greece has satisfied the requirements for normalizing Greece's ESTA validity period to two years. This document announces that DHS therefore is increasing Greece's ESTA validity period to two years.

DATES: This announcement is effective on April 8, 2019.

FOR FURTHER INFORMATION CONTACT: Tamara Molina, Office of Strategy, Policy, and Plans, Department of Homeland Security, Visa Waiver Program Office, 3801 Nebraska Avenue NW, Washington, DC 20016, Telephone (202) 282–8044.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Visa Waiver Program

Pursuant to section 217 of the Immigration and Nationality Act (INA), 8 U.S.C. 1187, the Secretary of Homeland Security (the Secretary), in consultation with the Secretary of State, may designate certain countries for participation in the Visa Waiver Program (VWP) if certain requirements are met. Those requirements include, without limitation: (1) A rate of nonimmigrant visitor visa refusals for nationals of the country below the statutorily-established threshold; (2) certification by the government seeking designation for VWP participation that it issues machine-readable passports that comply with internationally accepted standards; (3) a determination by the Secretary, in consultation with the Secretary of State, that the country's designation would not negatively affect U.S. law enforcement and security interests; (4) an agreement to report, or make available through other designated means authorized by the Secretary, information about the theft or loss of passports to the U.S. government; (5) the country's government's acceptance for repatriation of any citizen, former citizen, or national not later than three weeks after the issuance of a final order of removal; and (6) an agreement with the United States to share information regarding whether citizens or nationals of the country travelling to the United States represent a threat to the security or welfare of the United States or its citizens. *See* INA section 1187(c), 8 U.S.C. 1187(c).

The INA also sets forth requirements for countries' continued VWP eligibility and, where appropriate, probation or termination of program countries. *See* INA section 1187(c), (d) & (f); 8 U.S.C. 1187(c), (d) & (f).

Citizens and eligible nationals of VWP countries may apply for admission to the United States at U.S. ports of entry as nonimmigrant visitors for business or pleasure for a period of ninety days or less without first obtaining a nonimmigrant visa, provided they are otherwise eligible for admission under applicable statutory and regulatory requirements. To travel to the United States under the VWP, an alien must be from a participating country and must, without limitation:

(1) Be seeking entry as a visitor for business or pleasure for ninety days or less;

(2) be a national of a VWP country;

(3) present a valid electronic passport and a machine-readable passport issued by a designated VWP participant country to the air or vessel carrier before departure; [1]

(4) execute the required immigration forms;

(5) if arriving by air or sea, arrive on an authorized carrier;

(6) not represent a threat to the welfare, health, safety or security of the United States;

(7) never have failed to comply with the conditions of any previous admission under the VWP;

(8) possess a round-trip ticket;

(9) waive the right to review or appeal a decision regarding admissibility at the port of entry or to contest, other than on the basis of an application for asylum, any action for removal; and

(10) obtain an approved travel authorization via Electronic System for Travel Authorization (ESTA).[2]

See INA section 217(a)–(b); 8 U.S.C. 1187(a)–(b). *See also* 8 CFR part 217.

Greece was designated for participation in the Visa Waiver Program on March 31, 2010. *See* 75 FR 15991.

B. ESTA Validity Period

Typically, under DHS regulations, a travel authorization issued under ESTA is valid for a period of two years from the date of issuance. 8 CFR 217.5(d)(1). But the Secretary of Homeland Security, in consultation with the Secretary of State, may increase or decrease ESTA travel authorization validity period otherwise authorized by subparagraph (1) for a designated VWP country. *See* 8 CFR 217.5(d)(3). DHS typically publishes notice of any changes to ESTA travel authorization validity periods in the **Federal Register**.

C. Normalization of Greece's ESTA Validity Period

DHS conducts a statutorily-required review of each VWP country at least once every two years to evaluate the effects that continuing the country's designation in the program will have on U.S. national security, law enforcement, and immigration enforcement interests. *See* INA section 217(c)(5)(A), 8 U.S.C. 1187(c)(5)(A). In January 2015, DHS placed Greece on provisional VWP status (pursuant to which Greece is subject to an annual assessment, rather

[1] For countries designated as VWP countries prior to November 17, 2008, passports issued before October 26, 2006, need not contain the electronic chip that includes the biographic and biometric information of the passport holder provided the passports comply with International Civil Aviation Organization machine readable standards. *See* 8 U.S.C. 1732(c)(2).

[2] *See* 73 FR 67354 (Nov. 13, 2008) (ESTA notice); 73 FR 32440 (June 9, 2008) (interim final rule implementing ESTA).

than an assessment every two years) due to concerns not meeting several VWP requirements. In 2016, DHS extended Greece's VWP designation on a provisional basis through March 31, 2017, to address concerns over migrant vetting, information-sharing gaps, and passport-issuance practices. Additionally, DHS reduced Greece's ESTA validity period from two years to one year and committed Greece to implement five lines of effort specified in a Joint Statement in order to remove Greece from a provisional VWP status.

In 2017, DHS sent correspondence to Greece defining a set of actions that would justify ESTA normalization. Greece has made successful progress in all five lines of effort and has completed all of the elements required for ESTA normalization that had been communicated in 2017. Greece has enacted necessary legislation to authorize issuance and replacement of national identification cards (biometric chip), expanded systematic refugee vetting at all migrant processing centers, and enacted Passenger Name Recognition (PNR) legislation to implement the EU PNR Directive. For these reasons, DHS is publishing this document announcing that it is increasing Greece's ESTA validity period to two years.

Claire Grady,

Senior Official Performing the Duties of the Deputy Secretary, Department of Homeland Security.

[FR Doc. 2019–06750 Filed 4–5–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 230, 232, 239, 240, 249, 270, 274, and 275

[Release No. 33–10618; 34–85381; IA–5206; IC–33426; File No. S7–08–17]

RIN 3235–AM00

FAST Act Modernization and Simplification of Regulation S–K

Correction

In rule document 2019–05695, appearing on pages 12674 through 12738, in the issue of Tuesday, April 2, 2019, make the following corrections:

1. On page 12675, in the table, in the second column, in the tenth line from the top of the page, the text entry that reads ''§ 249.218'' should read ''§ 249.220f''.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934 [Corrected]

■ 2. On page 12729, in the second column, five asterisks (* * * * *) indicating the existence of text not listed and unchanged should appear above the text reading ''INSTRUCTIONS AS TO EXHIBITS''.

[FR Doc. C1–2019–05695 Filed 4–5–19; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–446]

Schedules of Controlled Substances: Extension of Temporary Placement of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA in Schedule I of the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Temporary rule; temporary scheduling order; extension.

SUMMARY: The Acting Administrator of the Drug Enforcement Administration is issuing this temporary scheduling order to extend the temporary schedule I status of six synthetic cannabinoids (SC). The substances are: methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate [5F–ADB; 5F–MDMB–PINACA]; methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate [5F–AMB]; *N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide [5F–APINACA, 5F–AKB48]; *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide [ADB–FUBINACA]; methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate [MDMB–CHMICA, MMB–CHMINACA] and methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate [MDMB–FUBINACA], including their optical, positional and geometric isomers, salts, and salts of isomers. The schedule I status of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA will expire on April 10, 2019. This temporary order will extend the temporary scheduling of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA for one year or until the permanent scheduling action for these six substances is completed, whichever occurs first.

DATES: This temporary scheduling order, which extends the order (82 FR 17119, April 10, 2017), is effective April 10, 2019 and expires on April 10, 2020. If DEA publishes a final rule making this scheduling action permanent, this order will expire on the effective date of that rule, if the effective date is earlier than April 10, 2020.

FOR FURTHER INFORMATION CONTACT: Lynnette M. Wingert, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Background and Legal Authority

On April 10, 2017, the Acting Administrator of the Drug Enforcement Administration (DEA) published an order in the **Federal Register** (82 FR 17119) temporarily placing methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate [5F–ADB; 5F–MDMB–PINACA], methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate [5F–AMB], *N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide [5F–APINACA, 5F–AKB48], *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide [ADB–FUBINACA], methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate [MDMB–CHMICA, MMB–CHMINACA] and methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate [MDMB–FUBINACA], synthetic cannabinoid (SC) substances, in schedule I of the Controlled Substances Act (CSA) pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). That order was effective on the date of publication, and was based on findings by the Acting Administrator of the DEA that the temporary scheduling of these SCs was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). Section 201(h)(2) of the CSA, 21 U.S.C. 811(h)(2), requires that the temporary control of these substances expires two years from the effective date of the scheduling order, or on April 10, 2019. However, the CSA also provides that during the pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to the substance, the temporary scheduling [1] of that substance

[1] Though DEA has used the term ''final order'' with respect to temporary scheduling orders in the past, this notice adheres to the statutory language of 21 U.S.C. 811(h), which refers to a ''temporary

could be extended for up to one year. Proceedings for the scheduling of a substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of the DEA pursuant to 28 CFR 0.100) on his own motion, at the request of the Secretary of Health and Human Services (HHS),[2] or on the petition of any interested party.

The Acting Administrator of the DEA (Acting Administrator), on his own motion pursuant to 21 U.S.C. 811(a), has initiated proceedings under 21 U.S.C. 811(a)(1) to permanently schedule 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA. The DEA has gathered and reviewed the available information regarding the pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and the relative potential for abuse for these six SCs. On September 27, 2017, the DEA submitted a request to the HHS to provide the DEA with a scientific and medical evaluation of available information and a scheduling recommendation for 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA, and in accordance with 21 U.S.C. 811 (b) and (c). Upon evaluating the scientific and medical evidence, on March 21, 2019, the HHS submitted to the Acting Administrator its scientific and medical evaluation for these six substances. Upon receipt of the scientific and medical evaluation and scheduling recommendations from the HHS, the DEA reviewed the documents and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA in accordance with 21 U.S.C. 811(c). The DEA published a notice of proposed rulemaking for the placement of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA in schedule I elsewhere in this issue of the **Federal Register**. If the scheduling of these substances is made permanent, the DEA will publish a final rule in the **Federal Register**.

Pursuant to 21 U.S.C. 811(h)(2), the Acting Administrator orders that the temporary scheduling of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA, including their optical, positional and geometric isomers, salts, and salts of isomers, be extended for one year, or until the permanent scheduling proceeding is completed, whichever occurs first.

In accordance with this temporary scheduling order, the schedule I requirements for handling 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA, including their optical, positional and geometric isomers, salts, and salts of isomers, will remain in effect for one year, or until the permanent scheduling proceeding is completed, whichever occurs first.

Regulatory Matters

The CSA provides for an expedited temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h). The Attorney General may, by order, schedule a substance in schedule I on a temporary basis. *Id.* 21 U.S.C. 811(h) also provides that the temporary scheduling of a substance shall expire at the end of two years from the date of the issuance of the order scheduling such substance, except that the Attorney General may, during the pendency of proceedings to permanently schedule the substance, extend the temporary scheduling for up to one year.

To the extent that 21 U.S.C. 811(h) directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued and extended, the DEA believes that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this extension of the temporary scheduling action. The specific language chosen by Congress indicates an intention for the DEA to proceed through the issuance of an order instead of proceeding by rulemaking. Given that Congress specifically requires the Attorney General to follow rulemaking procedures for other kinds of scheduling actions, see section 201(a) of the CSA, 21 U.S.C. 811(a), it is noteworthy that, in section 201(h), Congress authorized the issuance of temporary scheduling actions by order rather than by rule. In the alternative, even assuming that this action might be subject to section 553 of the APA, the Acting Administrator finds that there is good cause to forgo the notice and comment and the delayed effective date requirements of section 553, as any further delays in the process for extending the temporary scheduling order would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety. Further, the DEA believes that this order extending the temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget (OMB).

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA) is inapplicable, as it applies only to rules. 5 U.S.C. 808(2). It is in the public interest to maintain the temporary placement of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA in schedule I because they pose a public health risk. The temporary scheduling action was taken pursuant to 21 U.S.C. 811(h), which is specifically designed to enable the DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. Under 21 U.S.C. 811(h), temporary scheduling orders are not subject to notice and comment rulemaking procedures. The DEA understands that the CSA frames temporary scheduling actions as orders rather than rules to ensure that the process moves swiftly, and this extension of the temporary scheduling order continues to serve that purpose. For the same reasons that underlie 21 U.S.C. 811(h), that is, the need to place these substances in schedule I because they pose an imminent hazard to public safety, it would be contrary to the public interest to delay implementation of this extension of the temporary scheduling order. Therefore, in accordance with section 808(2) of the CRA, this order extending the temporary scheduling order shall take effect immediately upon

scheduling order.'' No substantive change is intended.

[2] The Secretary of HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations.

its publication. The DEA has submitted a copy of this order to both Houses of Congress and to the Comptroller General, although such filing is not required under the Congressional Review Act, 5 U.S.C. 801–808 because, as noted above, this action is an order, not a rule.

Dated: April 2, 2019.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2019–06851 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 555

[Docket No. ATF 2017R–21; AG Order No. 4425–2019]

Removal of Expired Regulations

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule makes technical amendments to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regulations in the Code of Federal Regulations (CFR). These technical changes are being made to remove expired, obsolete, or unnecessary regulations; correct dates, titles, addresses, and telephone numbers; and to reflect changes to nomenclature resulting from the transfer of ATF to the Department of Justice from the Department of the Treasury pursuant to the Homeland Security Act of 2002. The changes are designed to update and provide clarity throughout these regulations.

DATES: This rule is effective April 8, 2019.

FOR FURTHER INFORMATION CONTACT: Shermaine Kenner, Office of Regulatory Affairs, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Department of Justice, 99 New York Avenue NE, Washington, DC 20226; telephone: (202) 648–7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Backgrounds

ATF administers regulations published in 27 CFR part 555, concerning commerce in explosives. ATF identified several technical amendments that are needed to update and to provide clarity to these regulations.

Rather than make substantive changes to the regulations, these amendments focus on improving the clarity and accuracy of the regulations. Many of the technical changes reflect the removal of expired or obsolete regulations; removal of regulations that are no longer necessary; and the correction of dates, titles, addresses, and telephone numbers. Additionally, technical changes to § 555.11 reflect a change in nomenclature resulting from the transfer of ATF to the Department of Justice from the Department of the Treasury pursuant to the Homeland Security Act of 2002.

Section 555.11 is being amended to remove paragraph (a) and revise paragraph (b) in the definitions of ''ATF'', ''ATF Officer'', ''Bureau'', and ''Director'' as the information in the regulations is obsolete, to revise the definition of ''Director, Industry Operations'' for accuracy, and to replace ''Bureau of Alcohol, Tobacco and Firearms'' with ''Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice'' in the definition of ''Region'' as the current definition references the name of the agency under the Department of the Treasury, prior to the Homeland Security Act of 2002.

Section 555.27 is being removed and reserved as the requirement in the statute that this regulation implemented is expired and obsolete.

Section 555.30 is being amended to reflect the correct nationwide toll-free telephone number, and the reference to Form 4712 is being removed as this information is no longer necessary and is obsolete.

Sections 555.33, 555.142, and 555.165 are being amended to remove the effective dates, which are no longer necessary.

Sections 555.41, 555.49, 555.51, 555.103, and 555.125 are being amended to remove and reserve paragraph (a) in each of these sections as the information in those paragraphs is obsolete.

Section 555.45 is being amended to remove and reserve paragraphs (a) and (b) as the information in those paragraphs is obsolete.

Section 555.57 is being amended to remove ''For all licenses or permits issued on and after May 24, 2003'' as this delineation is no longer necessary.

Section 555.102 is being amended to remove paragraph (b)(1) and revise paragraph (b)(2) as the information in those paragraphs is obsolete.

Section 555.105 is being amended to remove the reference to nonlicensees and nonpermittees in the heading of the section, and to remove and reserve paragraph (a) as the information in the regulation is obsolete.

Section 555.126 is being amended to revise the heading of the section, and to remove and reserve paragraph (a) as the information in the regulation is obsolete.

Section 555.201 is being amended to remove and reserve paragraph (e) as the application of this paragraph is obsolete.

Section 555.202 is being amended to remove ''See also § 555.201(e).'' as the referenced sentence is obsolete.

Section 555.218 is being amended to remove the date ''July, 1991'' from the table title and replace it with ''June 1991'', the correct date.

Section 555.219 is being amended to add the title of the table, as the title was incorrectly added to the table in 555.220 when published in the **Federal Register**.

Section 555.220 is being amended to remove the title above the table and remove the address for the Fertilizer Institute, as this information is incorrect.

Section 555.224 is being amended to remove ''(30 days from the date of publication of the final rule in the **Federal Register**)'' and to add the effective date in the third footnote.

II. Statutory Orders and Executive Review

A. Executive Orders 12866, 13563, and 13771

This rule has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' section 1(b), The Principles of Regulation; Executive Order 13563, ''Improving Regulation and Regulatory Review,'' section 1(b), General Principles of Regulation; and Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.''

The rule makes technical corrections to eliminate outdated and incorrect terminology and improve the clarity of the regulations, and makes no substantive changes. The Department has determined that this final rule is not a ''significant regulatory action'' as defined in Executive Order 12866, section 3(f). Accordingly, this final rule has not been reviewed by the Office of Management and Budget.

Finally, because this rule is not a significant regulatory action, it is not subject to the requirements of Executive Order 13771. There are no costs associated with this regulation; however, it benefits the industry in that it removes numerous outdated regulations and provides clarity for the regulated industry. Because there are no costs associated with this final rule,

there are no monetized benefits. This rule is considered a deregulatory action under Executive Order 13771.

B. Executive Order 13132

This final rule will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, ''Federalism,'' the Attorney General has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

C. Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, ''Civil Justice Reform.''

D. Administrative Procedure Act

Under the Administrative Procedure Act (''APA''), 5 U.S.C. 553(b)(3)(B), an agency may, for good cause, find that the usual requirements of prior notice and comment are impracticable, unnecessary, or contrary to the public interest. Currently, 27 CFR part 555 contains references to expired regulations and has obsolete, outdated, and incorrect terminology that may be confusing to the public. The rule makes technical corrections to improve the clarity of the regulations and makes no substantive changes. For these reasons, the agency has determined that publishing a notice of proposed rulemaking and providing opportunity for public comment is unnecessary.

Further, the APA permits an agency to make this rule effective upon date of publication, because it is not a substantive rule. *See* 5 U.S.C. 553(d). Furthermore, the Department finds that there is good cause for the final rule to take effect upon publication, since the revisions made by this rule are minor, non-substantive, and technical, and there is no reason to delay these changes. *Id.,* § 553(d)(3).

E. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 603, 604, and 605(b), a Regulatory Flexibility Analysis is not required for this final rule because the Department was not required to publish a general notice of proposed rulemaking for this matter.

F. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1535.

G. Paperwork Reduction Act of 1995

This final rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C. 3501–3521.

H. Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

List of Subjects in 27 CFR Part 555

Administrative practice and procedure, Customs duties and inspection, Explosives, Hazardous substances, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, and Warehouses.

Authority and Issuance

Accordingly, for the reasons discussed in the preamble, 27 CFR part 555 is amended as follows:

PART 555—COMMERCE IN EXPLOSIVES

■ 1. The authority citation for 27 CFR part 555 continues to read as follows:

Authority: 18 U.S.C. 847.

§ 555.11 [Amended]

■ 2. Amend § 555.11 as follows:
■ a. In the definition of ''ATF'':
■ i. Remove paragraph (a);
■ ii. Remove the (b) designation; and
■ iii. Remove ''On and after January 24, 2003.'' and '', Washington, DC'';
■ b. In the definition of ''ATF Officer'':
■ i. Remove paragraph (a);
■ ii. Remove the (b) designation;
■ iii. Remove ''On and after January 24, 2003.''; and
■ iv. Add '', Department of Justice'' after ''(ATF)'';
■ c. In the definition of ''Bureau'':
■ i. Remove paragraph (a);
■ ii. Remove the (b) designation; and
■ iii. Remove ''On and after January 24, 2003.'' and '', Washington, DC'';
■ d. In the definition of ''Director'':
■ i. Remove paragraph (a);
■ ii. Remove the (b) designation; and
■ iii. Remove ''On and after January 24, 2003.'' and '', Washington, DC'';
■ e. In the definition of ''Director, Industry Operations'' remove ''principal regional official'' and add in its place ''principal field division official''; and
■ f. In the definition of ''Region'' remove ''Bureau of Alcohol, Tobacco and Firearms'' and add in its place ''Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice''.

§ 555.27 [Removed and Reserved]

■ 3. Remove and reserve § 555.27.

§ 555.30 [Amended]

■ 4. Amend § 555.30 as follows:
■ a. Remove ''1–800–800–3855'' in paragraphs (a), (b), and (d) introductory text and add in its place ''1–800–461–8841''; and
■ b. Remove ''(formerly Form 4712)'' in paragraph (a).

§ 555.33 [Amended]

■ 5. In § 555.33, remove ''(effective May 24, 2003)'' from the section heading.

§ 555.41 [Amended]

■ 6. In § 555.41, remove and reserve paragraph (a).

§ 555.45 [Amended]

■ 7. In § 555.45, remove and reserve paragraphs (a) and (b).

§ 555.49 [Amended]

■ 8. In § 555.49, remove and reserve paragraph (a).

§ 555.51 [Amended]

■ 9. In § 555.51, remove and reserve paragraph (a).

§ 555.57 [Amended]

■ 10. In § 555.57, remove ''For all licenses or permits issued on and after May 24, 2003, each person'' in paragraph (b) and add in its place ''Each person''.

§ 555.102 [Amended]

■ 11. Amend § 555.102 as follows:
■ a. Remove paragraph (b)(1); and
■ b. Remove the paragraph (b)(2) designation and its heading ''Distribution of surplus stocks on and after May 24, 2003.''.

§ 555.103 [Amended]

■ 12. Amend § 555.103 by removing and reserving paragraph (a).

§ 555.105 [Amended]

■ 13. Amend § 555.105 by removing ''nonlicensees, nonpermittees, and'' from the section heading and removing and reserving paragraph (a).

§ 555.125 [Amended]

■ 14. Amend § 555.125 by removing and reserving paragraph (a).

§ 555.126 [Amended]

■ 15. Amend § 555.126 by removing ''Explosives transaction record for distribution of explosive materials prior to May 24, 2003 and'' and ''on and after May 24, 2003'' from the section heading and removing and reserving paragraph (a).

§ 555.142 [Amended]

■ 16. In § 555.142, remove ''(effective January 24, 2003)'' from the section heading.

§ 555.165 [Amended]

■ 17. In § 555.165, remove ''On and after January 24, 2003, any licensee or permittee'' in paragraph (b) and add in its place ''Any licensee or permittee''.

§ 555.201 [Amended]

■ 18. In § 555.201, remove and reserve paragraph (e).

§ 555.202 [Amended]

■ 19. In § 555.202, remove ''See also § 555.201(e).'' in paragraph (a).

§ 555.218 [Amended]

■ 20. In § 555.218, remove ''July, 1991'' in the table heading and add in its place ''June 1991''.

§ 555.219 [Amended]

■ 21. In § 555.219, add the table heading ''TABLE: DEPARTMENT OF DEFENSE AMMUNITION AND EXPLOSIVES STANDARDS, TABLE 5–4.1 EXTRACT; 4145.27 M, MARCH 1969'' below the table.

§ 555.220 [Amended]

■ 22. Amend § 555.220 as follows:

■ a. Remove ''TABLE: DEPARTMENT OF DEFENSE AMMUNITION AND EXPLOSIVES STANDARDS, TABLE 5–4.1 EXTRACT; 4145.27 M, MARCH 1969'' from above the table; and

■ b. Remove ''1015 18th St. N.W., Washington, DC 20036'' in the footnote to paragraph (3).

§ 555.224 [Amended]

■ 23. Amend § 555.224 as follows:

■ a. Remove ''(30 days from the date of publication of the final rule in the **Federal Register**)'' in footnote 3 and add in its place ''March 7, 1990''; and

■ b. Add ''(55 FR 3717)''at the end of footnote 3.

Dated: April 2, 2019.

William P. Barr,

Attorney General.

[FR Doc. 2019–06912 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–FY–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0799; FRL–9991–82–Region 4]

Air Plan Approval; Kentucky; Regional Haze Plan and Prong 4 (Visibility) for the 1997 Ozone, 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking four actions regarding the Kentucky State Implementation Plan (SIP). Specifically, EPA is approving Kentucky's November 16, 2018, SIP submittal seeking to change reliance from the Clean Air Interstate Rule (CAIR) to the Cross-State Air Pollution Rule (CSAPR) for certain regional haze requirements; converting EPA's limited approval/limited disapproval of Kentucky's regional haze SIP to a full approval; removing EPA's Federal Implementation Plan (FIP) for Kentucky which relied on CSAPR to address the deficiencies identified in the limited disapproval of Kentucky's regional haze SIP; and approving the visibility prong of Kentucky's infrastructure SIP submittals for the 1997 8-hour Ozone, 2010 Nitrogen Dioxide (NO_2), 2010 Sulfur Dioxide (SO_2), and 2012 Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS).

DATES: This rule will be effective May 8, 2019.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2018–0799. All documents in the dockets are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michele Notarianni, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Notarianni can be reached by telephone at (404) 562–9031 or via electronic mail *notarianni.michele@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 30, 2012, EPA finalized a limited approval and a limited disapproval of SIP revisions submitted by Kentucky on June 25, 2008, and May 28, 2010, addressing regional haze program requirements.[1] The limited disapproval of these SIP revisions was based upon, and limited to, the Commonwealth's reliance on CAIR as an alternative to best available retrofit technology (BART) for nitrogen oxide (NO_X) and SO_2 at certain electric generating units (EGUs); as a measure for reasonable progress with respect to SO_2 emissions from these units during the first implementation period;[2] and as an element of a long-term strategy (LTS) for achieving its reasonable progress goals (RPGs).[3] In the March 30, 2012,

[1] *See* 77 FR 19098.

[2] EPA approved Kentucky's determination in its regional haze SIP revisions to focus solely on evaluating SO_2 emissions from EGU and non-EGU point sources in its reasonable progress analysis for the first implementation period. *See* 77 FR 19098 (March 30, 2012). Kentucky based its determination on a sensitivity analysis from the Visibility Improvement State and Tribal Association of the Southeast (VISTAS) regional planning organization demonstrating that sulfate particles resulting from SO_2 emissions are the dominant contributor to visibility impairment on the 20 percent worst days at all Class I areas in the VISTAS states, including Kentucky. For more information, see 76 FR 78194 (December 16, 2011).

[3] EPA demonstrated that CAIR would achieve greater reasonable progress than BART in revisions to the regional haze program made in 2005. *See* 70 FR 39104 (July 6, 2005). In those revisions, EPA amended its regulations to provide that states participating in the CAIR cap-and-trade programs pursuant to an EPA-approved CAIR SIP or states that remain subject to a CAIR FIP need not require affected BART-eligible EGUs to install, operate, and maintain BART for emissions of SO_2 and NO_X. As a result of EPA's determination that CAIR was ''better-than-BART,'' a number of states in the CAIR region, including Kentucky, relied on the CAIR cap-and-trade programs as an alternative to BART for EGU emissions of SO_2 and NO_X in designing their regional haze plans. These states also relied on CAIR as an element of an LTS for achieving their reasonable progress goals (RPGs) for their regional haze programs. However, in 2008, the United States

action, EPA determined that Kentucky's regional haze SIP revisions satisfied all other necessary elements for a fully approvable regional haze program, including BART for particulate matter (PM) at EGUs formerly subject to CAIR. On June 7, 2012, EPA finalized a FIP for Kentucky (hereinafter referred to as the ''partial Regional Haze FIP'') that replaced reliance on CAIR with reliance on CSAPR to meet NO_X and SO_2 BART for EGUs formerly subject to CAIR thereby addressing the deficiencies in the Commonwealth's CAIR-dependent regional haze SIP.[4]

On November 16, 2018, Kentucky submitted a SIP revision to change its reliance from CAIR to CSAPR for the purpose of meeting the NO_X and SO_2 BART requirements for EGUs formerly subject to CAIR; the reasonable progress requirements with respect to SO_2 emissions from these units; and the requirement that an LTS contain all measures necessary to achieve reasonable progress, thereby eliminating the Commonwealth's need for the partial Regional Haze FIP. Kentucky also submitted the SIP revision to satisfy its outstanding interstate visibility transport obligations under section 110(a)(2)(D)(i)(II) of the CAA (also known as ''prong 4''). Thus, Kentucky is seeking EPA approval for its 1997 8-hour ozone infrastructure SIP (iSIP) submission (December 13, 2007); 2010 1-hour NO_2 and 2010 1-hour SO_2 iSIP submission (April 26, 2013); and annual $PM_{2.5}$ iSIP submission (February 8, 2016).[5]

Prong 4 requires that a state's implementation plan include adequate provisions prohibiting any source or other type of emissions activity in one state from interfering with measures to protect visibility required to be included in another state's implementation plan. EPA's 2013 Guidance on Infrastructure SIP Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2) (2013 Guidance) provides that one way a state may demonstrate that its SIP will ensure that emissions from the state will not interfere with measures required to be in other states' plans to protect visibility (*i.e.,* to satisfy prong 4) is through confirmation in its infrastructure SIP submission that it has an approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 or 51.309.[6] Kentucky's aforementioned iSIPs rely on the Commonwealth's regional haze SIP to satisfy prong 4 requirements; therefore, today's full approval of Kentucky's regional haze SIP allows for approval of the prong 4 elements in these iSIPs.

On February 15, 2019 (84 FR 4407), EPA published a notice of proposed rulemaking (NPRM) proposing to: (1) Approve Kentucky's November 16, 2018, SIP submission to change reliance from CAIR to CSAPR in its regional haze SIP; (2) convert EPA's limited approval/limited disapproval of Kentucky's regional haze SIP to a full approval; (3) remove EPA's FIP for Kentucky which replaced reliance on CAIR with reliance on CSAPR to address the deficiencies identified in the limited disapproval of Kentucky's regional haze SIP; and (4) approve the prong 4 portions of Kentucky's 1997 8-hour ozone iSIP submission (December 13, 2007); 2010 1-hour NO_2 and 2010 1-hour SO_2 iSIP submission (April 26, 2013); and 2012 annual $PM_{2.5}$ iSIP submission (February 8, 2016). EPA did not receive any comments on its February 15, 2019, proposal.

II. Summary of SIP Revision and EPA Analysis

Kentucky's November 16, 2018, SIP revision corrects the deficiencies identified by EPA in the June 7, 2012 limited disapproval of the Commonwealth's regional haze SIP by replacing reliance on CAIR with reliance on CSAPR. As discussed in the NPRM in greater detail, EPA finds that this SIP revision satisfies the NO_X and SO_2 BART requirements for EGUs formerly subject to CAIR; the reasonable progress requirements with respect to SO_2 emissions from these units; and the requirement that an LTS contain all measures necessary to achieve reasonable progress, and thus, allows for a fully-approvable regional haze SIP.

EPA finds that the Commonwealth's reliance on CSAPR for certain BART, reasonable progress, and LTS requirements is in accordance with the CAA and regional haze rule requirements (including 40 CFR 51.308(e)(2)), as EPA has recently affirmed that CSAPR remains an appropriate alternative to source-specific BART controls for EGUs participating in CSAPR.[7] In that action, EPA determined that changes to CSAPR's geographic scope resulting from the actions that EPA has taken in response to the CSAPR budget remand in *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (D.C. Cir. 2015) do not affect the continued validity of participation in CSAPR as a BART alternative.[8] Because the deficiencies in Kentucky's regional haze SIP that were identified in EPA's limited disapproval are addressed through the November 16, 2018 SIP revision, the Agency is now fully approving the Commonwealth's regional haze SIP.

Additionally, EPA finds that the prong 4 portions of Kentucky's iSIP submittals for the 1997 8-hour ozone, 2010 1-hour NO_2, 2010 1-hour SO_2, and 2012 annual $PM_{2.5}$ NAAQS are fully approvable because Kentucky now has a fully-approved regional haze SIP. The specific details of these iSIP revisions and the November 16, 2018 regional haze SIP revision and the rationale for EPA's approval of these SIP revisions are discussed in the NPRM.

III. Final Action

EPA finds that Kentucky's November 16, 2018, SIP revision satisfies the NO_X and SO_2 BART requirements for EGUs formerly subject to CAIR; the Commonwealth's reasonable progress obligations with respect to SO_2 emissions from these EGUs; and, in combination with the previously approved elements of Kentucky's regional haze SIP, the requirement that

Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded CAIR to EPA without vacatur to preserve the environmental benefits provided by CAIR. *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated CSAPR to replace CAIR and issued FIPs to implement the rule in CSAPR-subject states. CSAPR has now replaced the CAIR program. Kentucky is subject to the CSAPR annual NO_X, ozone-season NO_X, and SO_2 trading programs.

[4] 77 FR 33642.

[5] By statute, plans meeting the requirements of sections 110(a)(1) and (2) of the CAA are to be submitted by states within three years (or less, if the Administrator so prescribes) after promulgation of a new or revised NAAQS to provide for the implementation, maintenance, and enforcement of the new or revised NAAQS. EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions.

[6] *See* EPA, Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2), at 33 (Sept. 13, 2013), *available at https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf.*

[7] *See* 82 FR 45481 (September 29, 2017).

[8] Numerous parties filed petitions for review of CSAPR in the D.C. Circuit, and on August 21, 2012, the court issued its ruling, vacating and remanding CSAPR to EPA and ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit's vacatur of CSAPR was reversed by the United States Supreme Court on April 29, 2014, and the case was remanded to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). On remand, the D.C. Circuit affirmed CSAPR in most respects, but invalidated without vacating some of the CSAPR budgets as to a number of states. *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (D.C. Cir. 2015). The remanded budgets included the Phase 2 SO_2 emissions budgets for four states and the Phase 2 ozone-season NO_X budgets for 11 states. The court did not invalidate the CSAPR budgets for Kentucky.

the Commonwealth's LTS contain the measures necessary to achieve reasonable progress. Accordingly, EPA is taking the following actions: (1) Approving Kentucky's November 16, 2018, SIP submission to change reliance from CAIR to CSAPR in the Commonwealth's regional haze SIP; (2) converting EPA's limited approval/limited disapproval of Kentucky's regional haze SIP to a full approval; (3) removing EPA's FIP for Kentucky which replaced reliance on CAIR with reliance on CSAPR to address the deficiencies identified in the limited disapproval of Kentucky's regional haze SIP; and (4) approving the prong 4 portion of Kentucky's 1997 8-hour Ozone iSIP submission (December 13, 2007); 2010 1-hour NO_2 and 2010 1-hour SO_2 iSIP submission (April 26, 2013); and 2012 annual $PM_{2.5}$ iSIP submission (February 8, 2016). All other iSIP requirements applicable to these Kentucky infrastructure SIP submissions have been or will be addressed in separate rulemakings.

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 and was therefore not submitted to the Office of Management and Budget (OMB) for review.

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

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandates as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments or the private sector.

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175, in Kentucky. It will not have substantial direct effects on tribal governments. EPA has determined that this action does not have substantial direct effects on tribal governments because, as it relates to prong 4, this action is not approving any specific rule, but rather determining that the approved SIP for Kentucky meets certain CAA requirements. As it relates to the regional haze SIP, replacing reliance on CAIR with reliance on CSAPR has no substantial direct effects because the reliance on CSAPR for regional haze purposes in Kentucky already existed through a FIP. EPA notes that this action will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

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

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

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

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

EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

L. Congressional Review Act (CRA)

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

M. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 7, 2019. Filing a petition for reconsideration by the Administrator of this final rules does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate Matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 29, 2019.

Andrew R. Wheeler,

EPA Administrator.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

■ 2. Section 52.920(e), is amended by adding new entries for ''110(a)(1) and (2) Infrastructure Requirements for the 1997 8-hour Ozone NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS'', ''110(a)(1) and (2) Infrastructure

Requirements for the 2010 1-hour SO_2 NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS'' and ''Regional Haze Plan Revision'' at the end of the table to read as follows:

§ 52.920 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanations
*	*	*	*	*
110(a)(1) and (2) Infrastructure Requirements for the 1997 8-hour Ozone NAAQS.	Kentucky	12/13/2007	4/8/2019, [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS.	Kentucky	4/26/2013	4/8/2019, [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.
110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO_2 NAAQS.	Kentucky	4/26/2013	4/8/2019, [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.
110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS.	Kentucky	2/8/2016	4/8/2019, [Insert citation of publication].	Addressing prong 4 of section 110(a)(2)(D)(i)(II) only.
Regional Haze Plan Revision	Kentucky	11/16/2018	4/8/2019, [Insert citation of publication].	

§ 52.936 [Reserved]

■ 3. Section 52.936 is removed and reserved.

[FR Doc. 2019–06740 Filed 4–5–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2018–0769; FRL–9991–71–Region 10]

Air Plan Approval; ID, Kraft Pulp Mill Rule Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to Idaho's State Implementation Plan (SIP) submitted by the Idaho Department of Environmental Quality (IDEQ) on November 2, 2018. The submitted revisions update Idaho's rules by removing obsolete and duplicative requirements as well as requirements less stringent than applicable Federal regulations.

DATES: This final rule is effective May 8, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2018–0769, at *https://www.regulations.gov.* All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the ''For Further Information Contact'' section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Randall Ruddick at (206) 553–1999, *ruddick.randall@epa.gov,* or Attn: Randall Ruddick, EPA Region 10, Office of Air and Waste (OAW–155), 1200 6th Ave., Seattle, WA 98101.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to EPA.

Table of Contents

I. Background
II. Final Action
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I. Background

On November 2, 2018, the Idaho Department of Environmental Quality (IDEQ) submitted revisions to the SIP that remove Idaho's 1994 version of IDAPA 58.01.01.815, .816, and .819 through .826, and add the State's current (2012) version of IDAPA 58.01.01.815 and .818 into the SIP.

On February 13, 2019, the Environmental Protection Agency (EPA) proposed to approve Idaho's November 2, 2018 submission. Please see the proposed approval for further explanation (84 FR 3744). The public comment period for our proposed action ended on March 15, 2019. We did not receive any comments on this action. Therefore, we are finalizing our action as proposed.

II. Final Action

EPA is approving and incorporating by reference into Idaho's SIP, all revisions to IDAPA 58.01.01.815 and .818 (state effective March 29, 2012) as requested by Idaho on November 2, 2018. EPA is also approving, as requested by Idaho on November 2, 2018, removal of IDAPA 58.01.01.816, .817, and .821 through .826 from the Idaho SIP. We have determined that the submitted SIP revisions are consistent with section 110 of Title I of the CAA.

III. Incorporation by Reference

In this rule, EPA is approving regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is incorporating by reference the provisions described above in Section II. Final Action and set forth below, as amendments to 40 CFR part 52.

Also in this rule, EPA is removing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is removing the incorporation

by reference of IDAPA 58.01.01.816, .817, and .821 through .826 as described in Section II. Final Action and set forth below, as amendments to 40 CFR part 52.

EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and at the EPA Region 10 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Orders Review

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, 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 it does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: March 27, 2019.

Chris Hladick,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart N—Idaho

■ 2. In § 52.670, the table in paragraph (c) is amended by:

■ a. Revising entry ''815'';

■ b. Adding entry ''818'' in numerical order; and

■ c. Removing entries ''816'', ''817'', and ''821'' through ''826''.

The revision and addition read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED IDAHO REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Idaho Administrative Procedures Act (IDAPA) 58.01.01—Rules for the Control of Air Pollution in Idaho				
*	*	*	*	* * *
815	Rules for Control of Kraft Pulp Mills.	3/29/2012	4/8/2019, [insert **Federal Register** citation].	
818	Kraft Pulp Mill LVHC and HVLC Gas Venting Notification and Reporting.	3/29/2012	4/8/2019, [insert **Federal Register** citation].	
*	*	*	*	* * *

* * * * *

[FR Doc. 2019–06738 Filed 4–5–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0273; FRL–9990–52]

Flonicamid; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a crop group tolerance for residues of flonicamid in or on the commodities in sunflower subgroup 20B. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

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

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0273, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0273 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before June 7, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2018–0273, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of July 24, 2018 (83 FR 34968) (FRL–9980–31), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8E8667) by Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide flonicamid, including its metabolites and degradates, determined by measuring only the sum of flonicamid, *N*-(cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide, and its metabolites, TFNA (4-trifluoromethylnicotinic acid), TFNA-AM (4-trifluoromethylnicotinamide), and TFNG *N*-(4-trifluoromethylnicotinoyl)glycine, calculated as the stoichiometric equivalent of flonicamid, in or on the commodities in sunflower subgroup 20B at 0.70 parts per million (ppm). That document referenced a summary of the petition prepared by ISK Bioscience Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.*

There were no comments received in response to the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

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

occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

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

A. Toxicological Profile

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

Flonicamid and its metabolites of concern demonstrated low toxicity in acute oral toxicity studies. Flonicamid showed no systemic toxicity in a 28-day dermal study at the limit dose. Feeding studies in rats and dogs show the kidney and liver are the target organs for flonicamid toxicity. In repeat-dose subchronic and chronic oral toxicity studies, the consistently observed adverse effect in rats and mice were kidney toxicity (*i.e.,* hyaline deposition and nephritis); in dogs, vomiting and increased percentage of reticulocytes (an indicator for potential anemia).

Further detail of the toxicological profile for flonicamid is discussed in Unit III.A. of the final rule published in the **Federal Register** of July 23, 2018 (83 FR 34775) (FRL–9977–82).

Specific information on the studies received and the nature of the adverse effects caused by flonicamid as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document, ''SUBJECT: Flonicamid. Human Health Risk Assessment for the Establishment of Permanent Tolerances in or on Sunflower Subgroup 20B'' at pages 18–19 in docket ID number EPA–HQ–OPP–2018–0273.

B. Toxicological Points of Departure/Levels of Concern

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

A summary of the toxicological endpoints for flonicamid used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of July 23, 2018 (83 FR 34775) (FRL–9977–82).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to flonicamid, EPA considered exposure under the petitioned-for tolerances as well as all existing flonicamid tolerances in 40 CFR 180.613. EPA assessed dietary exposures from flonicamid in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for flonicamid; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used the food consumption data from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). The chronic dietary (food and drinking water) exposure assessment was conducted using the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID), Version 3.16. As to residue levels in food, an unrefined chronic dietary exposure assessment was conducted for all proposed and established food uses of flonicamid. Tolerance-level residues were combined with 100 percent crop treated (PCT) estimates. Separate tolerances established for potato granules/flakes, tomato paste, and tomato puree were based on processing studies (processing factor set to 1.0 for these commodities) and DEEM default processing factors were used for the other processed commodities.

iii. *Cancer.* Flonicamid has been determined to have suggestive evidence of carcinogenicity, but not sufficient to assess human carcinogenic potential. The Agency has determined that quantification of risk using a non-linear approach (*i.e.,* using a chronic reference dose) adequately accounts for all chronic toxicity, including carcinogenicity that could result from exposure to flonicamid. Therefore, the chronic reference dose is considered protective for carcinogenic effects.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for flonicamid. Tolerance-level residues and/or 100 PCT were assumed for all food commodities.

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

The drinking water assessment was conducted using a total toxic residue approach, which considers the parent compound and its major degradates of concern.

Based on the Pesticide Root Zone Model Ground Water (PRZM GW), version 1.0, the estimated drinking water concentration (EDWC) of

flonicamid for chronic exposure for non-cancer assessment is estimated to be 9.92 parts per billion (ppb) for ground water. The EDWC for surface water chronic exposure, derived using the Pesticide in Water Calculator (PWC version 1.52), is 0.94 ppb.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 9.92 ppb was used to assess the contribution to drinking water.

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

Flonicamid is not registered for any specific use patterns that would result in residential exposure. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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

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

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* The prenatal and postnatal toxicity database for flonicamid includes prenatal developmental toxicity studies in rats and rabbits and a multigeneration reproduction toxicity study in rats. There is no evidence that flonicamid results in increased susceptibility (qualitative or quantitative) *in utero* in rats or rabbits in the prenatal developmental studies or in young rats in the multi-generation reproduction study. No developmental effects were seen in rabbits. In the multi-generation reproduction study, developmental delays in the offspring (decreased body weights, delayed sexual maturation) were seen only in the presence of parental toxicity (kidney and blood effects). Also, there are clear NOAELs and LOAELs for all effects. The degree of concern for prenatal and/or post-natal susceptibility is, therefore, low due to the lack of evidence of qualitative and quantitative susceptibility.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x, except where assessing risks from inhalation exposure as discussed below. Those decisions are based on the following findings:

i. The toxicity database for flonicamid is essentially complete, except for an outstanding subchronic 28-day inhalation study. In the absence of a subchronic inhalation study, EPA has retained a 10X FQPA SF to assess risks from inhalation exposure, although at present, residential inhalation exposure is not expected from existing or pending uses of flonicamid.

ii. There is no indication that flonicamid is a neurotoxic chemical. As discussed in Unit III.A. of the final rule published in the **Federal Register** of July 23, 2018 (83 FR 34775) (FRL–9977–82), EPA has concluded that the clinical signs observed from available acute and subchronic neurotoxicity studies were not the result of a neurotoxic mechanism. Therefore, there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that flonicamid results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The chronic dietary food exposure assessment was based on 100 PCT, tolerance-level residues and where applicable, default processing factors. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to flonicamid in drinking water. These assessments will not underestimate the exposure and risks posed by flonicamid.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, flonicamid is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to flonicamid from food and water will utilize 64% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. There are no residential uses for flonicamid.

3. *Short- and Intermediate-term risks.* Short- and intermediate-term aggregate exposures take into account short- and intermediate-term residential exposures plus chronic exposure to food and water (considered to be a background exposure level). Flonicamid is not registered for any use patterns that would result in short- and intermediate-term residential exposures.

4. *Aggregate cancer risk for U.S. population.* Based on the information referenced in Unit III.A., EPA has concluded that the cPAD is protective of possible cancer effects from flonicamid, and as evidenced in Unit III.E.2,

aggregate exposure to flonicamid is below the cPAD. As a result, EPA concludes that there is not an aggregate cancer risk from exposures to flonicamid.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology is available to enforce the tolerance expression. FMC Method No. P–3561M, a liquid chromatography-tandem mass spectrometry (LC/MS/MS) method, is an acceptable enforcement method for flonicamid and its metabolites in plant commodities. The method determines residues of flonicamid and its metabolites TFNA-AM, TFNA, and TFNG. The method has been sufficiently validated in five diverse crops. The limit of quantitation (LOQ) is 0.01 ppm. The limit of detection (LOD) can be estimated as one-third the LOQ.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

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

There are no Codex maximum residue limits (MRLs) for flonicamid and its metabolites in/on sunflower subgroup 20B.

V. Conclusion

Therefore, tolerances are established for residues of flonicamid, *N*-(cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide, and its metabolites, TFNA (4-trifluoromethylnicotinic acid), TFNA-AM (4-trifluoromethylnicotinamide), and TFNG, *N*-(4-trifluoromethylnicotinoyl)glycine, calculated as the stoichiometric equivalent of flonicamid, in or on sunflower subgroup 20B at 0.70 ppm.

VI. Statutory and Executive Order Reviews

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

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

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: March 26, 2019.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.613, add alphabetically the entry ''Sunflower subgroup 20B'' to the table in paragraph (a)(1) to read as follows:

§ 180.613 Flonicamid; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Sunflower subgroup 20B	0.70
* * * * *	

* * * * *

[FR Doc. 2019–06690 Filed 4–5–19; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 19–18; RM–11823; DA 19–225]

Television Broadcasting Services Gadsden and Hoover, Alabama

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of ION Media License Company, LLC. (ION), licensee of television station WPXH–TV, channel 45, Gadsden, Alabama (WPXH), the Commission has before it an unopposed *Notice of Proposed Rulemaking* to amend the Post-Transition Table of DTV Allotments by changing WPXH's community of license from Gadsden to Hoover, Alabama. The Commission believes that the proposed reallotment is consistent with the Commission's second allotment priority by providing Hoover with its first local transmission service. The Commission also notes that the proposed reallotment will not deprive Gadsden of its sole broadcast station because it will continue to be served by station WTJP–TV, licensed to Trinity Christian Center of Santa Ana, Inc. on channel 26 at Gadsden. We also grant ION's requested waiver of the Commission's rules.

DATES: Effective April 8, 2019.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 19–18; RM–11823; DA 19–225, adopted March 28, 2019, and released March 28, 2019. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW, Washington, DC, 20554, or online at *http://apps.fcc.gov/ecfs/.* To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to *FCC504@fcc.gov* or call the Consumer & Government Affairs Bureau at (202) 418–0530 (VOICE), (202) 418–0432 (TTY).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

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

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336, and 339.

§ 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Alabama, is amended by removing Gadsden, channel 45, and adding, in alphabetical order, Hoover, channel 45.

[FR Doc. 2019–06674 Filed 4–5–19; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2018–0096; 4500030113]

RIN 1018–BD72

Endangered and Threatened Wildlife and Plants; Adding 16 Species, Removing One Species, and Updating Entries for 17 Species on the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correcting amendments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are amending the List of Endangered and Threatened Wildlife (List) by adding 16 species (gulf grouper, island grouper, common guitarfish, blackchin guitarfish, daggernose shark, Brazilian guitarfish, striped smoothhound shark, spiny angelshark, Argentine angelshark, narrownose smoothhound shark, Maui dolphin, Hector's dolphin, giant manta ray, oceanic whitetip shark, Taiwanese humpback dolphin, and chambered nautilus) and by removing one species (Puget Sound-Georgia Basin distinct population segment (DPS) of canary rockfish). We are also updating the entries for the following six species by adding critical habitat designation citations: Gulf of Maine DPS of Atlantic sturgeon, New York Bight DPS of Atlantic sturgeon, Chesapeake Bay DPS of Atlantic sturgeon, South Atlantic DPS of Atlantic sturgeon, Carolina DPS of Atlantic sturgeon, and Main Hawaiian Islands Insular DPS of false killer whale. Lastly, we are updating the genus name for the Saimaa subspecies of ringed seal. The above amendments are based on previously published determinations by the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration, Department of Commerce, which has jurisdiction for these species. We are also adding nonsubstantive corrections to entries for 10 other species on the List: Three foreign coral species, dusky sea snake, Banggai cardinalfish, the Tanzanian DPS of African coelacanth, Nassau grouper, and three angelshark species. We added these 10 species to the List in 2016, but the entries did not include the **Federal Register** citations for the final listing rule, as is our standard practice when we add new entries to the List. The changes being made via this rule simply provide

information that may be helpful to members of the public who are interested in tracking the regulatory history of these species.

DATES:

Effective date: This rule is effective April 8, 2019.

Applicability date: The gulf grouper and island grouper listings were applicable as of November 21, 2016. The common guitarfish and blackchin guitarfish listings were applicable as of February 21, 2017. The daggernose shark, Brazilian guitarfish, striped smoothhound shark, spiny angelshark, Argentine angelshark, and narrownose smoothhound shark listings were applicable as of June 9, 2017. The Maui dolphin and Hector's dolphin listings were applicable as of October 19, 2017. The giant manta ray listing was applicable as of February 21, 2018. The oceanic whitetip shark listing was applicable as of March 1, 2018. The Taiwanese humpback dolphin listing was applicable as of June 8, 2018. The chambered nautilus listing was applicable as of October 29, 2018. The Puget Sound-Georgia Basin DPS of canary rockfish delisting was applicable as of March 24, 2017. The critical habitat designation for the Atlantic sturgeon DPSs was applicable as of September 18, 2017. The critical habitat designation for the Main Hawaiian Islands Insular DPS of false killer whale was applicable as of August 23, 2018.

FOR FURTHER INFORMATION CONTACT:

Sarah Quamme, Chief, Branch of Domestic Listing, U.S. Fish and Wildlife Service, MS–ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803; 703–358–1796.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*), and Reorganization Plan No. 4 of 1970 (35 FR 15627; October 6, 1970), the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration, Department of Commerce, has jurisdiction over the marine and anadromous taxa specified in this rule. Under section 4(a)(1) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. NMFS makes these determinations via its rulemaking process. Under section 4(a)(2) of the Act, we, the Service, are then responsible for publishing final rules to amend the List in title 50 of the Code of Federal Regulations (CFR) at 50 CFR 17.11(h). Therefore, the Service rule is the final step in a rulemaking process begun by NMFS to add these species to the List.

As described below and set forth at the table in the Regulation Promulgation section of this document, NMFS has published rules regarding each of the species mentioned in this document. Section 4(a)(2)(A) of the Act applies to all of the rules except for the rule concerning the Puget Sound-Georgia Basin DPS of canary rockfish; with respect to those rules, by publishing this final rule, we are simply taking the necessary administrative step to codify these changes in the CFR. Section 4(a)(2)(B) of the Act applies to the NMFS's recommendation to delist the Puget Sound-Georgia Basin DPS of canary rockfish; we concur with NMFS's recommendation, and this rule implements that action.

Listings

We are adding the following 16 species to the List based on NMFS final rules:

- Gulf grouper (81 FR 72545; October 20, 2016)
- island grouper (81 FR 72545; October 20, 2016)
- common guitarfish (82 FR 6309; January 19, 2017)
- blackchin guitarfish (82 FR 6309; January 19, 2017)
- daggernose shark (82 FR 21722; May 10, 2017)
- Brazilian guitarfish (82 FR 21722; May 10, 2017)
- striped smoothhound shark (82 FR 21722; May 10, 2017)
- spiny angelshark (82 FR 21722; May 10, 2017)
- Argentine angelshark (82 FR 21722; May 10, 2017)
- narrownose smoothhound shark (82 FR 21722; May 10, 2017)
- Maui dolphin (82 FR 43701; September 19, 2017)
- Hector's dolphin (82 FR 43701; September 19, 2017)
- giant manta ray (83 FR 2916; January 22, 2018)
- oceanic whitetip shark (83 FR 4153; January 30, 2018)
- Taiwanese humpback dolphin (83 FR 21182; May 9, 2018)
- chambered nautilus (83 FR 48976; September 28, 2018)

Delisting

We are removing the following species from the List based on a NMFS final rule:

- Puget Sound-Georgia Basin DPS of canary rockfish (82 FR 7711; January 23, 2017)

Critical Habitat

We are adding critical habitat citations to the following species based on NMFS final rules:

- Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic DPSs of Atlantic sturgeon (82 FR 39160; August 17, 2017)
- Main Hawaiian Islands Insular DPS of false killer whale (83 FR 35062; July 24, 2018)

Updates

In the final rule to revise the CFR for species under NMFS' jurisdiction (79 FR 20802; April 14, 2014), NMFS updated the genus name for the Saimaa subspecies of ringed seal. By publishing this final rule, we are simply taking the necessary administrative step to codify these changes in the List at 50 CFR 17.11(h).

Under the provisions of 50 CFR 17.11(f), the column in the List with the heading ''Listing citations and applicable rules'' is nonregulatory and is provided for informational and navigational purposes only. In that column, we provide the **Federal Register** citations for rulemaking actions pertaining to the listing of the species under the Act.

On November 2, 2016, we published a final rule (81 FR 76311) that, among other things, added the following 10 species to the List at 50 CFR 17.11(h):

- Three foreign coral species (*Cantharellus noumeae, Siderastrea glynni,* and *Tubastraea floreana*),
- Dusky sea snake (*Aipysurus fuscus*),
- Banggai cardinalfish (*Pterapogon kauderni*),
- The Tanzanian DPS of African coelacanth (*Latimeria chalumnae*),
- Nassau grouper (*Epinephelus striatus*), and
- Three angelshark species (*Squatina aculeata, S. oculata,* and *S. squatina*).

The rule was effective on the day of publication. Please see that rule for information about the rulemaking histories pertaining to these species.

In our November 2, 2016, final rule (81 FR 76311), the ''Listing citations and applicable rules'' column did not include the **Federal Register** citations for the November 2, 2016, rule, which, as explained above, is the final step of the rulemaking process begun by NMFS to add the species to the List. Instead, the ''Listing citations and applicable rules'' column included only the **Federal Register** citations for the NMFS rules that led up to our November 2, 2016, final rule (81 FR 76311).

With this rule, we add the **Federal Register** citation for the November 2, 2016, final rule (81 FR 76311) to the 10 entries in the above list.

Administrative Procedure Act

Because NMFS provided a public comment period on the proposed listing

and critical habitat rules for these taxa, and because this action of the Service to amend the List in accordance with the determinations by NMFS is nondiscretionary, the Service finds good cause that the notice and public comment procedures of 5 U.S.C. 553(b) are unnecessary for this action. Because NMFS provided a public comment period on the proposed delisting rule for the Puget Sound-Georgia Basin DPS of canary rockfish, and we concur with NMFS' actions, we find good cause that the notice and public comment procedures of 5 U.S.C. 553(b) are unnecessary for this action. We also find good cause under 5 U.S.C. 553(d)(3) to make this rule effective immediately. The NMFS rules extended protection under the Act to these identified species above and listed them in 50 CFR parts 223 and 224; this rule is an administrative action to add the species to the List at 50 CFR 17.11(h). The public would not be served by delaying the effective date of this rulemaking action.

Required Determinations

National Environmental Policy Act

We have determined that an environmental assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. We outlined our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h), the List of Endangered and Threatened Wildlife:

■ a. Under the heading MAMMALS, by:

■ i. Adding in alphabetical order entries for ''Dolphin, Hector's,'' ''Dolphin, Maui,'' and ''Dolphin, Taiwanese humpback''; and

■ ii. Revising the entries for ''Seal, ringed (Saimaa subspecies)'' and ''Whale, false killer [Main Hawaiian Islands Insular DPS]'';

■ b. Under the heading REPTILES, by revising the entry for ''Sea snake, dusky'';

■ c. Under the heading FISHES, by:

■ i. Adding in alphabetical order an entry for ''Angelshark, Argentine'';

■ ii. Revising the entries for ''Angelshark, common,'' ''Angelshark, sawback,'' and ''Angelshark, smoothback'';

■ iii. Adding in alphabetical order an entry for ''Angelshark, spiny'';

■ iv. Revising the entries for ''Cardinalfish, Banggai'' and ''Coelacanth, African [Tanzanian DPS]'';

■ v. Adding in alphabetical order entries for ''Grouper, gulf'' and ''Grouper, island'';

■ vi. Revising the entry for ''Grouper, Nassau'';

■ vii. Adding in alphabetical order entries for ''Guitarfish, blackchin,'' ''Guitarfish, Brazilian,'' ''Guitarfish, common,'' and ''Ray, giant manta'';

■ viii. Removing the entry for ''Rockfish, canary [Puget Sound-Georgia Basin DPS]'';

■ ix. Adding in alphabetical order entries for ''Shark, daggernose,'' ''Shark, narrownose smoothhound,'' ''Shark, oceanic whitetip,'' and ''Shark, striped smoothhound''; and

■ x. Revising the entries for ''Sturgeon, Atlantic (Atlantic subspecies) [Carolina DPS],'' ''Sturgeon, Atlantic (Atlantic subspecies) [Chesapeake Bay DPS],'' ''Sturgeon, Atlantic (Atlantic subspecies) [Gulf of Maine DPS],'' ''Sturgeon, Atlantic (Atlantic subspecies) [New York Bight DPS],'' and ''Sturgeon, Atlantic (Atlantic subspecies) [South Atlantic DPS]'';

■ d. Under the heading CORALS, by revising the entries for ''Coral, (no common name) [*Cantharellus noumeae*],'' ''Coral, (no common name) [*Siderastrea glynni*],'' and ''Coral, (no common name) [*Tubastraea floreana*]''; and

■ e. By adding at the end of the table a new heading CEPHALOPODS, and adding under that new heading an entry for ''Nautilus, chambered.''

The additions and revisions read as follows:

17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
MAMMALS				
*	*	*	*	*
Dolphin, Hector's	*Cephalorhynchus hectori hectori.*	Wherever found	T	82 FR 43701, 9/19/2017; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
Dolphin, Maui	*Cephalorhynchus hectori maui.*	Wherever found	E	82 FR 43701, 9/19/2017; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
*	*	*	*	*
Dolphin, Taiwanese humpback	*Sousa chinensis taiwanensis.*	Wherever found	E	83 FR 21182, 5/9/2018; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
*	*	*	*	*
Seal, ringed (Saimaa subspecies)	*Phoca (=Pusa) hispida saimensis.*	Wherever found	E	58 FR 26920, 5/6/1993; [N] 58 FR 40538, 7/28/1993.
*	*	*	*	*
Whale, false killer [Main Hawaiian Islands Insular DPS].	*Pseudorca crassidens*	Main Hawaiian Islands Insular DPS—see 50 CFR 224.101.	E	77 FR 70915, 11/28/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 226.226. [CH]
*	*	*	*	*
REPTILES				
*	*	*	*	*
Sea snake, dusky	*Aipysurus fuscus*	Wherever found	E	80 FR 60560, 10/7/2015; [N] 81 FR 76311, 11/2/2016.

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
FISHES				
*	*	*	*	*
Angelshark, Argentine	*Squatina argentina*	Wherever found	E	82 FR 21722, 5/10/2017; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
Angelshark, common	*Squatina squatina*	Wherever found	E	81 FR 50394, 8/1/2016; [N] 81 FR 76311, 11/2/2016.
Angelshark, sawback	*Squatina aculeata*	Wherever found	E	81 FR 50394, 8/1/2016; [N] 81 FR 76311, 11/2/2016.
Angelshark, smoothback	*Squatina oculata*	Wherever found	E	81 FR 50394, 8/1/2016; [N] 81 FR 76311, 11/2/2016.
Angelshark, spiny	*Squatina guggenheim*	Wherever found	E	82 FR 21722, 5/10/2017; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
*	*	*	*	*
Cardinalfish, Banggai	*Pterapogon kauderni*	Wherever found	T	81 FR 3023, 1/20/2016; [N] 81 FR 76311, 11/2/2016.
*	*	*	*	*
Coelacanth, African [Tanzanian DPS]	*Latimeria chalumnae*	Tanzanian DPS—see 50 CFR 223.102.	T	81 FR 17398, 3/29/2016; [N] 81 FR 76311, 11/2/2016.
*	*	*	*	*
Grouper, gulf	*Mycteroperca jordani*	Wherever found	E	81 FR 72545, 10/20/2016; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
Grouper, island	*Mycteroperca fusca*	Wherever found	T	81 FR 72545, 10/20/2016; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
Grouper, Nassau	*Epinephelus striatus*	Wherever found	T	81 FR 42268, 6/29/2016; [N] 81 FR 76311, 11/2/2016.
Guitarfish, blackchin	*Rhinobatos cemciculus*	Wherever found	T	82 FR 6309, 1/19/2017; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
Guitarfish, Brazilian	*Rhinobatos horkelii*	Wherever found	E	82 FR 21722, 5/10/2017; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
Guitarfish, common	*Rhinobatos rhinobatos*	Wherever found	T	82 FR 6309, 1/19/2017; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
*	*	*	*	*
Ray, giant manta	*Manta birostris*	Wherever found	T	83 FR 2916, 1/22/2018; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
*	*	*	*	*
Shark, daggernose	*Isogomphodon oxyrhynchus.*	Wherever found	E	82 FR 21722, 5/10/2017; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
Shark, narrownose smoothhound	*Mustelus schmitti*	Wherever found	T	82 FR 21722, 5/10/2017; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
Shark, oceanic whitetip	*Carcharhinus longimanus*	Wherever found	T	83 FR 4153, 1/30/2018; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
*	*	*	*	*
Shark, striped smoothhound	*Mustelus fasciatus*	Wherever found	E	82 FR 21722, 5/10/2017; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.
*	*	*	*	*
Sturgeon, Atlantic (Atlantic subspecies) [Carolina DPS].	*Acipenser oxyrinchus oxyrinchus.*	Carolina DPS—see 50 CFR 224.101.	E	77 FR 5914, 2/6/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 226.225. [CH]
Sturgeon, Atlantic (Atlantic subspecies)[Chesapeake Bay DPS].	*Acipenser oxyrinchus oxyrinchus.*	Chesapeake Bay DPS—see 50 CFR 224.101.	E	77 FR 5880, 2/6/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 226.225. [CH]
Sturgeon, Atlantic (Atlantic subspecies)[Gulf of Maine DPS].	*Acipenser oxyrinchus oxyrinchus.*	Gulf of Maine DPS—see 50 CFR 223.102.	T	77 FR 5880, 2/6/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 223.211; [4d] 50 CFR 226.225. [CH]
Sturgeon, Atlantic (Atlantic subspecies)[New York Bight DPS].	*Acipenser oxyrinchus oxyrinchus.*	New York Bight DPS—see 50 CFR 224.101.	E	77 FR 5880, 2/6/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 226.225. [CH]
Sturgeon, Atlantic (Atlantic subspecies)[South Atlantic DPS].	*Acipenser oxyrinchus oxyrinchus.*	South Atlantic DPS—see 50 CFR 224.101.	E	77 FR 5914, 2/6/2012; [N] 79 FR 42687, 7/23/2014; 50 CFR 226.225. [CH]
*	*	*	*	*
CORALS				
*	*	*	*	*
Coral, (no common name)	*Cantharellus noumeae*	Wherever found	E	80 FR 60560, 10/7/2015; [N] 81 FR 76311, 11/2/2016.
*	*	*	*	*
Coral, (no common name)	*Siderastrea glynni*	Wherever found	E	80 FR 60560, 10/7/2015; [N] 81 FR 76311, 11/2/2016.
Coral, (no common name)	*Tubastraea floreana*	Wherever found	E	80 FR 60560, 10/7/2015; [N] 81 FR 76311, 11/2/2016.

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
CEPHALOPODS				
Nautilus, chambered	*Nautilus pompilius*	Wherever found	T	83 FR 48976, 9/28/2018; [N] 84 FR [insert **Federal Register** page where the document begins], 4/8/2019.

Dated: March 20, 2019.

Margaret E. Everson,

Principal Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2019–06758 Filed 4–5–19; 8:45 am]

BILLING CODE 4333–15–P

Proposed Rules

Federal Register
Vol. 84, No. 67
Monday, April 8, 2019

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 273

RIN 0584–AE57

Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents; Reopening of Comment Period

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: This proposed rule seeks to amend the regulatory standards by which the U.S. Department of Agriculture evaluates State Supplemental Nutrition Assistance Program (SNAP) agency requests to waive the time limit and to end the unlimited carryover of able-bodied adults without dependents (ABAWD) percentage exemptions. The proposed rule would encourage broader application of the statutory ABAWD work requirement, consistent with the Administration's focus on fostering self-sufficiency. The original comment period for this proposed rule ended on April 2, 2019. FNS seeks to reopen the comment period on April 8, 2019, for a period of 3 days ending April 10, 2019.

DATES: The comment period for the information collection requirements published on February 2, 2019, 84 FR 980, has been reopened from April 8, 2019, through April 10, 2019. To be assured of consideration, comments must be received on or before April 10, 2019.

ADDRESSES: The Food and Nutrition Service, USDA, invites interested persons to submit written comments on this proposed rule. Comments may be submitted in writing by one of the following methods:

- *Preferred Method: Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Send comments to Certification Policy Branch, Program Development Division, FNS, 3101 Park Center Drive, Alexandria, Virginia 22302.
- All written comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. FNS will make the written comments publicly available on the internet via *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Certification Policy Branch, Program Development Division, FNS, 3101 Park Center Drive, Alexandria, Virginia 22302. *SNAPCPBRules@fns.usda.gov.*

SUPPLEMENTARY INFORMATION: The Food and Nutrition Service (FNS) is reopening the public comment period for this proposed rule, which was published on February 1, 2019. FNS believes that affected parties need to be informed as soon as possible of the extension and its length.

Dated: April 3, 2019.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2019–06878 Filed 4–5–19; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF TREASURY

Office of the Comptroller of the Currency

12 CFR Part 3

[Docket ID OCC–2018–0019]

RIN 1557–AE38

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Regulation Q; Docket No. R–1655]

RIN 7100–AF43

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 324

RIN 3064–AE79

Regulatory Capital Treatment for Investments in Certain Unsecured Debt Instruments of Global Systemically Important U.S. Bank Holding Companies, Certain Intermediate Holding Companies, and Global Systemically Important Foreign Banking Organizations

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC); the Board of Governors of the Federal Reserve System (Board); and the Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of proposed rulemaking.

SUMMARY: The OCC, Board, and FDIC (collectively, the agencies) are inviting public comment on a notice of proposed rulemaking (proposal) that would address an advanced approaches banking organization's regulatory capital treatment of an investment in unsecured debt instruments issued by foreign or U.S. global systemically important banking organizations (GSIBs) for the purposes of meeting minimum total loss absorbing capacity (TLAC) and, where applicable, long-term debt (LTD) requirements, or unsecured debt instruments issued by GSIBs that are pari passu or subordinated to such debt instruments. Under the proposal, investments by an advanced approaches banking organization in such unsecured debt instruments generally would be subject to deduction from the advanced approaches banking organization's own regulatory capital. The proposal would reduce both interconnectedness within

the financial system and systemic risk. The Board is proposing changes to regulatory reporting requirements resulting from the proposal. The Board is also proposing to require that banking organizations subject to minimum TLAC and LTD requirements under Board regulations publicly disclose their TLAC and LTD issuances in a manner described in this proposal.

DATES: Comments must be received by June 7, 2019.

ADDRESSES: Comments should be directed to:

OCC: Commenters are encouraged to submit comments through the Federal eRulemaking Portal or email, if possible. Please use the title ''Regulatory Capital Treatment for Investments in Certain Unsecured Debt Instruments of Global Systemically Important U.S. Bank Holding Companies, Certain Intermediate Holding Companies, and Global Systemically Important Foreign Banking Organizations'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—''regulations.gov'':* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2018–0019'' in the Search Box and click ''Search.'' Click on ''Comment Now'' to submit public comments. Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov*, including instructions for submitting public comments.
- *Email: regs.comments@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *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 ''Docket ID OCC–2018–0019'' in your comment. In general, the OCC will enter all comments received into the docket and publish them on the *Regulations.gov* website 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 rulemaking action by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2018–0019'' in the Search box and click ''Search.'' Click on ''Open Docket Folder'' on the right side of the screen and then ''Comments.'' Comments can be filtered by clicking on ''View All'' and then using the filtering tools on the left side of the screen. Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov.* Supporting materials may be viewed by clicking on ''Open Docket Folder'' and then clicking on ''Supporting Documents.'' The docket may be viewed after the close of the comment period in the same manner as during the comment period.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC 20219. 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.

Board: You may submit comments, identified by Docket No. R–1655, RIN 7100–AF43, by any of the following methods:

- *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Email: regs.comments@federalreserve.gov.* Include docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. All public comments are available from the Board's website at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, identified by RIN 3064–AE79 by any of the following methods:

- *Agency Website: http://www.fdic.gov/regulations/laws/federal/* Follow instructions for submitting comments on the Agency website.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivered/Courier:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.
- *Email: comments@FDIC.gov.* Include the RIN 3064–AE79 on the subject line of the message.
- *Public Inspection:* All comments received must include the agency name and RIN 3064–AE79 for this rulemaking. All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/,* including any personal information provided. Paper copies of public comments may be ordered from the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226 by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT:

OCC: David Elkes, Risk Expert (202) 649–6984; or Christine Smith, Risk Expert (202) 649–6985, Capital and Regulatory Policy; or Carl Kaminski, Special Counsel, Chief Counsel's Office, (202) 649–5490, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

Board: Constance M. Horsley, Deputy Associate Director, (202) 452–5239; Juan Climent, Manager, (202) 872–7526; Mark Handzlik, Senior Supervisory Financial Analyst (202) 475–6636 or Sean Healey, Supervisory Financial Analyst, (202) 912–4611, Division of Supervision and Regulation; or Benjamin McDonough, Assistant General Counsel (202) 452–2036; or Mark Buresh, Counsel (202) 452–5270, 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, Capital Policy Section; *bbosco@fdic.gov;* David Riley, Senior Policy Analyst, Capital Policy Section; *dariley@fdic.gov;* Stephanie Lorek, Senior Policy Analyst, *slorek@fdic.gov; regulatorycapital @fdic.gov;* Capital Markets Branch, Division of Risk Management Supervision, (202) 898–6888; or Michael Phillips, Counsel, *mphillips@fdic.gov;* or Catherine Wood, Counsel, *cawood@ fdic.gov;* Supervision and Legislation Branch, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

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I. Introduction and Summary of the Proposal

A. Background on Capital Requirements

The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies) impose minimum capital requirements on banking organizations.[1] These requirements include minimum risk-based and leverage capital ratios. The regulatory capital ratios measure different definitions of regulatory capital relative to total and risk-weighted assets.[2] The numerators of the regulatory capital ratios include various adjustments and deductions to GAAP-based regulatory capital components.

The agencies' capital rule includes two broad categories of deductions related to investments in the capital instruments of financial institutions. First, it requires a banking organization to deduct any investment in its own regulatory capital instruments and any investment in regulatory capital instruments held reciprocally with another financial institution.[3] Second, it requires a banking organization to deduct investments in capital instruments issued by unconsolidated financial institutions that would qualify as regulatory capital if issued by the banking organization itself.[4] For the purpose of the latter deduction, a banking organization may be required to deduct the entire amount of the investment, or it may be required to deduct only the portion of the investment that exceeds a certain threshold.[5] These deductions are intended to reduce interconnectedness and contagion risk among banks by discouraging banking organizations from investing in the regulatory capital of another financial institution.

For purposes of the deductions related to investments in the capital instruments of financial institutions, a banking organization must make the deduction from the component of regulatory capital for which the instrument qualifies or would qualify if it were issued by the banking organization that is holding the exposure.[6] For example, a banking organization that owns less than 10 percent of the common stock of an unaffiliated banking organization (non-significant investment in the capital of unconsolidated financial institution), and is invested in tier 2 instruments issued by the unaffiliated banking organization, must deduct from tier 2 capital the amount, if any, by which the investment exceeds 10 percent of its own common equity tier 1 capital when combined with other non-significant investments in the capital of unconsolidated financial institutions. Any non-significant investments in the capital of unconsolidated financial institutions below the 10 percent threshold must be assigned their appropriate risk-weight.[7]

B. Background on TLAC and LTD Requirements

In October 2015, the Board invited public comment on a notice of proposed rulemaking (2015 proposal) to require the largest domestic and foreign banking organizations operating in the United States to maintain a minimum amount of total loss-absorbing capacity (TLAC), consisting of tier 1 capital (excluding minority interest) and certain long-term debt instruments (LTD).[8] The proposal had two core objectives: (1) To improve the resiliency of covered banking organizations (as defined below); and (2) to enhance the resolvability of covered banking organizations in the event of their failure or material financial distress. In December 2016, the Board issued a final rule (TLAC Rule) that was

[1] Banking organizations subject to the agencies' capital rule include national banks, state member banks, insured state nonmember banks, savings associations, and top-tier bank holding companies and savings and loan holding companies domiciled in the United States, but excluding banking organizations subject to the Board's Small Bank Holding Company Policy Statement (12 CFR part 225, appendix C), and certain savings and loan holding companies that are substantially engaged in insurance underwriting or commercial activities or that are estate trusts, and bank holding companies and savings and loan holding companies that are employee stock ownership plans.

A banking organization is an advanced approaches banking organization if it has total assets of at least $250 billion or if it has consolidated on-balance sheet foreign exposures of at least $10 billion, or if it is a subsidiary of a depository institution, bank holding company, savings and loan holding company or intermediate holding company that is an advanced approaches banking organization. *See,* 78 FR 62018, 62204 (October 11, 2013), 78 FR 55340, 55523 (September 10, 2013). *See also* 12 CFR part 3 (OCC); 12 CFR part 217 (Board); and 12 CFR part 324 (FDIC). The agencies recently proposed revisions to the capital rule that would amend the advanced approaches banking organization threshold and would tailor the application of capital requirements based on an institution's risk profile (Interagency Tailoring NPR). If the Interagency Tailoring NPR is finalized as proposed, it would affect the scope of application of the deduction of investments in certain debt instruments issued by GSIBs in this notice of proposed rulemaking (NPR). *See* 83 FR 66024 (December 21, 2018). *See* discussion in section I.D of this NPR's preamble.

[2] *See* 12 CFR 3.10(a) (OCC); 12 CFR 217.10(a) (Board); and 12 CFR 324.10(a) (FDIC). In addition to the generally applicable leverage ratio, advanced approaches banking organizations are subject to a supplementary leverage ratio, which measures a banking organization's tier 1 capital relative to its on-balance sheet and certain off-balance sheet exposures.

[3] *See* 12 CFR 3.22(c)(1) (OCC); 12 CFR 217.22(c)(1) (Board); and 12 CFR 324.22(c)(1) (FDIC).

[4] *See* 12 CFR 3.22(c)(2) (OCC); 12 CFR 217.22(c)(2) (Board); and 12 CFR 324.22(c)(2) (FDIC).

[5] *See* 12 CFR 3.22(c)(3) through (5) (OCC); 12 CFR 217.22(c)(3) through (5) (Board); and 12 CFR 324.22(c)(3) through (5) (FDIC).

[6] *See* 12 CFR 3.22(c)(1) and (2) (OCC); 12 CFR 217.22(c)(1) and (2) (Board); and 12 CFR 324.22(c)(1) and (2) (FDIC).

[7] *See* 12 CFR part 3, subparts D, E, or F, as applicable (OCC); 12 CFR part 217, subparts D, E, and F, as applicable (FRB); and 12 CFR part 324, subparts D, E, or F, as applicable (FDIC).

[8] *See* 80 FR 74926 (November 30, 2015).

substantially consistent with the 2015 proposal.[9] The TLAC and LTD requirements set forth in the TLAC Rule take effect on January 1, 2019.

The TLAC and LTD requirements in the TLAC Rule build on, and serve as a complement to, the Board's regulatory capital requirements.[10] Regulatory capital requirements are intended to ensure that a banking organization has sufficient capital to remain a going concern. The objective of the TLAC and LTD requirements is to enhance financial stability by reducing the impact stemming from the failure of certain large and systemically important banking organizations by requiring such organizations to have sufficient loss-absorbing capacity on both a going-concern and a gone-concern basis. The TLAC and LTD requirements in the TLAC Rule apply to a U.S. top-tier bank holding company identified under the Board's rules as a global systemically important bank holding company (covered BHC) or a top-tier U.S. intermediate holding company subsidiary of a global systemically important foreign banking organization (foreign GSIB) with $50 billion or more in U.S. non-branch assets (covered IHC) (collectively, covered banking organizations) because the failure or material financial distress of covered banking organizations could substantially impair the functioning of the U.S. financial system.[11]

The requirements in the TLAC Rule use many of the same measures that are set forth in the capital rule. For example, the TLAC Rule includes both risk-based and leverage-based requirements, including buffers on top of the minimum TLAC requirements that function in a manner similar to the capital conservation buffer in the capital rule.[12] The risk-based measures in the TLAC Rule help to ensure that the amount of TLAC maintained by a covered banking organization is commensurate with its overall risks, while the leverage-based measures in the TLAC Rule act as a backstop to the risk-based measures.

LTD, which count in regulatory capital in limited amounts if they comply with certain eligibility criteria, are capable of absorbing losses in resolution. This is because the debt holders' claim on a company's assets may not receive full payment in a resolution, receivership, insolvency, or similar proceeding, which would increase the size of a company's assets relative to the size of its liabilities and thereby increase the company's equity. This potential loss-absorbing capacity of LTD is part of the rationale for the deduction approach for investments in such debt instruments under this proposal.

The TLAC Rule requires covered BHCs to maintain outstanding minimum levels of ''external TLAC'' and ''external LTD.'' External TLAC is the sum of the tier 1 capital instruments issued directly by the covered BHC (excluding minority interests) and the external LTD issued by the covered BHC. Under the TLAC Rule, external LTD is generally unsecured debt that is issued directly by a covered BHC, has no features that would interfere with a smooth resolution proceeding, has a remaining maturity of at least one year, and is governed by U.S. law, among other provisions.[13]

The TLAC Rule also requires covered IHCs to maintain minimum levels of TLAC and LTD. However, the specific requirements applicable to a covered IHC vary depending on the resolution strategy of the foreign GSIB parent of the covered IHC—either a single point-of-entry (SPOE)[14] resolution strategy or a multiple point-of-entry (MPOE) resolution strategy.[15] Under the TLAC Rule, a covered IHC that has a foreign GSIB parent with a SPOE strategy must issue LTD to the foreign GSIB parent or to a wholly owned subsidiary of the foreign GSIB parent, but a covered IHC that is expected to enter into resolution may issue LTD externally to third party investors, as well as internally to its foreign GSIB parent.[16]

Given the important role of LTD in absorbing the losses of a covered banking organization in bankruptcy or resolution, the Board proposed limitations on investments by Board-regulated banking organizations in LTD issued by covered BHCs in its 2015 proposal, which are discussed in further detail below.[17] Such limitations already apply to investments in regulatory capital instruments of banking organizations in order to reduce interconnectedness and pro-cyclicality within the financial system in times of stress. The Board did not finalize these limitations when it issued the TLAC Rule because it needed additional time to work with the OCC and FDIC towards a proposed interagency approach regarding the regulatory capital treatment for investments in certain debt instruments issued by covered BHCs.

Accordingly, the agencies are now jointly proposing a regulatory capital treatment for investments in covered debt instruments, as defined below, that would apply to all advanced approaches banking organizations. In addition, this proposal takes into consideration and incorporates public comments from the 2015 proposal.

C. 2015 Proposal and General Summary of Comments

To reduce the potential contagion risk stemming from the failure of a covered BHC, the 2015 proposal would have amended the Board's capital rule to require a Board-regulated banking organization to deduct from its regulatory capital any direct, indirect, or synthetic investment in, or exposure to, LTD issued by a covered BHC as if they were investments in tier 2 capital

[9] *See* 82 FR 8266 (January 24, 2017).

[10] *See* 12 CFR part 217.

[11] In 2015, the Financial Stability Board (FSB), in consultation with the Basel Committee on Banking Supervision (BCBS), issued an international TLAC standard, titled, *Principles on Loss-absorbing and Recapitalisation Capacity of G–SIBs in Resolution; Total Loss-absorbing Capacity Term Sheet* (TLAC Term Sheet). The TLAC Term Sheet sets forth the minimum TLAC standards applicable to all global systemically important banking organizations (GSIBs), for consultation and implementation by member jurisdictions. The Board's TLAC Rule is generally consistent with the TLAC Term Sheet. A foreign GSIB is subject to the TLAC requirements established by its home jurisdiction pursuant to the TLAC Term Sheet, which may vary in certain respects from the Board's TLAC Rule.

[12] Covered banking organizations that do not meet a TLAC buffer face limitations on capital distributions and discretionary bonus payments (in a manner similar to the capital conservation buffer restrictions in the capital rule).

[13] External LTD excludes instruments with exotic features that could impact the loss absorbing capacity and thereby diminish the prospects for an orderly resolution of a covered BHC; excluded instruments include structured notes and most instruments that contain derivative-linked features.

[14] Under a SPOE resolution strategy, the covered IHC would not be expected to enter resolution. In a SPOE resolution of a GSIB, only a single entity—the top-tier holding company of the GSIB—would enter a resolution proceeding. Thus, the effect of losses that led to a GSIB's failure would pass up from the operating subsidiaries that incurred the losses to the holding company and then would be imposed on the equity holders and unsecured creditors of the holding company through resolution.

[15] Under a MPOE resolution strategy, the covered IHC may be expected to go through resolution. In a MPOE strategy, entities within the consolidated banking organization may be resolved separately by their local authorities when the entity fails or is approaching failure. Thus, the losses that caused an entity within a consolidated banking organization to fail are passed directly to the equity holders and unsecured creditors of that entity through a separate resolution process.

[16] An IHC that is expected to enter into resolution is deemed to be a ''resolution covered IHC'' under the TLAC Rule upon certification to the Board of the IHC's resolution strategy. *See* 12 CFR 252.164.

[17] The 2015 proposal was issued solely by the Board. Therefore, the proposed regulatory capital deductions in that proposal would have only applied to Board-regulated banking organizations, which include bank holding companies, intermediate holding companies, savings and loan holdings companies, and state member banks.

instruments.[18] The form and amount of the deduction would have depended on the type of investment and various other factors, described below.

The proposed deduction requirement in the 2015 proposal would have substantially reduced the incentive of a Board-regulated banking organization to invest in LTDs issued by a covered BHC, thereby reducing the risk of contagion spreading to other banking organizations in the event of distress or failure of the covered BHC. Analysis conducted by Board staff concurrent with the 2015 proposal did not indicate that Board-regulated banking organizations owned a substantial amount of debt issued by covered BHCs.

The Board received approximately 37 comments on the 2015 proposal from banking and trade organizations, academic institutions, market advocacy groups, and an individual. A few of the commenters addressed the proposed deduction portion of the 2015 proposal. One commenter recommended an expansion of the proposed deductions to TLAC instruments issued by foreign GSIBs, while another commenter urged the Board to address its concerns through a different means than the capital rule. Some commenters supported the proposed deduction, and some suggested amending or abandoning the proposed deduction.

Commenters made a number of recommendations regarding the specific details of how the deductions from regulatory capital should be implemented. The recommendations included increasing the capital rule's deduction thresholds to reflect the increase in the scope of assets subject to deduction. Other commenters requested formal public guidance regarding the proposed deduction requirement to ensure that community banking organizations were aware of the requirement and could undertake the necessary preparations.

One commenter requested that the Board exclude debt instruments that do not qualify as LTD under the TLAC Rule from the scope of the deduction in the capital rule. Another commenter advocated for a less stringent capital deduction for senior debt, relative to the deduction requirement for subordinated debt.

With respect to the mechanics of the capital deduction, several commenters advocated for allowing a banking organization to first deduct any investment in a LTD from the banking organization's own LTD, before deducting such holdings from regulatory capital. Commenters argued that deducting LTD from regulatory capital would impose significant costs on issuers and adversely affect the market for these instruments. Some commenters also suggested that banking organizations be allowed to choose among several different treatments for investments in LTD, including the application of a higher risk weight rather than a capital deduction.

A number of commenters sought an exemption for underwriting and market making positions in LTD. These commenters argued that requiring deduction in these contexts could negatively impact market making activities of GSIBs and increase the cost of market making while reducing liquidity, thereby adversely impacting customers of banking organizations and the global economy.[19]

D. Overview and Scope of Application of the Proposal

The agencies are issuing this notice of proposed rulemaking (proposal or proposed rule) to recognize, for purposes of the agencies' capital rule, the systemic risks posed by banking organizations' investments in ''covered debt instruments,'' as defined below, and to create an incentive for advanced approaches banking organizations to limit their exposure to GSIBs. Absent the proposal, investments in covered debt instruments issued by covered BHCs, foreign GSIBs, and covered IHCs are generally subject to a risk weight of 100 percent and are not subject to deduction from regulatory capital.

The deductions that would be required under the proposal would affect the capital ratios of advanced approaches banking organizations—that is, the risk-based capital ratios that include ''standardized total risk-weighted assets'' and ''advanced approaches total risk-weighted assets'' in the denominator of the ratios, as well as the leverage ratio and the supplementary leverage ratio. The agencies believe such an approach appropriately reduces systemic risks.

The agencies believe the proposed rule will have relatively small effects on advanced approaches banking organizations. It is difficult to calculate TLAC holdings of affected institutions using available data. As noted earlier, Board analysis suggests that debt instruments subject to the proposed rule represent a minimal portion of the total assets of advanced approaches banking organizations. The proposed rule could pose some additional regulatory costs for advanced approaches banking organizations associated with changes to internal systems or processes. The agencies expect that the proposal will have the benefit of improving the resiliency and enhancing resolvability of advanced approaches banking organizations in the event that an entity required to issue LTD or TLAC fails or encounters material financial distress.

While the systemic risk associated with banking organizations' investments in covered debt instruments is greatest for large banking organizations, it is relevant for all banking organizations. Distress at a GSIB and the associated write-down or conversion into equity of its covered debt instruments could have a direct negative impact on the capital of investing banking organizations, potentially at a time when investing banking organizations are already experiencing financial stress. In order to strongly discourage smaller banking organizations from investing in covered debt instruments, the agencies intend to give further consideration on how to address these risks with respect to investments in covered debt instruments, as defined below, by non-advanced approaches banking organizations. The agencies recognize that the proposed approach is relatively complex and, as a result, are only proposing to apply it to advanced approaches banking organizations at this time.

In late 2018, the agencies issued the Interagency Tailoring NPR that would, among other changes, amend the scope of ''advanced approaches banking organizations.''[20] Under the Interagency Tailoring NPR, the scope of ''advanced approaches banking organizations'' would be amended to include only those banking organizations subject to Category I or Category II standards.[21] For purposes of considering and commenting on this NPR, the requirements that would apply to ''advanced approaches banking organizations'' would be included as Category I and II standards under the Interagency Tailoring NPR. Commenters should consider both proposals together

[18] Unsecured debt issued by a covered BHC may or may not qualify as tier 2 capital, depending on its characteristics. *See* 12 CFR 217.20(d). Similarly, unsecured debt issued by a covered BHC may or may not qualify as eligible external LTD under the TLAC Rule, depending on its characteristics. *See* 12 CFR 252.61 and 252.62, 252.161 and 252.162.

[19] The comments received on the 2015 proposal have been considered in developing this proposal.

[20] *See* 83 FR 66024 (December 21, 2018).

[21] Under the Interagency Tailoring NPR, Category I standards would apply to U.S. GSIBs and their subsidiary depository institutions. Category II standards would apply to banking organizations with $700 billion or more in total consolidated assets or $75 billion or more in cross-jurisdictional activity that are not subject to Category I standards and to their subsidiary depository institutions.

for purposes of their comments to the agencies.

Question 1: The agencies invite comment on all aspects of the proposed deduction approach for investments in covered debt instruments by advanced approaches banking organizations.

Question 2: To what extent do non-advanced approaches banking organizations have material holdings of covered debt instruments issued by covered BHCs, covered IHCs, and foreign GSIBs? The agencies invite data demonstrating the relative significance of such holdings.

II. Proposed Regulatory Capital Treatment for Advanced Approaches Banking Organizations' Investments in Covered Debt Instruments

Under the existing capital rule, a banking organization must deduct from regulatory capital any investment in its own capital instruments and investments in the capital of other financial institutions that it holds reciprocally. Other investments in the capital of unconsolidated financial institutions are subject to deduction to the extent they exceed certain thresholds.

Under the proposal, an investment in a covered debt instrument by an advanced approaches banking organization generally would be treated as an investment in a tier 2 capital instrument, and therefore, would be subject to deduction from the advanced approaches banking organization's own tier 2 capital. The existing deduction approaches under the capital rule would therefore apply to a banking organization's investments in its own covered debt instruments and to reciprocal cross-holdings of covered debt instruments; that is, an advanced approaches banking organization would deduct from its own tier 2 capital any investments in its own covered debt instruments and reciprocal crossholdings of covered debt instruments with another banking organization. In addition, the existing corresponding deduction approach in the capital rule would apply to any required deduction by advanced approaches banking organizations of an investment in a covered debt instrument that exceeds certain thresholds.

The proposal would revise section ____.22(c), (f), and (h) of the capital rule to incorporate the proposed deduction approach for investments in covered debt instruments. Several new definitions would be added to section ___.2 in order to effectuate these deductions. Further, the definition of ''investment in the capital of an unconsolidated financial institution'' would be amended to correct a typographical error.

A. Amendments to Definitions

Consistent with the Board's 2015 proposal, the proposal would add or amend certain definitions in section &___.2 of the capital rule to implement the proposed deduction approach. Under the proposal, a ''covered debt instrument'' would be defined to include an unsecured debt instrument that is: (1) Issued by a covered BHC and that is an ''eligible debt security'' for purposes of the TLAC Rule,[22] or that is pari passu or subordinated to any ''eligible debt security'' issued by the covered BHC; or (2) issued by a covered IHC and that is an ''eligible Covered IHC debt security'' for purposes of the TLAC Rule,[23] or that is pari passu or subordinated to any ''eligible Covered IHC debt security'' issued by the covered IHC. A covered debt instrument would not include a debt instrument that qualifies as tier 2 capital under the capital rule.

A ''covered debt instrument'' also would include any unsecured debt instrument issued by a foreign GSIB or any of its subsidiaries, other than its covered IHC, for the purpose of absorbing losses or recapitalizing the issuer or any of its subsidiaries in connection with a resolution, receivership, insolvency or similar proceeding of the issuer or any of its subsidiaries. Further, covered debt instruments would also include any debt instrument that is pari passu or subordinated to any unsecured debt instrument described above issued by the foreign GSIB or any of its subsidiaries, other than an unsecured debt instrument that is included in the regulatory capital of the issuer.

Question 3: Under the proposed definition of ''covered debt instrument,'' unsecured debt instruments issued by a covered BHC or a covered IHC would be covered debt instruments—and thus potentially subject to deduction—if they were eligible debt securities or eligible Covered IHC debt securities, as applicable, under the TLAC Rule, or if they were pari passu or subordinated to any eligible debt security or eligible Covered IHC debt security. What would be a less burdensome way to include approximately the same debt instruments within the definition of ''covered debt instrument?'' For example, should ''covered debt instrument'' include any unsecured debt instrument issued by a covered BHC or a covered IHC, including, for example, debt instruments that are senior to all eligible debt securities or eligible Covered IHC debt securities?

In late 2016, the BCBS published its *TLAC Holdings* standard, which described the regulatory capital treatment under the BCBS Basel III framework applicable to investments in non-capital TLAC instruments.[24] These investments are defined in the BCBS standards as ''other TLAC liabilities.'' Similar to the definition of ''covered debt instrument'' described in this proposal, ''other TLAC liabilities'' are defined by the BCBS to include all direct, indirect, and synthetic investments in the instruments of a GSIB resolution entity that are eligible to be recognized as external TLAC but that do not otherwise qualify as regulatory capital. Instruments pari passu to TLAC, aside from certain exemptions described below, are also included in the BCBS's definition of ''other TLAC liabilities.'' In addition, similar to the proposal's definition of ''covered debt instruments,'' ''other TLAC liabilities'' are subject to deduction from the investing bank's regulatory capital, depending on the nature of the investment. However, there are several differences between the proposed definition of ''covered debt instrument'' and the BCBS's definition of ''other TLAC liabilities.''

Under the FSB's TLAC Term Sheet, certain ''Excluded Liabilities'' do not qualify as TLAC and therefore are not subject to deduction under the *TLAC Holdings* standard, even if they rank pari passu or subordinated to a TLAC instrument. Excluded Liabilities include deposits, liabilities arising from derivatives, and structured notes, among other items. The TLAC Rule prohibits or limits covered banking organizations from entering into financial arrangements that may compromise an orderly resolution process, including the issuance of Excluded Liabilities that rank pari passu or subordinated to LTD (referred to as ''clean holding company'' requirements in the TLAC Rule). Therefore, the definition of ''covered debt instrument'' in the proposal would not provide an exemption for Excluded Liabilities that rank pari passu or subordinated to LTD. An investment in a covered debt investment that constitutes an Excluded Liability may therefore be subject to deduction if it ranks pari passu or subordinated to LTD. To provide symmetrical treatment between liabilities issued by covered banking organizations and foreign GSIBs, the proposal also would not

[22] *See* 12 CFR 252.61.

[23] See 12 CFR 252.161.

[24] *See https://www.bis.org/bcbs/publ/d387.pdf (TLAC Holdings standard).*

exempt Excluded Liabilities issued by foreign GSIBs from the proposed definition of ''covered debt instrument.''

In addition, the *TLAC Holdings* standard excludes from the definition of ''other TLAC liabilities'' instruments that are pari passu to (1) Excluded Liabilities and (2) other instruments that are eligible for recognition as external TLAC by virtue of the exemptions to the subordination requirements in the FSB's TLAC Term Sheet.[25] However, the *TLAC Holdings* standard also provide national discretion to recognize such pari passu debt instruments as external TLAC. In jurisdictions that have exercised this discretion, such instruments are subject to the proportional deduction approach set forth in the *TLAC Holdings* standard.[26]

The proposed definition of ''covered debt instruments'' would include all unsecured debt instruments that are pari passu or subordinated to instruments issued by a foreign GSIB for the purpose of satisfying the foreign GSIB's home-country TLAC requirements. This would include instruments that are pari passu to Excluded Liabilities if such instruments are recognized as external TLAC under home-country requirements as a matter of national discretion. In contrast to the BCBS standard, the proposal would not require proportional deduction for these instruments. Instead, the proposal would require deduction using the existing deduction approaches for tier 2 capital instruments under the capital rule. The agencies believe that implementation of the proportional deduction approach would introduce a high degree of complexity and operational burden because it would require a banking organization to track the full or partial recognition of TLAC instruments that may be pari passu to other liabilities in foreign jurisdictions. In addition, given that advanced approaches banking organizations are not expected to hold material investments in ''covered debt instruments,'' use of the existing deduction approaches for tier 2 capital instruments is unlikely to have a meaningful impact on banking organizations' regulatory capital ratios relative to the proportional deduction approach.

The proposal would also add a definition of ''excluded covered debt instrument'' to the capital rule in order to identify covered debt instruments held for short-term trading purposes that would not be subject to deduction, if below a certain threshold. The definition and prudential treatment of excluded covered debt instruments and their deduction are discussed in more detail in section II.C below.

Question 4: How well does the proposed definition of covered debt instrument capture non-capital debt instruments issued by covered BHCs and covered IHCs for the purposes of meeting their TLAC requirements? The agencies invite comment on all aspects of the definition of covered debt instruments as it relates to instruments issued by covered BHCs and covered IHCs, particularly the scope of instruments that may be subject to deduction under the proposed definition.

Question 5: To what degree does the proposed definition of covered debt instrument capture debt instruments issued by foreign GSIBs or their subsidiaries under foreign implementations of the international TLAC standard? The agencies invite comment on the definition of covered debt instrument, and whether it appropriately captures unsecured debt instruments that do not qualify as regulatory capital and that are issued by a foreign GSIB or any of its subsidiaries. Which method for identifying covered debt instruments would be simpler to apply in practice: (1.) Referring to the purpose of the debt instrument as to absorbing losses or recapitalizing the issuer, as proposed by the agencies, or (2.) referring to home country rules implementing the FSB's TLAC Term Sheet?

Question 6: What are possible alternatives to the definition of ''excluded covered debt instrument?'' For example, should the agencies consider as an alternative to ''held for the purpose of short-term or with the intent of benefiting from actual or expected short-term price movements'' a different standard, such as held available-for-sale or classified as a trading asset for accounting purposes?

Similar to the measurement of investments in financial institutions capital instruments, an ''investment in a covered debt instrument'' would be defined as a net long position in a covered debt instrument, including direct, indirect, and synthetic exposures to such covered debt instrument. Investments in covered debt instruments would exclude underwriting positions held for five business days or less. In addition, the proposal would amend the definitions of ''indirect exposure'' and ''synthetic exposure'' in the capital rule to add exposures to covered debt instruments.[27]

B. Investments in Covered Banking Organization's Own Covered Debt Instruments and Reciprocal Cross Holdings

Under the agencies' capital rule, a banking organization must deduct from regulatory capital an investment in its own capital instruments and investments in the capital of other financial institutions that it holds reciprocally under sections____.22(c)(1) and (3). The proposal would amend sections____.22(c)(1) and (3) to require an advanced approaches banking organization to also deduct from its tier 2 capital investments in its own covered debt instruments and any investment in a covered debt instrument that is held reciprocally with another banking organization.

C. Significant and Non-Significant Investments in Covered Debt Instruments

Under sections___.22(c)(4) and (5) of the capital rule, a banking organization must deduct from regulatory capital certain investments in the capital of unconsolidated financial institutions. The calculation of the deduction depends on whether the banking organization has a ''significant'' or a ''non-significant'' investment, with ''significant'' defined as ownership of more than 10 percent of the common stock of the unconsolidated financial institution.[28] When a banking

[25] To ensure that TLAC absorbs losses prior to liabilities that are excluded from TLAC, eligible TLAC instruments must satisfy certain subordination requirements set forth in the FSB TLAC Term Sheet. However, an instrument may qualify as TLAC and not meet the subordination requirements if: (i) The amount of Excluded Liabilities on the balance sheet of the resolution entity that rank pari passu or junior to the TLAC-eligible liabilities does not exceed 5 percent of the GSIB's eligible TLAC; (ii) the resolution authority of the GSIB has authority to differentiate among pari passu creditors in resolution; (iii) differentiation in resolution in favor of such excluded liabilities would not give rise to material risk of successful legal challenge or valid compensation claims; and (iv) this does not have a material adverse impact on resolvability. *See* section 11 of the FSB TLAC Term Sheet.

[26] *See* ¶ 66.c of the *TLAC Holdings* standard. Only a proportion of instruments that are eligible to be recognized as external TLAC by virtue of the subordination exemptions may be considered TLAC under the *TLAC Holdings* standard. The proportion equals the ratio of (1) the debt instruments issued by a GSIB that rank pari passu to Excluded Liabilities and that are recognized as external TLAC by the GSIB, to (2) the debt instruments issued by the GSIB that rank pari passu to Excluded Liabilities and that would be recognized as external TLAC if the subordination requirement was not applied.

[27] *See* 12 CFR 3.2 (OCC); 12 CFR 217.2 (Board); and 12 CFR 324.2 (FDIC) (''investment in the capital of an unconsolidated financial institution'', ''investment in the banking organization's own capital instrument'', and ''synthetic exposure'').

[28] 12 CFR 3.2 (OCC); 12 CFR 217.2 (Board); 12 CFR 324.2 (FDIC) (''significant investment in the capital of an unconsolidated financial institution'').

organization has a ''significant investment'' in an unconsolidated financial institution, the banking organization must deduct from regulatory capital any investment in the capital of the unconsolidated financial institution that is not in the form of common stock.[29] If the banking organization has one or more ''non-significant investments'' in unconsolidated financial institutions, it must aggregate such investments and deduct from regulatory capital any amount that exceeds 10 percent of the banking organization's common equity tier 1 capital.[30]

The proposal would amend section ___.22(c)(4) of the capital rule to require an advanced approaches banking organization with a non-significant investment in a covered debt instrument to include such investment in the aggregate amount of non-significant investments in the capital of other unconsolidated financial institutions. As under the existing capital rule, the proposal would require a banking organization to deduct from regulatory capital the amount by which the aggregate amount of non-significant investments in the capital of unconsolidated financial institutions exceeds 10 percent of the advanced approaches banking organization's common equity tier 1 capital. Any investment in a covered debt instrument subject to deduction would be deducted according to the corresponding deduction approach described below in section II.D.

The proposal includes limited exclusions from this approach. The specifics of the applicable exclusion would depend on whether a firm is a covered BHC or is a subsidiary of a GSIB, consistent with the *TLAC Holdings* standard. To help support a deep and liquid market for covered debt instruments, the proposal would allow advanced approaches banking organizations to hold limited amounts of, and conduct limited market making in, such instruments. The proposal would provide that, under certain circumstances, an advanced approaches banking organization that is a covered BHC or is a subsidiary of a GSIB (advanced approaches GSIB banking organization) could designate an investment in a covered debt instrument as an ''excluded covered debt instrument'' if it holds the covered debt instrument for 30 business days or less for the purpose of short-term resale or with the intent of benefiting from actual or expected short-term price movements, or to lock in arbitrage profits. In this case, the advanced approaches GSIB banking organization could exclude each excluded covered debt instrument from the threshold calculation and potential deduction under section ___.22(c)(4) if the aggregate amount of excluded covered debt instruments, measured by their gross long position, is 5 percent or less of its common equity tier 1 capital. If the aggregate amount of excluded covered debt instruments is more than 5 percent of the common equity tier 1 capital of the advanced approaches GSIB banking organization, the excess over 5 percent would be subject to deduction from tier 2 capital. In addition, if an excluded covered debt instrument were held for more than 30 business days or ceased to be held for the purpose of short-term resale or with the intent of benefiting from actual or expected short-term price movements, or to lock in arbitrage profits, the excluded covered debt instrument would be subject to deduction from tier 2 capital.

Consistent with the *TLAC Holdings* standard, the proposal includes a more simple materiality threshold for advanced approaches banking organizations that are not covered BHCs or subsidiaries of GSIBs (advanced approaches non-GSIB banking organizations) given that these banking organizations pose less systemic risk than GSIBs. Such banking organizations could exclude covered debt instruments from the threshold calculation and potential deduction under section ___.22(c)(4) if the aggregate amount of covered debt instruments, measured by their gross long position, is 5 percent or less of its common equity tier 1 capital. If the aggregate amount of covered debt instruments is more than 5 percent of an advanced approaches non-GSIB banking organization's common equity tier 1 capital, the excess over 5 percent would be included, on a net long position basis in accordance with section___.22(h), with other non-significant investments in the capital instruments of unconsolidated financial institutions as described above.

The proposal would amend section ___.22(c)(5) of the capital rule to require an advanced approaches banking organization with an investment in a covered debt instrument issued by an unconsolidated financial institution to deduct the investment from tier 2 capital, in accordance with the corresponding deduction approach, if the advanced approaches banking organization has a significant investment in the capital of the unconsolidated financial institution.

Question 7: Do the proposed exclusions from deduction for certain investments in covered debt instruments of an unconsolidated financial institution appropriately align with the treatment set forth in the TLAC Holdings standard? Should all banking organizations subject to the rule be subject to uniform exclusion requirements, and if so, why? Would the exclusion applicable only to GSIBs and the 5 percent threshold below which deduction is not required allow for sufficient market making activity to support a deep and liquid market for covered debt instruments?

D. Corresponding Deduction Approach

Under the corresponding deduction approach, a banking organization must apply any required deduction to the component of capital for which the underlying instrument would qualify if it were issued by the banking organization.[31] If the banking organization does not have enough of the component of capital to give full effect to the deduction, the corresponding deduction approach provides that any amount of the investment that has not already been deducted would be deducted from the next, more subordinated component of capital.[32] If, for example, a banking organization has insufficient amounts of tier 2 capital and additional tier 1 capital to effect a required deduction, the banking organization would need to deduct from common equity tier 1 capital the amount of the investment that exceeds the tier 2 and additional tier 1 capital of the banking organization.[33] The proposal would amend the corresponding deduction approach in section ___.22(c)(2) of the capital rule to specify that an investment in a covered debt instrument by an advanced approaches banking organization would be subject to the corresponding deduction approach.

Question 8: Are there simpler alternatives to the proposed deduction approach for investments in covered debt instruments that would achieve the same objectives of reducing both interconnectedness within the financial system and systemic risk?

[29] See 12 CFR 3.22(c)(5) (OCC); 12 CFR 217.22(c)(5) (Board); and 12 CFR 324.22(c)(5) (FDIC).

[30] *See* 12 CFR 3.22(c)(4) (OCC); 12 CFR 217.22(c)(4) (Board); and 12 CFR 324.2(c)(4) (FDIC).

[31] *See* 12 CFR 3.22(c)(2) (OCC); 12 CFR 217.22(c)(2) (Board); and 12 CFR 324.22(c)(2) (FDIC).

[32] *See* 12 CFR 3.22(c)(2) and (f) (OCC); 12 CFR 217.22(c)(2) and (f) (Board); and 12 CFR 324.(c)(2) and (f) (FDIC).

[33] *See* 12 CFR 3.22(f) (OCC); 12 CFR 217.22(f) (Board); and 12 CFR 324.22(f) (FDIC).

E. Net Long Position

The proposal would follow the same general approach as currently provided under the agencies' capital rule regarding the calculation of the amount of any deduction and the treatment of guarantees and indirect investments for purposes of the deductions. Under the capital rule, the amount of a banking organization's investment in its own capital instrument or in the capital instrument of an unconsolidated financial institution is the banking organization's net long position in the capital instrument as calculated under section____.22(h) of the capital rule. Under section___.22(h), a banking organization may net certain gross short positions in a capital instrument against a gross long position in the instrument to determine the net long position. The amount of an investment potentially subject to deduction under section ___ .22(c) is the net long position.

The proposal would modify section ___.22(h) of the capital rule such that an advanced approaches banking organization would determine its net long position in an exposure to its own covered debt instrument or in a covered debt instrument issued by an unconsolidated financial institution in the same manner as currently provided for investments in the capital of an unconsolidated financial institution or investments in an institution's own capital instruments. Consistent with the current capital rule, the calculation of a net long position would take into account direct investments in covered debt instruments as well as indirect exposures to covered debt instruments held through investment funds.

A banking organization has three options under the capital rule to measure its gross long position in a capital instrument held indirectly through an investment fund.[34] The proposal would amend section___ 22(h)(2)(ii) of the capital rule to provide the same three options to determine the gross long position in a covered debt instrument held through an investment fund. The first option would be to use the entire carrying value of the investment in the fund. The second option would be, with prior supervisory approval, for the advanced approaches banking organization to use a conservative estimate of the amount of the investment in the covered debt instrument held through the fund. The third option would be to multiply the carrying value of the advanced approaches banking organization's investment in the fund by the exact percentage of the covered debt instrument held by the investment fund or by the highest stated prospectus limit for such an investment. In each case, the amount of the gross long position may be reduced by the advanced approaches banking organization's qualifying short positions to reach the net long position.[35]

For purposes of any deduction required for an advanced approaches banking organization's investment in the capital of an unconsolidated financial institution, the amount of a covered debt instrument would include any contractual obligations the advanced approaches banking organization has to purchase such covered debt instruments.

III. Technical Amendment and Additional Requests for Comment

The agencies are amending the definition of investment in the capital of an unconsolidated financial institution in section___.2 of the capital rule in order to correct a drafting error. The agencies' capital rule currently defines investment in the capital of an unconsolidated financial institution as '' . . . an instrument that is recognized as capital for regulatory purposes by the primary supervisor of an unconsolidated regulated financial institution and is an instrument that is part of the GAAP equity of an unconsolidated unregulated financial institution . . . . '' The proposal would change ''and is'' to ''or'' to reflect the agencies' original intent.

The agencies invite comment on all aspects of the proposed deduction approaches for investments in covered debt instruments by advanced approaches banking organizations, and the technical amendment to the agencies' capital rule. Comments are requested about the potential advantages of the proposal in ensuring the safety and soundness of advanced approaches banking organizations as well as the stability of the financial system. Comments are also requested about the capital impact of the proposal and the nature and extent of costs and benefits to the affected institutions or the broader economy.

IV. Proposed Changes to Regulatory Reporting

A. Deductions From Tier 2 Capital Related to Investments in Covered Debt Instruments and Excluded Covered Debt Instruments

The Board is proposing to modify the instructions to the Consolidated Financial Statements for Holding Companies (FR Y–9C), Schedule HC–R, Part I and Part II, to effectuate the deductions from regulatory capital for Board-regulated advanced approaches banking organizations related to investments in covered debt instruments and excluded covered debt instruments as described above.

Specifically, the Board would modify the instructions of the FR Y–9C for Schedule HC–R, Part I, item 33, ''Tier 2 capital deductions.'' On the FR Y–9C, a Board-regulated advanced approaches GSIB banking organization would be required to deduct from tier 2 capital the aggregate amount of its investments in covered debt instruments that, when combined with the banking organization's other non-significant investments in unconsolidated financial institutions, exceed 10 percent of the common equity tier 1 capital of the banking organization. Also, if an excluded covered debt instrument is held by a Board-regulated advanced approaches GSIB banking organization for more than 30 business days, or is no longer held for the purpose of short-term resale or with the intent of benefiting from actual or expected short-term price movements, or to lock in arbitrage profits, the excluded covered debt instrument would be deducted from tier 2 capital.

In addition, for purposes of the deduction requirements related to non-significant investments in unconsolidated financial institutions, Board-regulated advanced approaches non-GSIB banking organizations would be required to deduct from tier 2 capital those investments in covered debt instruments that exceed 5 percent of common equity tier 1 capital, and that also, when combined with the banking organization's other non-significant investments in unconsolidated financial institutions, exceed 10 percent of the common equity tier 1 capital of the banking organization. The Board would also modify the instructions for calculating other deduction-related and risk-weighted asset line items to incorporate investments in covered debt instruments and excluded debt instruments, as applicable, by Board-regulated advanced approaches banking organizations.

[34] *See* 12 CFR 3.22(h)(2) (OCC); 12 CFR 217.12(h)(2) (Board); and 12 CFR 324.22(h)(2) (FDIC).

[35] *See* 12 CFR 3.22(h)(1) (OCC); 12 CFR 217.22(h)(1) (Board); and 12 CFR 324.22(h)(1) (FDIC).

The agencies would propose to modify in a future interagency reporting proposal the Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices (FFIEC 031), Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only (FFEIC 041) (collectively with the FFIEC 031, the Call Report [36]), and Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101) in a manner consistent with the changes described above to the FR Y–9C.

B. Public Disclosure of LTD and TLAC by Covered BHCs and Covered IHCs

The Board is proposing to modify Schedule HC–R, Part I of the FR Y–9C by adding new data items that would publicly disclose: (1) The LTD and TLAC for covered BHCs and covered IHCs; (2) these firms' LTD and TLAC ratios to ensure compliance with the TLAC Rule; (3) TLAC buffers; and (4) amendments to the instructions for the calculation of eligible retained income (item 47), institution-specific capital buffer (items 46.a and 46.b), and distributions and discretionary bonus payments (item 48) for covered BHCs and covered IHCs.

V. Regulatory Analyses

A. Paperwork Reduction Act

Certain provisions of the proposed rule contain ''collection of information'' within the meaning of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521). In accordance with the requirements of the PRA, the agencies may not conduct or sponsor, and the 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 proposal would revise sections __.22(c), (f), and (h) of the capital rule to incorporate the proposed deduction approach for investments in covered debt instruments. Several new definitions would be added to section __.2 in order to effectuate these deductions. Further, the definition of ''investment in the capital of an unconsolidated financial institution'' would be amended to correct a typographical error.

The proposal will require changes to the Consolidated Financial Statements for Holding Companies (FR Y–9C; OMB No. 7100–0128). The Board reviewed the proposed rule under the authority delegated to the Board by OMB.

Comments are invited on:

a. Whether the collections of information are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

b. The accuracy or the estimate 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 the information collections 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.

All comments will become a matter of public record. Comments on aspects of this notice that may affect reporting, recordkeeping, or disclosure requirements and burden estimates should be sent to the addresses listed in the **ADDRESSES** section of this document. A copy of the comments may also be submitted to the OMB desk officer by mail to U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503; facsimile to (202) 395–6974; or email to *oira_submission@omb.eop.gov,* Attention, Federal Banking Agency Desk Officer.

Proposed Collection (Board Only)

Title of information collection: Consolidated Financial Statements for Holding Companies.

Agency form number: FR Y–9C, FR Y–9LP, FR Y–9SP, FR Y–9ES, and FR Y–9CS.

OMB control number: 7100–0128.

Frequency: Quarterly, semiannually, and annually.

Affected public: Businesses or other for-profit.

Respondents: Bank holding companies (BHCs), savings and loan holding companies (SLHCs), securities holding companies (SHCs), and U.S. Intermediate Holding Companies (IHCs) (collectively, holding companies (HCs)).

Estimated number of respondents: FR Y–9C (non-advanced approaches holding companies): 292; FR Y–9C (advanced approached holding companies): 18; FR Y–9LP: 338; FR Y–9SP: 4,238; FR Y–9ES: 82; FR Y–9CS: 236.

General description of report: The FR Y–9 family of reporting forms continues to be the primary source of financial data on HCs on which examiners rely between on-site inspections. Financial data from these reporting forms is used to detect emerging financial problems, review performance, conduct pre-inspection analysis, monitor and evaluate capital adequacy, evaluate HC mergers and acquisitions, and analyze an HC's overall financial condition to ensure the safety and soundness of its operations. The FR Y–9C serves as the standardized financial statements for certain consolidated holding companies. The Board requires HCs to provide standardized financial statements to fulfill the Board's statutory obligation to supervise these organizations. HCs file the FR Y–9C on a quarterly basis.

Legal authorization and confidentiality: The FR Y–9 family of reports is authorized by section 5(c) of the Bank Holding Company Act,[37] section 10(b) of the Home Owners' Loan Act,[38] section 618 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act),[39] and section 165 of the Dodd-Frank Act.[40] The obligation of covered institutions to report this information is mandatory.

With respect to FR Y–9C, Schedule HI's item 7(g) ''FDIC deposit insurance assessments,'' Schedule HC–P's item 7(a) ''Representation and warranty reserves for 1–4 family residential mortgage loans sold to U.S. government agencies and government sponsored agencies,'' and Schedule HC–P's item 7(b) ''Representation and warranty reserves for 1–4 family residential mortgage loans sold to other parties'' are considered confidential. Such treatment is appropriate because the data is not publicly available and the public release of this data is likely to impair the Board's ability to collect necessary information in the future and could cause substantial harm to the competitive position of the respondent. Thus, this information may be kept confidential under exemptions (b)(4) of the Freedom of Information Act, which exempts from disclosure ''trade secrets and commercial or financial information obtained from a person and privileged or confidential'' (5 U.S.C. 552(b)(4)), and (b)(8) of the Freedom of Information Act, which exempts from disclosure information related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions (5 U.S.C. 552(b)(8)).

[36] The proposed modifications would not affect the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets Less than $1 Billion (FFIEC 051) because banks and savings associations that are advanced approaches banking organizations are not eligible to file the FFIEC 051 report.

[37] *See* 12 U.S.C. 1844(c).

[38] *See* 12 U.S.C. 1467a(b).

[39] *See* 12 U.S.C. 1850a(c)(1).

[40] *See* 12 U.S.C. 5365.

Current actions: To implement the reporting requirements of the proposed rule, the Board proposes to revise the FR Y–9C, Schedule HC–R, Part I, Regulatory Capital Components and Ratios, to amend instructions for line items 11, 17, 24, and 33 to effectuate the deductions from regulatory capital for advanced approaches holding companies related to investments in covered debt instruments and excluded covered debt instruments as described above. Further, the Board proposes to revise the FR Y–9C, Schedule HC–R, Part II, Risk-Weighted Assets, to amend instructions for line items 2(a), 2(b), 7, and 8 to incorporate investments in covered debt instruments and excluded debt instruments, as applicable, by advanced approaches holding companies in their calculation of risk-weighted assets.

In addition, the Board proposes to revise the FR Y–9C, Schedule HC–R, Part I, Regulatory Capital Components and Ratios, to create new line items and instructions to allow the BHCs of U.S. GSIBs and the IHCs of foreign GSIBs to publicly report their long-term debt (LTD) and total loss absorbing capacity (TLAC) in accordance, respectively, with 12 CFR 252, Subpart G and 12 CFR 252, Subpart P. Specifically, new line items would be created to report, as applicable, BHCs of U.S GSIBs' and IHCs of foreign GSIBs' (1.) outstanding eligible LTD (item 46); (2.) TLAC (item 47); (3.) LTD standardized risk-weighted asset ratio (item 48, column A); (4.) TLAC standardized risk-weighted asset ratio (item 48, column B); (5.) LTD advanced approaches risk-weighted asset ratio (item 49, column A); (6.) TLAC advanced approaches risk-weighted asset ratio (item 49, column B); (7.) LTD leverage ratio (item 50, column A); (8.) TLAC leverage ratio (item 50, column B); (9.) LTD supplementary leverage ratio (item 51, column A); (10.) TLAC supplementary leverage ratio (item 51, column B); (11.) institution-specific TLAC risk-weighted asset buffer necessary to avoid limitations on distributions and discretionary bonus payments (item 53(a)); and (12.) TLAC leverage buffer necessary to avoid limitations on distributions and discretionary bonus payments (item 53(b)). Existing line items 46, 46(a), 46(b), 47, and 48 would be re-numbered, and respective instructions' references updated, to account for the proposed inclusion of the new data collection items described above. Finally, the instructions for re-numbered line item 55, ''Distributions and discretionary bonus payments during the quarter,'' would be amended for the BHCs of U.S. GSIBs and the IHCs of foreign GSIBs to reflect maximum payout amounts that take into account a firm's TLAC risk-weighted and leverage buffers reported in proposed line items 53(a) and 53(b), respectively. The draft reporting forms and instructions are available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx.*

Estimated average hours per response: FR Y–9C (non-advanced approaches holding companies): 46.43; FR Y–9C (advanced approached holding companies): 48.31; FR Y–9LP: 5.27; FR Y–9SP: 5.40; FR Y–9ES: 0.50; FR Y–9CS: 0.50.

Estimated annual burden hours: FR Y–9C (non advanced approaches holding companies): 54,230; FR Y–9C (advanced approached holding companies): 3,478; FR Y–9LP: 7,125; FR Y–9SP: 45,770; FR Y–9ES: 41; FR Y–9CS: 472.

In addition to the collection of information discussed above, the agencies would propose to modify in a future interagency reporting proposal the Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031 and FFIEC 041; OMB No. 1557–0081 (OCC), 7100–0036 (Board), and 3064–0052) (FDIC)) and Risk-Based Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101; OMB No. 1557–0239 (OCC), 7100–0319 (Board), and 3064–0159 (FDIC)) in a manner consistent with the changes described above to the FR Y–9C. The Board would also propose to modify the Capital Assessments and Stress Testing (FR Y–14A and Q; OMB No. 7100–0341) in a manner consistent with the changes described above to the FR Y–9C. These modifications will be addressed in one or more separate **Federal Register** notice(s).

B. Regulatory Flexibility Act Analysis

OCC: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* (RFA), requires an agency, in connection with a proposed rule, to prepare an Initial Regulatory Flexibility Analysis describing the impact of the rule on small entities (defined by the Small Business Administration (SBA) for purposes of the RFA to include commercial banks and savings institutions with total assets of $550 million or less and trust companies with total assets of $38.5 million of less) or to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities.

As of December 31, 2017, the OCC supervises 886 small entities.[41]

As part of our analysis, we consider whether the proposal will have a significant economic impact on a substantial number of small entities, pursuant to the RFA Because the proposal only applies to advanced approaches banking organizations it will not impact any OCC-supervised small entities. Therefore, the proposal will not have a significant economic impact on a substantial number of small entities.

Therefore, the OCC certifies that the proposed rule would not have a significant economic impact on a substantial number of OCC-supervised small entities.

Board: The Board is providing an initial regulatory flexibility analysis with respect to this proposed rule. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* (RFA), requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities.[42] In connection with a proposed rule, the RFA requires an agency to prepare an Initial Regulatory Flexibility Analysis describing the impact of the rule on small entities or to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. An initial regulatory flexibility analysis must contain (1) a description of the reasons why action by the agency is being considered; (2) a succinct statement of the objectives of, and legal basis for, the proposed rule; (3) a description of, and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; (5) an identification, to the extent

[41] The OCC calculated the number of small entities using the SBA's size thresholds for commercial banks and savings institutions, and trust companies, which are $550 million and $38.5 million, respectively. Consistent with the General Principles of Affiliation, 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining whether to classify a national bank or Federal savings association as a small entity.

[42] Under regulations issued by the Small Business Administration, a small entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of $550 million or less and trust companies with total assets of $38.5 million or less. As of June 30, 2018, there were approximately 3,304 small bank holding companies, 216 small savings and loan holding companies, and 566 small state member banks.

practicable, of all relevant Federal rules which may duplicate, overlap with, or conflict with the proposed rule; and (6) a description of any significant alternatives to the proposed rule which accomplish its stated objectives.

The Board has considered the potential impact of the proposed rule on small entities in accordance with the RFA. Based on its analysis and for the reasons stated below, the Board believes that this proposed rule will not have a significant economic impact on a substantial number of small entities. Nevertheless, the Board is publishing and inviting comment on this initial regulatory flexibility analysis. A final regulatory flexibility analysis will be conducted after comments received during the public comment period have been considered. The proposal would also make corresponding changes to the Board's reporting forms.

As discussed in detail above, the proposed rule would amend the capital rule. Under the proposed rule, the Board would require advanced approaches banking organizations to deduct investments in and exposures to covered debt instruments issued by covered BHCs, covered IHCs, and foreign GSIBs and their subsidiaries. These deductions may be subject to regulatory thresholds, as described in the Supplemental Information above. Deductions related to investments in and exposures to covered debt instruments would be effectuated by deduction from tier 2 capital according to the corresponding deduction approach, subject to applicable deduction thresholds.

The Board has broad authority under the International Lending Supervision Act (ILSA) [43] and the PCA provisions of the Federal Deposit Insurance Act [44] to establish regulatory capital requirements for the institutions it regulates. For example, ILSA directs each Federal banking agency to cause banking institutions to achieve and maintain adequate capital by establishing minimum capital requirements as well as by other means that the agency deems appropriate.[45] The PCA provisions of the Federal Deposit Insurance Act direct each Federal banking agency to specify, for each relevant capital measure, the level at which an IDI subsidiary is well capitalized, adequately capitalized, undercapitalized, and significantly undercapitalized.[46] In addition, the Board has broad authority to establish regulatory capital standards for bank holding companies under the Bank Holding Company Act and the Dodd-Frank Reform and Consumer Protection Act (Dodd-Frank Act).[47]

The proposed rule would apply only to an advanced approaches Board-regulated institution. This is a depository institution, bank holding company, savings and loan holding company, or intermediate holding company with at least $250 billion in total consolidated assets or has consolidated on-balance sheet foreign exposures of at least $10 billion, or a subsidiary of a depository institution, bank holding company, savings and loan holding company, or intermediate holding company that is an advanced approaches banking organization. The proposed rule would not apply to any small entities. Further, as discussed previously in the Paperwork Reduction Act section, the proposal would make changes to the projected reporting, recordkeeping, and other compliance requirements of the rule by proposing to collect information from firms identified as advanced approaches banking organizations. These changes would include limited revisions to the Consolidated Financial Statements for Holding Companies (FR Y–9C) to provide for reporting of investments in covered debt securities and, as necessary, to reflect deduction of such investments. In addition, the FR Y–9C would be revised to provide for reporting of TLAC and LTD ratios and TLAC buffers under the TLAC Rule by covered BHCs and covered IHCs. These changes would not impact small entities. In addition, the Board is aware of no other Federal rules that duplicate, overlap, or conflict with the proposed changes to the capital rule. Therefore, the Board believes that the proposed rule will not have a significant economic impact on small banking organizations supervised by the Board and therefore believes that there are no significant alternatives to the proposed rule that would reduce the economic impact on small banking organizations supervised by the Board.

The Board welcomes comment on all aspects of its analysis. In particular, the Board requests that commenters describe the nature of any impact on small entities and provide empirical data to illustrate and support the extent of the impact.

FDIC:

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* generally requires an agency, in connection with a proposed rule, to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of a proposed rule on small entities.[48] However, a regulatory flexibility analysis is not required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) has defined ''small entities'' to include banking organizations with total assets of less than or equal to $550 million who are independently owned and operated or owned by a holding company with less than $550 million in total assets.[49] For the reasons described below and under section 605(b) of the RFA, the FDIC certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

The FDIC supervises 3,604 institutions, of which 2,804 are considered small entities for the purposes of RFA.[50]

This proposed rule will affect all institutions subject to the advanced approaches regulations and their subsidiaries. The FDIC supervises two institutions that are subsidiaries of advanced approaches institutions and have $550 million or less in total assets.[51] However, neither institution is considered a small entity for the purposes of RFA since they are owned by holding companies with over $550 million in total assets. Since this proposal does not affect any institutions that are defined as small entities for the purposes of the RFA, the FDIC certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

The FDIC invites comments on all aspects of the supporting information provided in this RFA section. In particular, would this rule have any significant effects on small entities that the FDIC has not identified?

[43] 12 U.S.C. 3901–3911.

[44] 12 U.S.C. 1831o.

[45] 12 U.S.C. 3907(a)(1).

[46] 12 U.S.C. 1831o(c)(2).

[47] *See, e.g.,* sections 165 and 171 of the Dodd-Frank Act (12 U.S.C. 5365 and 12 U.S.C. 5371). Public Law 111–203, 124 Stat. 1376 (2010).

[48] 5 U.S.C. 601 *et seq.*

[49] The SBA defines a small banking organization as having $550 million or less in assets, where ''a financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' See 13 CFR 121.201 (as amended, effective December 2, 2014). ''SBA counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates.'' See 13 CFR 121.103. Following these regulations, the FDIC uses a covered entity's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the covered entity is ''small'' for the purposes of RFA.

[50] Call Report data, March 2018.

[51] Call Report data, March 2018.

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act[52] requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The agencies have sought to present the proposed rule in a simple and straightforward manner, and invite comment on the use of plain language. For example:

- Have the agencies organized the material to suit your needs? If not, how could they present the proposed rule more clearly?
- Are the requirements in the proposed rule clearly stated? If not, how could the proposed rule be more clearly stated?
- Do the regulations contain technical language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes would achieve that?
- Would more, but shorter, sections be better? If so, which sections should be changed?''
- What other changes can the agencies incorporate to make the regulation easier to understand?

D. OCC Unfunded Mandates Reform Act of 1995 Determination

The OCC analyzed the proposed rule under the factors set forth in the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532). Under this analysis, the OCC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted for inflation). The OCC has determined that this proposed rule would not result in expenditures by State, local, and Tribal governments, or the private sector, of $100 million or more in any one year.[53] Accordingly, the OCC has not prepared a written statement to accompany this proposal.

[52] Public Law 106–102, section 722, 113 Stat. 1338, 1471 (1999).

[53] Based on available supervisory information, the OCC determined that no OCC-supervised advanced approaches institutions currently hold TLAC instruments. Thus, there would no cost of capital associated with the implementation of this proposal. The OCC estimates that, if implemented, non-mandated, but anticipated compliance costs associated with activities such as modifying procedures and internal audit would be less than $1 million.

E. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA),[54] in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, each Federal banking agency must consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on insured depository institutions generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.[55]

The agencies note that comment on these matters has been solicited in other sections of this Supplementary Information section, and that the requirements of RCDRIA will be considered as part of the overall rulemaking process. In addition, the agencies also invite any other comments that further will inform the agencies' consideration of RCDRIA.

List of Subjects

12 CFR Part 3

Administrative practice and procedure, Capital, National banks, Risk.

12 CFR Part 217

Administrative practice and procedure, Banks, Banking, Capital, Federal Reserve System, Holding companies.

12 CFR Part 324

Administrative practice and procedure, Banks, Banking, Capital adequacy, Savings associations, State non-member banks.

Office of the Comptroller of the Currency

For the reasons set out in the joint preamble, the OCC proposes to amend 12 CFR part 3 as follows.

[54] 12 U.S.C. 4802(a).

[55] 12 U.S.C. 4802.

PART 3—CAPITAL ADEQUACY STANDARDS

■ 1. The authority citation for Part 3 continues to read as follows:

Authority: 12 U.S.C. 93a, 161, 1462, 1462a, 1463, 1464, 1818, 1828(n), 1828 note, 1831n note, 1835, 3907, 3909, and 5412(b)(2)(B).

■ 2. Amend § 3.2 by:
■ a. Adding in alphabetical order the definitions of ''Covered debt instrument'' and ''Excluded covered debt instrument;''
■ b. Revising the definition of ''Indirect exposure;''
■ c. Adding in alphabetical order the definition of ''Investment in a covered debt instrument;'' and
■ d. Revising the definitions of ''Investment in the capital of an unconsolidated financial institution'' and ''Synthetic exposure''.

The additions and revisions read as follows:

§ 3.2 Definitions.

* * * * *

Covered debt instrument means an unsecured debt instrument that is:

(1) Issued by a global systemically important BHC, as defined in 12 CFR 217.2, and that is an eligible debt security, as defined in 12 CFR 252.61, or that is *pari passu* or subordinated to any eligible debt security issued by the global systemically important BHC; or

(2) Issued by a Covered IHC, as defined in 12 CFR 252.161, and that is an eligible Covered IHC debt security, as defined in 12 CFR 252.161, or that is *pari passu* or subordinated to any eligible Covered IHC debt security issued by the Covered IHC; or,

(3) Issued by a global systemically important banking organization, as defined in 12 CFR 252.2 other than a global systemically important BHC, as defined in 12 CFR 217.2; or issued by a subsidiary of a global systemically important banking organization that is not a global systemically important BHC, other than a Covered IHC, as defined in 12 CFR 252.161; and where,

(i) The instrument has the purpose of absorbing losses or recapitalizing the issuer or any of its subsidiaries in connection with a resolution, receivership, insolvency or similar proceeding of the issuer or any of its subsidiaries; or

(ii) The instrument is *pari passu* or subordinated to any instrument described in paragraph (3)(i) of this definition; and

(4) Provided that, for purposes of this definition, covered debt instrument does not include a debt instrument that qualifies as tier 2 capital pursuant to 12

CFR 217.20(d) or that is otherwise treated as regulatory capital by the primary supervisor of the issuer.

* * * * *

Excluded covered debt instrument means a covered debt instrument held by a national bank or Federal savings association that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, for 30 business days or less for the purpose of short-term resale or with the intent of benefiting from actual or expected short-term price movements, or to lock in arbitrage profits.

* * * * *

Indirect exposure means an exposure that arises from the national bank's or Federal savings association's investment in an investment fund which holds an investment in the national bank's or Federal savings association's own capital instrument, or an investment in the capital of an unconsolidated financial institution. For an advanced approaches national bank or Federal savings association, indirect exposure also includes an investment in an investment fund that holds a covered debt instrument.

* * * * *

Investment in a covered debt instrument means a national bank's or Federal savings association's net long position calculated in accordance with § 3.22(h) in a covered debt instrument, including direct, indirect, and synthetic exposures to the debt instrument, excluding any underwriting positions held by the national bank or Federal savings association for five or fewer business days.

* * * * *

Investment in the capital of an unconsolidated financial institution means a net long position calculated in accordance with § 3.22(h) in an instrument that is recognized as capital for regulatory purposes by the primary supervisor of an unconsolidated regulated financial institution or an instrument that is part of the GAAP equity of an unconsolidated unregulated financial institution, including direct, indirect, and synthetic exposures to capital instruments, excluding underwriting positions held by the national bank or Federal savings association for five or fewer business days.

* * * * *

Synthetic exposure means an exposure whose value is linked to the value of an investment in the national bank or Federal savings association's own capital instrument or to the value of an investment in the capital of an unconsolidated financial institution. For an advanced approaches national bank or Federal savings association, synthetic exposure includes an exposure whose value is linked to the value of an investment in a covered debt instrument.

* * * * *

■ 3. In § 3.22, revise paragraphs (c), (f), and (h) to read as follows:

§ 3.22 Regulatory capital adjustments and deductions.

* * * * *

(c) *Deductions from regulatory capital related to investments in capital instruments or covered debt instruments* [23]—(1) *Investment in the national bank's or Federal savings association's own capital instruments.* A national bank or Federal savings association must deduct an investment in the national bank's or Federal savings association's own capital instruments, as follows:

(i) A national bank or Federal savings association must deduct an investment in the national bank's or Federal savings association's own common stock instruments from its common equity tier 1 capital elements to the extent such instruments are not excluded from regulatory capital under § 3.20(b)(1);

(ii) A national bank or Federal savings association must deduct an investment in the national bank's or Federal savings association's own additional tier 1 capital instruments from its additional tier 1 capital elements; and

(iii) A national bank or Federal savings association must deduct an investment in the national bank's or Federal savings association's own tier 2 capital instruments from its tier 2 capital elements.

(2) *Corresponding deduction approach.* For purposes of subpart C of this part, the corresponding deduction approach is the methodology used for the deductions from regulatory capital related to reciprocal cross holdings (as described in paragraph (c)(3) of this section), non-significant investments in the capital of unconsolidated financial institutions (as described in paragraph (c)(4) of this section), and non-common stock significant investments in the capital of unconsolidated financial institutions (as described in paragraph (c)(5) of this section). Under the corresponding deduction approach, a national bank or Federal savings association must make deductions from the component of capital for which the underlying instrument would qualify if it were issued by the national bank or Federal savings association itself, as described in paragraphs (c)(2)(i) through (iii) of this section. If the national bank or Federal savings association does not have a sufficient amount of a specific component of capital to effect the required deduction, the shortfall must be deducted according to paragraph (f) of this section.

(i) If an investment is in the form of an instrument issued by a financial institution that is not a regulated financial institution, the national bank or Federal savings association must treat the instrument as:

(A) A common equity tier 1 capital instrument if it is common stock or represents the most subordinated claim in a liquidation of the financial institution; and

(B) An additional tier 1 capital instrument if it is subordinated to all creditors of the financial institution and is senior in liquidation only to common shareholders.

(ii) If an investment is in the form of an instrument issued by a regulated financial institution and the instrument does not meet the criteria for common equity tier 1, additional tier 1 or tier 2 capital instruments under § 3.20, the national bank or Federal savings association must treat the instrument as:

(A) A common equity tier 1 capital instrument if it is common stock included in GAAP equity or represents the most subordinated claim in liquidation of the financial institution;

(B) An additional tier 1 capital instrument if it is included in GAAP equity, subordinated to all creditors of the financial institution, and senior in a receivership, insolvency, liquidation, or similar proceeding only to common shareholders;

(C) A tier 2 capital instrument if it is not included in GAAP equity but considered regulatory capital by the primary supervisor of the financial institution; and

(D) For an advanced approaches national bank or Federal savings association, a tier 2 capital instrument if it is a covered debt instrument.

(iii) If an investment is in the form of a non-qualifying capital instrument (as defined in § 3.300(c)), the national bank or Federal savings association must treat the instrument as:

(A) An additional tier 1 capital instrument if such instrument was included in the issuer's tier 1 capital prior to May 19, 2010; or

(B) A tier 2 capital instrument if such instrument was included in the issuer's tier 2 capital (but not includable in tier 1 capital) prior to May 19, 2010.

[23] The national bank or Federal savings association must calculate amounts deducted under paragraphs (c) through (f) of this section after it calculates the amount of ALLL or AACL, as applicable, includable in tier 2 capital under § 3.20(d)(3).

(3) *Reciprocal cross-holdings in the capital of financial institutions.* (i) A national bank or Federal savings association must deduct an investment in the capital of another financial institution that the national bank or Federal savings association holds reciprocally with another financial institution, where such reciprocal cross holdings result from a formal or informal arrangement to swap, exchange, or otherwise intend to hold each other's capital instruments, by applying the corresponding deduction approach in paragraph (c)(2) of this section.

(ii) An advanced approaches national bank or Federal savings association must deduct an investment in any covered debt instrument that the institution holds reciprocally with another financial institution, where such reciprocal cross holdings result from a formal or informal arrangement to swap, exchange, or otherwise intend to hold each other's capital or covered debt instruments, by applying the corresponding deduction approach in paragraph (c)(2) of this section.

(4) *Non-significant investments in the capital of unconsolidated financial institutions.* (i) A national bank or Federal savings association that is not an advanced approaches national bank or Federal savings association must deduct its non-significant investments in the capital of unconsolidated financial institutions (as defined in § 3.2) that, in the aggregate, exceed 10 percent of the sum of the national bank or Federal savings association's common equity tier 1 capital elements minus all deductions from and adjustments to common equity tier 1 capital elements required under paragraphs (a) through (c)(3) of this section (the 10 percent threshold for non-significant investments) by applying the corresponding deduction approach in paragraph (c)(2) of this section.[24] The deductions described in this section are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the OCC, a national bank or Federal savings association that underwrites a failed underwriting, for the period of time stipulated by the OCC, is not required to deduct a non-significant investment in the capital of an unconsolidated financial institution.[25]

(ii) An advanced approaches national bank or Federal savings association must deduct its non-significant investments in the capital of unconsolidated financial institutions (as defined in § 3.2) that, in the aggregate and together with any investment in a covered debt instrument (as defined in § 3.2) issued by a financial institution in which the national bank or Federal savings association does not have a significant investment in the capital of the unconsolidated financial institution (as defined in § 3.2), exceeds 10 percent of the sum of the advanced approaches national bank's or Federal savings association's common equity tier 1 capital elements minus all deductions from and adjustments to common equity tier 1 capital elements required under paragraphs (a) through (c)(3) of this section (the 10 percent threshold for non-significant investments) by applying the corresponding deduction approach in paragraph (c)(2) of this section.[26] The deductions described in this paragraph are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the OCC, an advanced approaches national bank or Federal savings association that underwrites a failed underwriting, for the period of time stipulated by the OCC, is not required to deduct from capital a non-significant investment in the capital of an unconsolidated financial institution or an investment in a covered debt instrument pursuant to this paragraph (c)(4) to the extent the investment is related to the failed underwriting.[27] For any calculation under this paragraph (c)(4)(ii), an advanced approaches national bank or Federal savings association may exclude the amount of an investment in a covered debt instrument under paragraphs (c)(4)(iv) or (c)(4)(v) of this section, as applicable.

(iii)(A) The amount to be deducted under this section from a specific capital component by a national bank or Federal savings association that is not an advanced approaches national bank or Federal savings association is equal to:

(*1*) The national bank's or Federal savings association's aggregate non-significant investments in the capital of an unconsolidated financial institution exceeding the 10 percent threshold for non-significant investments, multiplied by

(*2*) The ratio of the national bank's or Federal savings association's aggregate non-significant investments in the capital of unconsolidated financial institutions (in the form of such capital component) to the national bank's or Federal savings association's total non-significant investments in unconsolidated financial institutions.

(B) For an advanced approaches national bank or Federal savings association, the amount to be deducted under this section from a specific capital component is equal to:

(*1*) The national bank's or Federal savings association's aggregate non-significant investments in the capital of an unconsolidated financial institution and, if applicable, any investments in a covered debt instrument subject to deduction under this paragraph (c)(4), exceeding the 10 percent threshold for non-significant investments, multiplied by

(*2*) The ratio of the national bank's or Federal savings association's aggregate non-significant investments in the capital of an unconsolidated financial institution (in the form of such capital component) to the national bank's or Federal savings association's total non-significant investments in unconsolidated financial institutions, with an investment in a covered debt instrument being treated as tier 2 capital for this purpose.

(iv) For purposes of applying the deduction under paragraph (c)(4)(ii) of this section, an advanced approaches national bank or Federal savings association that is not a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, must only include the amount of investments in covered debt instruments issued by financial institutions in which the national bank or Federal savings association does not have a significant investment in the capital of the unconsolidated financial institutions to the extent that the

[24] With the prior written approval of the OCC, for the period of time stipulated by the OCC, a national bank or Federal savings association is not required to deduct a non-significant investment in the capital instrument of an unconsolidated financial institution or an investment in a covered debt instrument pursuant to this paragraph if the financial institution is in distress and if such investment is made for the purpose of providing financial support to the financial institution, as determined by the OCC.

[25] Any non-significant investments in the capital of an unconsolidated financial institution that is not required to be deducted under this paragraph (c)(4) or otherwise under this section must be assigned the appropriate risk weight under subparts D, E, or F of this part, as applicable.

[26] With the prior written approval of the OCC, for the period of time stipulated by the OCC, an advanced approaches a national bank or Federal savings association is not required to deduct a non-significant investment in the capital instrument of an unconsolidated financial institution or an investment in a covered debt instrument pursuant to this paragraph if the financial institution is in distress and if such investment is made for the purpose of providing financial support to the financial institution, as determined by the OCC.

[27] Any non-significant investment in the capital of an unconsolidated financial institution or any investment in a covered debt instrument that is not required to be deducted under this paragraph (c)(4) or otherwise under this section must be assigned the appropriate risk weight under subparts D, E, or F of this part, as applicable.

national bank's or Federal savings association's gross long position, in accordance with § 3.22(h)(2), in such covered debt instruments exceeds 5 percent of the common equity tier 1 capital of the national bank or Federal savings association.

(v) Prior to applying the deduction under paragraph (c)(4)(ii):

(A) A national bank or Federal savings association that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, may designate any investment in a covered debt instrument as an excluded covered debt instrument, as defined in § 3.2.

(B) A national bank or Federal savings association that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, must deduct according to the corresponding deduction approach the amount of any investment in a covered debt instrument that was originally designated as an excluded covered debt instrument, in accordance with paragraph (c)(4)(iv)(A) above, but is no longer held for the purpose of short-term resale or with the intent of benefiting from actual or expected short-term price movements, or to lock in arbitrage profits.

(C) A national bank or Federal savings association that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, must deduct according to the corresponding deduction approach the amount of any investment in a covered debt instrument that was originally designated as an excluded covered debt instrument, in accordance with paragraph (c)(4)(iv)(A) of this section, and has been held for more than thirty business days.

(D) A national bank or Federal savings association that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, must deduct according to the corresponding deduction approach the amount, measured on a gross long basis in accordance with § 3.22(h)(2), of its aggregate investment in excluded covered debt instruments that exceeds 5 percent of the national bank's or Federal savings association's common equity tier 1 capital.

(5) *Significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock.* (i) If a national bank or Federal savings association has a significant investment in the capital of an unconsolidated financial institution, the national bank or Federal savings association must deduct from capital any such investment issued by the unconsolidated financial institution that is held by the institution other than an investment in the form of common stock by applying the corresponding deduction approach in paragraph (c)(2) of this section.[28] The deductions described in this section are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the OCC, for the period of time stipulated by the OCC, a national bank or Federal savings association that underwrites a failed underwriting is not required to deduct a significant investment in the capital of an unconsolidated financial institution or an investment in covered debt instruments pursuant to this paragraph (c) if such investment is related to such failed underwriting.

(ii) If an advanced approaches national bank or Federal savings association has a significant investment in the capital of an unconsolidated financial institution and has an investment in a covered debt instrument issued by the unconsolidated financial institution, the national bank or Federal savings association must also deduct its investment in the covered debt instrument by applying the corresponding deduction approach in paragraph (c)(2) of this section.[29] The deductions described in this section are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the OCC, for the period of time stipulated by the OCC, an advanced approaches national bank or Federal savings association that underwrites a failed underwriting is not required to deduct the investment in the covered debt instrument pursuant to this paragraph (c)(5) if such investment is related to such failed underwriting.

* * * * *

(f) *Insufficient amounts of a specific regulatory capital component to effect deductions.* Under the corresponding deduction approach, if a national bank or Federal savings association does not have a sufficient amount of a specific component of capital to effect the full amount of any deduction from capital required under paragraph (d) of this section, the national bank or Federal savings association must deduct the shortfall amount from the next higher (that is, more subordinated) component of regulatory capital. Any investment by an advanced approaches national bank or Federal savings association in a covered debt instrument must be treated as an investment in the tier 2 capital for purposes of this paragraph when applied to the capital ratio calculations in section 3.10(c).

* * * * *

(h) *Net long position.* (1) For purposes of calculating the amount of a national bank's or Federal savings association's investment in the national bank's or Federal savings association's own capital instrument, investment in the capital of an unconsolidated financial institution, and investment in a covered debt instrument, the institution's net long position is the gross long position in the underlying instrument determined in accordance with paragraph (h)(2) of this section, as adjusted to recognize any short position by the national bank or Federal savings association in the same instrument subject to paragraph (h)(3) of this section.

(2) *Gross long position.* A gross long position is determined as follows:

(i) For an equity exposure that is held directly by the national bank or Federal savings association, the adjusted carrying value of the exposure as that term is defined in § 3.51(b);

(ii) For an exposure that is held directly and that is not an equity exposure or a securitization exposure, the exposure amount as that term is defined in § 3.2;

(iii) For each indirect exposure, the national bank's or Federal savings association's carrying value of its investment in an investment fund or, alternatively:

(A) A national bank or Federal savings association may, with the prior approval of the OCC, use a conservative estimate of the amount of its investment in the national bank's or Federal savings association's own capital instruments, its indirect investment in the capital of an unconsolidated financial institution, or its indirect investment in a covered debt instrument held through a position in an index, as applicable; or

(B) A national bank or Federal savings association may calculate the gross long position for an indirect exposure by multiplying the national bank's or Federal savings association's carrying

[28] With prior written approval of the OCC, for the period of time stipulated by the OCC, a national bank or Federal savings association is not required to deduct a significant investment in the capital instrument of an unconsolidated financial institution under this paragraph (c)(5) or otherwise under this section if such investment is made for the purpose of providing financial support to the financial institution as determined by the OCC.

[29] With prior written approval of the OCC, for the period of time stipulated by the OCC, an advanced approaches national bank or Federal savings association is not required to deduct an investment in a covered debt instrument under this paragraph (c)(5) or otherwise under this section if such investment is made for the purpose of providing financial support to the financial institution as determined by the OCC.

value of its investment in the investment fund by either:

(*1*) The highest stated investment limit (in percent) for an investment in the national bank's or Federal savings association's own capital instruments, an investment in the capital of an unconsolidated financial institution, or an investment in a covered debt instrument, as applicable, as stated in the prospectus, partnership agreement, or similar contract defining permissible investments of the investment fund; or

(*2*) The investment fund's actual holdings of the investment in the national bank's or Federal savings association's own capital instruments, investment in the capital of an unconsolidated financial institution, or investment in an covered debt instrument, as applicable; and

(iv) For a synthetic exposure, the amount of the national bank's or Federal savings association's loss on the exposure if the reference capital instrument were to have a value of zero.

(3) *Adjustments to reflect a short position.* In order to adjust the gross long position to recognize a short position in the same instrument under paragraph (h)(1) of this section, the following criteria must be met:

(i) The maturity of the short position must match the maturity of the long position, or the short position must have a residual maturity of at least one year (maturity requirement); or

(ii) For a position that is a trading asset or trading liability (whether on- or off-balance sheet) as reported on the national bank's or Federal savings association's Call Report, if the national bank or Federal savings association has a contractual right or obligation to sell the long position at a specific point in time and the counterparty to the contract has an obligation to purchase the long position if the national bank or Federal savings association exercises its right to sell, this point in time may be treated as the maturity of the long position such that the maturity of the long position and short position are deemed to match for purposes of the maturity requirement, even if the maturity of the short position is less than one year; and

(iii) For an investment in a national bank's or Federal savings association's own capital instrument under paragraph (c)(1) of this section, an investment in the capital of an unconsolidated financial institution under paragraphs (c)(4), (c)(5), and (d)(1)(iii) of this section, and an investment in a covered debt instrument under paragraphs (c)(4) and (c)(5) of this section:

(A) The national bank or Federal savings association may only net a short position against a long position in an investment in the national bank's or Federal savings association's own capital instrument under paragraph (c)(1) of this section if the short position involves no counterparty credit risk;

(B) A gross long position in an investment in the national bank's or Federal savings association's own capital instrument, an investment in the capital of an unconsolidated financial institution, or an investment in a covered debt instrument due to a position in an index may be netted against a short position in the same index;

(C) Long and short positions in the same index without maturity dates are considered to have matching maturities; and

(D) A short position in an index that is hedging a long cash or synthetic position in an investment in the national bank's or Federal savings association's own capital instrument, an investment in the capital instrument of an unconsolidated financial institution, or an investment in a covered debt instrument can be decomposed to provide recognition of the hedge. More specifically, the portion of the index that is composed of the same underlying instrument that is being hedged may be used to offset the long position if both the long position being hedged and the short position in the index are reported as a trading asset or trading liability (whether on- or off-balance sheet) on the national bank's or Federal savings association's Call Report, and the hedge is deemed effective by the national bank's or Federal savings association's internal control processes, which have not been found to be inadequate by the OCC.

* * * * *

Board of Governors of the Federal Reserve System

For the reasons set forth in the joint preamble, the Board proposes to amend part 217 of chapter II of title 12 of the Code of Federal Regulations as follows:

PART 217—CAPITAL ADEQUACY OF BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND STATE MEMBER BANKS (REGULATION Q).

■ 1. The authority citation for part 217 continues to read as follows:

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p–l, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371.

■ 2. Amend § 217.2 by:

■ a. Adding in alphabetical order the definitions of ''Covered debt instrument'' and ''Excluded covered debt instrument;''

■ b. Revising the definition of ''Indirect exposure;''

■ c. Adding in alphabetical order the definition of ''Investment in a covered debt instrument;'' and

■ d. Revising the definitions of ''Investment in the capital of an unconsolidated financial institution'' and ''Synthetic exposure''.

The additions and revisions to read as follows:

§ 217.2 Definitions.

* * * * *

Covered debt instrument means an unsecured debt instrument that is:

(1) Issued by a global systemically important BHC and that is an eligible debt security, as defined in 12 CFR 252.61, or that is *pari passu* or subordinated to any eligible debt security issued by the global systemically important BHC; or

(2) Issued by a Covered IHC, as defined in 12 CFR 252.161, and that is an eligible Covered IHC debt security, as defined in 12 CFR 252.161, or that is *pari passu* or subordinated to any eligible Covered IHC debt security issued by the Covered IHC; or

(3) Issued by a global systemically important banking organization, as defined in 12 CFR 252.2 other than a global systemically important BHC; or issued by a subsidiary of a global systemically important banking organization that is not a global systemically important BHC, other than a Covered IHC, as defined in 12 CFR 252.161; and where,

(i) The instrument has the purpose of absorbing losses or recapitalizing the issuer or any of its subsidiaries in connection with a resolution, receivership, insolvency or similar proceeding of the issuer or any of its subsidiaries; or

(ii) The instrument is *pari passu* or subordinated to any instrument described in paragraph (3)(i) of this definition; and

(4) Provided that, for purposes of this definition, covered debt instrument does not include a debt instrument that qualifies as tier 2 capital pursuant to 12 CFR 217.20(d) or that is otherwise treated as regulatory capital by the primary supervisor of the issuer.

* * * * *

Excluded covered debt instrument means a covered debt instrument held by a global systemically important BHC or a Board-regulated institution that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2 for 30 business days or less for the purpose of short-

term resale or with the intent of benefiting from actual or expected short-term price movements, or to lock in arbitrage profits.

* * * * *

Indirect exposure means an exposure that arises from the Board-regulated institution's investment in an investment fund which holds an investment in the Board-regulated institution's own capital instrument or an investment in the capital of an unconsolidated financial institution. For an advanced approaches Board-regulated institution, indirect exposure also includes an investment in an investment fund that holds a covered debt instrument.

* * * * *

Investment in a covered debt instrument means a Board-regulated institution's net long position calculated in accordance with § 217.22(h) in a covered debt instrument, including direct, indirect, and synthetic exposures to the debt instrument, excluding any underwriting positions held by the Board-regulated institution for five or fewer business days.

* * * * *

Investment in the capital of an unconsolidated financial institution means a net long position calculated in accordance with § 217.22(h) in an instrument that is recognized as capital for regulatory purposes by the primary supervisor of an unconsolidated regulated financial institution or an instrument that is part of the GAAP equity of an unconsolidated unregulated financial institution, including direct, indirect, and synthetic exposures to capital instruments, excluding underwriting positions held by the Board-regulated institution for five or fewer business days.

* * * * *

Synthetic exposure means an exposure whose value is linked to the value of an investment in the Board-regulated institution's own capital instrument or to the value of an investment in the capital of an unconsolidated financial institution. For an advanced approaches Board-regulated institution, synthetic exposure includes an exposure whose value is linked to the value of an investment in a covered debt instrument.

* * * * *

■ 3. In § 217.22, re-designate footnote 28 as footnote 30 in paragraph (d)(2) and revise paragraphs (c), (f), and (h) to read as follows:

§ 217.22 Regulatory capital adjustments and deductions.

* * * * *

(c) *Deductions from regulatory capital related to investments in capital instruments or covered debt instruments* [23]—(1) *Investment in the Board-regulated institution's own capital or covered debt instruments.* A Board-regulated institution must deduct an investment in the Board-regulated institution's own capital instruments, and an advanced approaches Board-regulated institution also must deduct an investment in the Board-regulated institution's own covered debt instruments, as follows:

[23] The Board-regulated institution must calculate amounts deducted under paragraphs (c) through (f) of this section after it calculates the amount of ALLL or AACL, as applicable, includable in tier 2 capital under §217.20(d)(3).

(i) A Board-regulated institution must deduct an investment in the Board-regulated institution's own common stock instruments from its common equity tier 1 capital elements to the extent such instruments are not excluded from regulatory capital under § 217.20(b)(1);

(ii) A Board-regulated institution must deduct an investment in the Board-regulated institution's own additional tier 1 capital instruments from its additional tier 1 capital elements;

(iii) A Board-regulated institution must deduct an investment in the Board-regulated institution's own tier 2 capital instruments from its tier 2 capital elements; and

(iv) An advanced approaches Board-regulated institution must deduct an investment in the institution's own covered debt instruments from its tier 2 capital elements. If the advanced approaches Board-regulated institution does not have a sufficient amount of tier 2 capital to effect this deduction, the institution must deduct the shortfall amount from the next higher (that is, more subordinated) component of regulatory capital.

(2) *Corresponding deduction approach.* For purposes of subpart C of this part, the corresponding deduction approach is the methodology used for the deductions from regulatory capital related to reciprocal cross holdings (as described in paragraph (c)(3) of this section), non-significant investments in the capital of unconsolidated financial institutions (as described in paragraph (c)(4) of this section), and non-common stock significant investments in the capital of unconsolidated financial institutions (as described in paragraph (c)(5) of this section). Under the corresponding deduction approach, a Board-regulated institution must make deductions from the component of capital for which the underlying instrument would qualify if it were issued by the Board-regulated institution itself, as described in paragraphs (c)(2)(i) through (iii) of this section. If the Board-regulated institution does not have a sufficient amount of a specific component of capital to effect the required deduction, the shortfall must be deducted according to paragraph (f) of this section.

(i) If an investment is in the form of an instrument issued by a financial institution that is not a regulated financial institution, the Board-regulated institution must treat the instrument as:

(A) A common equity tier 1 capital instrument if it is common stock or represents the most subordinated claim in a liquidation of the financial institution; and

(B) An additional tier 1 capital instrument if it is subordinated to all creditors of the financial institution and is senior in liquidation only to common shareholders.

(ii) If an investment is in the form of an instrument issued by a regulated financial institution and the instrument does not meet the criteria for common equity tier 1, additional tier 1 or tier 2 capital instruments under § 217.20, the Board-regulated institution must treat the instrument as:

(A) A common equity tier 1 capital instrument if it is common stock included in GAAP equity or represents the most subordinated claim in liquidation of the financial institution;

(B) An additional tier 1 capital instrument if it is included in GAAP equity, subordinated to all creditors of the financial institution, and senior in a receivership, insolvency, liquidation, or similar proceeding only to common shareholders;

(C) A tier 2 capital instrument if it is not included in GAAP equity but considered regulatory capital by the primary supervisor of the financial institution; and

(D) For an advanced approaches Board-regulated institution, a tier 2 capital instrument if it is a covered debt instrument.

(iii) If an investment is in the form of a non-qualifying capital instrument (as defined in § 217.300(c)), the Board-regulated institution must treat the instrument as:

(A) An additional tier 1 capital instrument if such instrument was included in the issuer's tier 1 capital prior to May 19, 2010; or

(B) A tier 2 capital instrument if such instrument was included in the issuer's

tier 2 capital (but not includable in tier 1 capital) prior to May 19, 2010.

(3) *Reciprocal cross-holdings in the capital of financial institutions.*

(i) A Board-regulated institution must deduct an investment in the capital of another financial institution that the Board-regulated institution holds reciprocally with another financial institution, where such reciprocal cross holdings result from a formal or informal arrangement to swap, exchange, or otherwise intend to hold each other's capital instruments, by applying the corresponding deduction approach in paragraph (c)(2) of this section.

(ii) An advanced approaches Board-regulated institution must deduct an investment in any covered debt instrument that the institution holds reciprocally with another financial institution, where such reciprocal cross holdings result from a formal or informal arrangement to swap, exchange, or otherwise intend to hold each other's capital or covered debt instruments, by applying the corresponding deduction approach in paragraph (c)(2) of this section.

(4) *Non-significant investments in the capital of unconsolidated financial institutions.* (i) A Board-regulated institution that is not an advanced approaches Board-regulated institution must deduct its non-significant investments in the capital of unconsolidated financial institutions (as defined in § 217.2) that, in the aggregate, exceed 10 percent of the sum of the Board-regulated institution's common equity tier 1 capital elements minus all deductions from and adjustments to common equity tier 1 capital elements required under paragraphs (a) through (c)(3) of this section (the 10 percent threshold for non-significant investments) by applying the corresponding deduction approach in paragraph (c)(2) of this section.[24] The deductions described in this section are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the Board, a Board-regulated institution that underwrites a failed underwriting, for the period of time stipulated by the Board, is not required to deduct a non-significant investment in the capital of an unconsolidated financial institution.[25]

[24] With the prior written approval of the Board, for the period of time stipulated by the Board, a Board-regulated institution is not required to deduct a non-significant investment in the capital instrument of an unconsolidated financial institution or an investment in a covered debt instrument pursuant to this paragraph if the financial institution is in distress and if such investment is made for the purpose of providing financial support to the financial institution, as determined by the Board.

[25] Any non-significant investments in the capital of an unconsolidated financial institution that is not required to be deducted under this paragraph (c)(4) or otherwise under this section must be assigned the appropriate risk weight under subparts D, E, or F of this part, as applicable.

(ii) An advanced approaches Board-regulated institution must deduct its non-significant investments in the capital of unconsolidated financial institutions (as defined in § 217.2) that, in the aggregate and together with any investment in a covered debt instrument (as defined in § 217.2) issued by a financial institution in which the Board-regulated institution does not have a significant investment in the capital of the unconsolidated financial institution (as defined in § 217.2), exceeds 10 percent of the sum of the advanced approaches Board-regulated institution's common equity tier 1 capital elements minus all deductions from and adjustments to common equity tier 1 capital elements required under paragraphs (a) through (c)(3) of this section (the 10 percent threshold for non-significant investments) by applying the corresponding deduction approach in paragraph (c)(2) of this section.[26] The deductions described in this paragraph are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the Board, an advanced approaches Board-regulated institution that underwrites a failed underwriting, for the period of time stipulated by the Board, is not required to deduct from capital a non-significant investment in the capital of an unconsolidated financial institution or an investment in a covered debt instrument pursuant to this paragraph (c)(4) to the extent the investment is related to the failed underwriting.[27] For any calculation under paragraph (c)(4)(ii) of this section, an advanced approaches Board-regulated institution may exclude the amount of an investment in a covered debt instrument under paragraphs (c)(4)(iv) or (c)(4)(v) of this section, as applicable.

[26] With the prior written approval of the Board, for the period of time stipulated by the Board, an advanced approaches Board-regulated institution is not required to deduct a non-significant investment in the capital instrument of an unconsolidated financial institution or an investment in a covered debt instrument pursuant to this paragraph if the financial institution is in distress and if such investment is made for the purpose of providing financial support to the financial institution, as determined by the Board.

[27] Any non-significant investment in the capital of an unconsolidated financial institution or any investment in a covered debt instrument that is not required to be deducted under this paragraph (c)(4) or otherwise under this section must be assigned the appropriate risk weight under subparts D, E, or F of this part, as applicable.

(iii)(A) The amount to be deducted under this section from a specific capital component by a Board-regulated institution that is not an advanced approaches Board-regulated institution is equal to:

(*1*) The Board-regulated institution's aggregate non-significant investments in the capital of an unconsolidated financial institution exceeding the 10 percent threshold for non-significant investments, multiplied by

(*2*) The ratio of the Board-regulated institution's aggregate non-significant investments in the capital of unconsolidated financial institutions (in the form of such capital component) to the Board-regulated institution's total non-significant investments in unconsolidated financial institutions.

(B) For an advanced approaches Board-regulated institution, the amount to be deducted under this section from a specific capital component is equal to:

(*1*) The Board-regulated institution's aggregate non-significant investments in the capital of an unconsolidated financial institution and, if applicable, any investments in a covered debt instrument subject to deduction under this paragraph (c)(4), exceeding the 10 percent threshold for non-significant investments, multiplied by

(*2*) The ratio of the Board-regulated institution's aggregate non-significant investments in the capital of an unconsolidated financial institution (in the form of such capital component) to the Board-regulated institution's total non-significant investments in unconsolidated financial institutions, with an investment in a covered debt instrument being treated as tier 2 capital for this purpose.

(iv) For purposes of applying the deduction under paragraph (c)(4)(ii) of this section, an advanced approaches Board-regulated institution that is not a global systemically important BHC or a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2 must only include the amount of investments in covered debt instruments issued by financial institutions in which the Board-regulated institution does not have a significant investment in the capital of the unconsolidated financial institutions to the extent that the Board-regulated institution's gross long position, in accordance with

§ 217.22(h)(2), in such covered debt instruments exceeds 5 percent of the common equity tier 1 capital of the Board-regulated institution.

(v) Prior to applying the deduction under paragraph (c)(4)(ii) of this section:

(A) A global systemically important BHC or a Board-regulated institution that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2 may designate any investment in a covered debt instrument as an excluded covered debt instrument, as defined in § 217.2.

(B) A global systemically important BHC or a Board-regulated institution that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2 must deduct according to the corresponding deduction approach the amount of any investment in a covered debt instrument that was originally designated as an excluded covered debt instrument, in accordance with paragraph (c)(4)(iv)(A) of this section, but is no longer held for the purpose of short-term resale or with the intent of benefiting from actual or expected short-term price movements, or to lock in arbitrage profits.

(C) A global systemically important BHC or a Board-regulated institution that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2 must deduct according to the corresponding deduction approach the amount of any investment in a covered debt instrument that was originally designated as an excluded covered debt instrument, in accordance with paragraph (c)(4)(iv)(A) of this section, and has been held for more than thirty business days.

(D) A global systemically important BHC or a Board-regulated institution that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2 must deduct according to the corresponding deduction approach the amount, measured on a gross long basis in accordance with § 217.22(h)(2), of its aggregate investment in excluded covered debt instruments that exceeds 5 percent of the Board-regulated institution's common equity tier 1 capital.

(5) *Significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock.* (i) If a Board-regulated institution has a significant investment in the capital of an unconsolidated financial institution, the Board-regulated institution must deduct from capital any such investment issued by the unconsolidated financial institution that is held by the institution other than an investment in the form of common stock by applying the corresponding deduction approach in paragraph (c)(2) of this section.[28] The deductions described in this section are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the Board, for the period of time stipulated by the Board, a Board-regulated institution that underwrites a failed underwriting is not required to deduct a significant investment in the capital of an unconsolidated financial institution or an investment in covered debt instruments pursuant to this paragraph (c) if such investment is related to such failed underwriting.

[28] With prior written approval of the Board, for the period of time stipulated by the Board, a Board-regulated institution is not required to deduct a significant investment in the capital instrument of an unconsolidated financial institution under this paragraph (c)(5) or otherwise under this section if such investment is made for the purpose of providing financial support to the financial institution as determined by the Board.

(ii) If an advanced approaches Board-regulated institution has a significant investment in the capital of an unconsolidated financial institution and has an investment in a covered debt instrument issued by the unconsolidated financial institution, the Board-regulated institution must also deduct its investment in the covered debt instrument by applying the corresponding deduction approach in paragraph (c)(2) of this section.[29] The deductions described in this section are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the Board, for the period of time stipulated by the Board, an advanced approaches Board-regulated institution that underwrites a failed underwriting is not required to deduct the investment in the covered debt instrument pursuant to this paragraph (c)(5) if such investment is related to such failed underwriting.

[29] With prior written approval of the Board, for the period of time stipulated by the Board, an advanced approaches Board-regulated institution is not required to deduct an investment in a covered debt instrument under this paragraph (c)(5) or otherwise under this section if such investment is made for the purpose of providing financial support to the financial institution as determined by the Board.

* * * * *

(f) *Insufficient amounts of a specific regulatory capital component to effect deductions.* Under the corresponding deduction approach, if a Board-regulated institution does not have a sufficient amount of a specific component of capital to effect the full amount of any deduction from capital required under paragraph (d) of this section, the Board-regulated institution must deduct the shortfall amount from the next higher (that is, more subordinated) component of regulatory capital. Any investment by an advanced approaches Board-regulated institution in a covered debt instrument must be treated as an investment in the tier 2 capital for purposes of this paragraph when applied to the capital ratio calculations in section 217.10(c).

* * * * *

(h) *Net long position.* (1) For purposes of calculating the amount of a Board-regulated institution's investment in the Board regulated institution's own capital instrument, investment in the capital of an unconsolidated financial institution, and investment in a covered debt instrument, the institution's net long position is the gross long position in the underlying instrument determined in accordance with paragraph (h)(2) of this section, as adjusted to recognize any short position by the Board-regulated institution in the same instrument subject to paragraph (h)(3) of this section.

(2) *Gross long position.* A gross long position is determined as follows:

(i) For an equity exposure that is held directly by the Board-regulated institution, the adjusted carrying value of the exposure as that term is defined in § 217.51(b);

(ii) For an exposure that is held directly and that is not an equity exposure or a securitization exposure, the exposure amount as that term is defined in § 217.2;

(iii) For each indirect exposure, the Board-regulated institution's carrying value of its investment in an investment fund or, alternatively:

(A) A Board-regulated institution may, with the prior approval of the Board, use a conservative estimate of the amount of its investment in the Board-regulated institution's own capital instruments, its indirect investment in the capital of an unconsolidated financial institution, or its indirect investment in a covered debt instrument held through a position in an index, as applicable; or

(B) A Board-regulated institution may calculate the gross long position for an indirect exposure by multiplying the Board-regulated institution's carrying value of its investment in the investment fund by either:

(*1*) The highest stated investment limit (in percent) for an investment in

the Board-regulated institution's own capital instruments, an investment in the capital of an unconsolidated financial institution, or an investment in a covered debt instrument, as applicable, as stated in the prospectus, partnership agreement, or similar contract defining permissible investments of the investment fund; or

(*2*) The investment fund's actual holdings of the investment in the Board-regulated institution's own capital instruments, investment in the capital of an unconsolidated financial institution, or investment in an covered debt instrument, as applicable; and

(iv) For a synthetic exposure, the amount of the Board-regulated institution's loss on the exposure if the reference capital instrument were to have a value of zero.

(3) *Adjustments to reflect a short position.* In order to adjust the gross long position to recognize a short position in the same instrument under paragraph (h)(1) of this section, the following criteria must be met:

(i) The maturity of the short position must match the maturity of the long position, or the short position must have a residual maturity of at least one year (maturity requirement); or

(ii) For a position that is a trading asset or trading liability (whether on- or off-balance sheet) as reported on the Board-regulated institution's Call Report, for a state member bank, or FR Y–9C, for a bank holding company, savings and loan holding company, or intermediate holding company, as applicable, if the Board-regulated institution has a contractual right or obligation to sell the long position at a specific point in time and the counterparty to the contract has an obligation to purchase the long position if the Board-regulated institution exercises its right to sell, this point in time may be treated as the maturity of the long position such that the maturity of the long position and short position are deemed to match for purposes of the maturity requirement, even if the maturity of the short position is less than one year; and

(iii) For an investment in a Board-regulated institution's own capital instrument under paragraph (c)(1) of this section, an investment in the capital of an unconsolidated financial institution under paragraphs (c)(4), (c)(5), and (d)(1)(iii) of this section, and an investment in a covered debt instrument under paragraphs (c)(1), (c)(4), and (c)(5) of this section:

(A) The Board-regulated institution may only net a short position against a long position in an investment in the Board-regulated institution's own capital instrument or own covered debt instrument under paragraph (c)(1) of this section if the short position involves no counterparty credit risk;

(B) A gross long position in an investment in the Board-regulated institution's own capital instrument, an investment in the capital of an unconsolidated financial institution, or an investment in a covered debt instrument due to a position in an index may be netted against a short position in the same index;

(C) Long and short positions in the same index without maturity dates are considered to have matching maturities; and

(D) A short position in an index that is hedging a long cash or synthetic position in an investment in the Board-regulated institution's own capital instrument, an investment in the capital instrument of an unconsolidated financial institution, or an investment in a covered debt instrument can be decomposed to provide recognition of the hedge. More specifically, the portion of the index that is composed of the same underlying instrument that is being hedged may be used to offset the long position if both the long position being hedged and the short position in the index are reported as a trading asset or trading liability (whether on- or off-balance sheet) on the Board-regulated institution's Call Report, for a state member bank, or FR Y–9C, for a bank holding company, savings and loan holding company, or intermediate holding company, as applicable, and the hedge is deemed effective by the Board-regulated institution's internal control processes, which have not been found to be inadequate by the Board.

* * * * *

12 CFR Part 324

Federal Deposit Insurance Corporation

For the reasons set out in the joint preamble, the FDIC proposes to amend 12 CFR part 324 as follows.

PART 324—CAPITAL ADEQUACY OF FDIC—SUPERVISED INSTITUTIONS

* * * * *

12 CFR Part 324 Authority and Issuance

For the reasons set out in the joint preamble, the FDIC proposes to amend 12 CFR part 324 as follows:

PART 324—CAPITAL ADEQUACY OF FDIC–SUPERVISED INSTITUTIONS

■ 1. The authority citation for part 324 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819(Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; 5371; 5412; Pub. L. 102–233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102–242, 105 Stat. 2236, 2355, as amended by Pub. L. 103–325, 108 Stat. 2160, 2233 (12 U.S.C. 1828 note); Pub. L. 102–242, 105 Stat. 2236, 2386, as amended by Pub. L. 102–550, 106 Stat. 3672, 4089 (12 U.S.C. 1828 note); Pub. L. 111–203, 124 Stat. 1376, 1887 (15 U.S.C. 78o–7 note).

■ 2. In § 324.2:

■ a. Add in alphabetical order the definitions of ''Covered debt instrument'' and ''Excluded covered debt instrument;''

■ b. Revise the definition of ''Indirect exposure'';

■ c. Add in alphabetical order the definition of ''Investment in a covered debt instrument'';

■ d. Revise the definitions of ''Investment in the capital of an unconsolidated financial institution'' and ''Synthetic exposure''.

The additions and revisions read as follows:

§ 324.2 Definitions.

* * * * *

Covered debt instrument means an unsecured debt instrument that is:

(1) Issued by a global systemically important BHC, as defined in 12 CFR 217.2, and that is an eligible debt security, as defined in 12 CFR 252.61, or that is *pari passu* or subordinated to any eligible debt security issued by the global systemically important BHC; or

(2) Issued by a Covered IHC, as defined in 12 CFR 252.161, and that is an eligible Covered IHC debt security, as defined in 12 CFR 252.161, or that is *pari passu* or subordinated to any eligible Covered IHC debt security issued by the Covered IHC; or

(3) Issued by a global systemically important banking organization, as defined in 12 CFR 252.2 other than a global systemically important BHC, as defined in 12 CFR 217.2; or issued by a subsidiary of a global systemically important banking organization that is not a global systemically important BHC, other than a Covered IHC, as defined in 12 CFR 252.161; and where,

(i) The instrument has the purpose of absorbing losses or recapitalizing the issuer or any of its subsidiaries in connection with a resolution, receivership, insolvency or similar proceeding of the issuer or any of its subsidiaries; or

(ii) The instrument is *pari passu* or subordinated to any instrument described in paragraph (3)(i) of this definition; and

(4) Provided that, for purposes of this definition, covered debt instrument

does not include a debt instrument that qualifies as tier 2 capital pursuant to 12 CFR 217.20(d) or that is otherwise treated as regulatory capital by the primary supervisor of the issuer.

* * * * *

Excluded covered debt instrument means a covered debt instrument held by an FDIC-supervised institution that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, for 30 business days or less for the purpose of short-term resale or with the intent of benefiting from actual or expected short-term price movements, or to lock in arbitrage profits.

* * * * *

Indirect exposure means an exposure that arises from the FDIC-supervised institution's investment in an investment fund which holds an investment in the FDIC-supervised institution's own capital instrument or an investment in the capital of an unconsolidated financial institution. For an advanced approaches FDIC-supervised institution, indirect exposure also includes an investment in an investment fund that holds a covered debt instrument.

* * * * *

Investment in a covered debt instrument means an FDIC-supervised institution's net long position calculated in accordance with § 324.22(h) in a covered debt instrument, including direct, indirect, and synthetic exposures to the debt instrument, excluding any underwriting positions held by the FDIC-supervised institution for five or fewer business days.

* * * * *

Investment in the capital of an unconsolidated financial institution means a net long position calculated in accordance with § 324.22(h) in an instrument that is recognized as capital for regulatory purposes by the primary supervisor of an unconsolidated regulated financial institution or an instrument that is part of the GAAP equity of an unconsolidated unregulated financial institution, including direct, indirect, and synthetic exposures to capital instruments, excluding underwriting positions held by the FDIC-supervised institution for five or fewer business days.

* * * * *

Synthetic exposure means an exposure whose value is linked to the value of an investment in the FDIC-supervised institution's own capital instrument or to the value of an investment in the capital of an unconsolidated financial institution. For an advanced approaches FDIC-supervised institution, synthetic exposure includes an exposure whose value is linked to the value of an investment in a covered debt instrument.

* * * * *

■ 3. Amend § 324.22 by re-designating footnotes 27 and 28 in paragraph (d) as footnotes 30 and 31, and revising paragraphs (c) (f), and (h) to read as follows.

§ 324.22 Regulatory capital adjustments and deductions.

* * * * *

(c) *Deductions from regulatory capital related to investments in capital instruments or covered debt instruments* [23]—(1) *Investment in the FDIC-supervised institution's own capital instruments.* An FDIC-supervised institution must deduct an investment in the FDIC-supervised institution's own capital instruments, as follows:

(i) An FDIC-supervised institution must deduct an investment in the FDIC-supervised institution's own common stock instruments from its common equity tier 1 capital elements to the extent such instruments are not excluded from regulatory capital under § 324.20(b)(1);

(ii) An FDIC-supervised institution must deduct an investment in the FDIC-supervised institution's own additional tier 1 capital instruments from its additional tier 1 capital elements; and

(iii) An FDIC-supervised institution must deduct an investment in the FDIC-supervised institution's own tier 2 capital instruments from its tier 2 capital elements.

(2) *Corresponding deduction approach.* For purposes of subpart C of this part, the corresponding deduction approach is the methodology used for the deductions from regulatory capital related to reciprocal cross holdings (as described in paragraph (c)(3) of this section), non-significant investments in the capital of unconsolidated financial institutions (as described in paragraph (c)(4) of this section), and non-common stock significant investments in the capital of unconsolidated financial institutions (as described in paragraph (c)(5) of this section). Under the corresponding deduction approach, an FDIC-supervised institution must make deductions from the component of capital for which the underlying instrument would qualify if it were issued by the FDIC-supervised institution itself, as described in paragraphs (c)(2)(i) through (iii) of this section. If the FDIC-supervised institution does not have a sufficient amount of a specific component of capital to effect the required deduction, the shortfall must be deducted according to paragraph (f) of this section.

(i) If an investment is in the form of an instrument issued by a financial institution that is not a regulated financial institution, the FDIC-supervised institution must treat the instrument as:

(A) A common equity tier 1 capital instrument if it is common stock or represents the most subordinated claim in a liquidation of the financial institution; and

(B) An additional tier 1 capital instrument if it is subordinated to all creditors of the financial institution and is senior in liquidation only to common shareholders.

(ii) If an investment is in the form of an instrument issued by a regulated financial institution and the instrument does not meet the criteria for common equity tier 1, additional tier 1 or tier 2 capital instruments under § 324.20, the FDIC-supervised institution must treat the instrument as:

(A) A common equity tier 1 capital instrument if it is common stock included in GAAP equity or represents the most subordinated claim in liquidation of the financial institution;

(B) An additional tier 1 capital instrument if it is included in GAAP equity, subordinated to all creditors of the financial institution, and senior in a receivership, insolvency, liquidation, or similar proceeding only to common shareholders;

(C) A tier 2 capital instrument if it is not included in GAAP equity but considered regulatory capital by the primary supervisor of the financial institution; and

(D) For an advanced approaches FDIC-supervised institution, a tier 2 capital instrument if it is a covered debt instrument.

(iii) If an investment is in the form of a non-qualifying capital instrument (as defined in § 324.300(c)), the FDIC-supervised institution must treat the instrument as:

(A) An additional tier 1 capital instrument if such instrument was included in the issuer's tier 1 capital prior to May 19, 2010; or

(B) A tier 2 capital instrument if such instrument was included in the issuer's tier 2 capital (but not includable in tier 1 capital) prior to May 19, 2010.

(3) *Reciprocal cross-holdings in the capital of financial institutions.* (i) An

[23] The FDIC-supervised institution must calculate amounts deducted under paragraphs (c) through (f) of this section after it calculates the amount of ALLL or AACL, as applicable, includable in tier 2 capital under § 324.20(d)(3).

FDIC-supervised institution must deduct an investment in the capital of another financial institution that the FDIC-supervised institution holds reciprocally with another financial institution, where such reciprocal cross holdings result from a formal or informal arrangement to swap, exchange, or otherwise intend to hold each other's capital instruments, by applying the corresponding deduction approach in paragraph (c)(2) of this section.

(ii) An advanced approaches FDIC-supervised institution must deduct an investment in any covered debt instrument that the institution holds reciprocally with another financial institution, where such reciprocal cross holdings result from a formal or informal arrangement to swap, exchange, or otherwise intend to hold each other's capital or covered debt instruments, by applying the corresponding deduction approach in paragraph (c)(2) of this section.

(4) *Non-significant investments in the capital of unconsolidated financial institutions.* (i) An FDIC-supervised institution that is not an advanced approaches FDIC-supervised institution must deduct its non-significant investments in the capital of unconsolidated financial institutions (as defined in § 324.2) that, in the aggregate, exceed 10 percent of the sum of the FDIC-supervised institution's common equity tier 1 capital elements minus all deductions from and adjustments to common equity tier 1 capital elements required under paragraphs (a) through (c)(3) of this section (the 10 percent threshold for non-significant investments) by applying the corresponding deduction approach in paragraph (c)(2) of this section.[24] The deductions described in this section are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the FDIC, an FDIC-supervised institution that underwrites a failed underwriting, for the period of time stipulated by the FDIC, is not required to deduct a non-significant investment in the capital of an unconsolidated financial institution.[25]

(ii) An advanced approaches FDIC-supervised institution must deduct its non-significant investments in the capital of unconsolidated financial institutions (as defined in § 324.2) that, in the aggregate and together with any investment in a covered debt instrument (as defined in § 324.2) issued by a financial institution in which the FDIC-supervised institution does not have a significant investment in the capital of the unconsolidated financial institution (as defined in § 324.2), exceeds 10 percent of the sum of the advanced approaches FDIC-supervised institution's common equity tier 1 capital elements minus all deductions from and adjustments to common equity tier 1 capital elements required under paragraphs (a) through (c)(3) of this section (the 10 percent threshold for non-significant investments) by applying the corresponding deduction approach in paragraph (c)(2) of this section.[26] The deductions described in this paragraph are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the FDIC, an advanced approaches FDIC-supervised institution that underwrites a failed underwriting, for the period of time stipulated by the FDIC, is not required to deduct from capital a non-significant investment in the capital of an unconsolidated financial institution or an investment in a covered debt instrument pursuant to this paragraph (c)(4) to the extent the investment is related to the failed underwriting.[27] For any calculation under this paragraph (c)(4)(ii), an advanced approaches FDIC-supervised institution may exclude the amount of an investment in a covered debt instrument under paragraphs (c)(4)(iv) or (c)(4)(v) of this section, as applicable.

(iii)(A) The amount to be deducted under this section from a specific capital component by an FDIC-supervised institution that is not an advanced approaches FDIC-supervised institution is equal to:

(*1*) The FDIC-supervised institution's aggregate non-significant investments in the capital of an unconsolidated financial institution exceeding the 10 percent threshold for non-significant investments, multiplied by

(*2*) The ratio of the FDIC-supervised institution's aggregate non-significant investments in the capital of unconsolidated financial institutions (in the form of such capital component) to the FDIC-supervised institution's total non-significant investments in unconsolidated financial institutions.

(B) For an advanced approaches FDIC-supervised institution, the amount to be deducted under this section from a specific capital component is equal to:

(*1*) The FDIC-supervised institution's aggregate non-significant investments in the capital of an unconsolidated financial institution and, if applicable, any investments in a covered debt instrument subject to deduction under this paragraph (c)(4), exceeding the 10 percent threshold for non-significant investments, multiplied by

(*2*) The ratio of the FDIC-supervised institution's aggregate non-significant investments in the capital of an unconsolidated financial institution (in the form of such capital component) to the FDIC-supervised institution's total non-significant investments in unconsolidated financial institutions, with an investment in a covered debt instrument being treated as tier 2 capital for this purpose.

(iv) For purposes of applying the deduction under paragraph (c)(4)(ii), an advanced approaches FDIC-supervised institution that is not a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, must only include the amount of investments in covered debt instruments issued by financial institutions in which the FDIC-supervised institution does not have a significant investment in the capital of the unconsolidated financial institutions to the extent that the FDIC-supervised institution's gross long position, in accordance with § 324.22(h)(2), in such covered debt instruments exceeds 5 percent of the common equity tier 1 capital of the FDIC-supervised institution.

(v) Prior to applying the deduction under paragraph (c)(4)(ii):

(A) An FDIC-supervised institution that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, may designate any investment in a covered debt instrument as an

[24] With the prior written approval of the FDIC, for the period of time stipulated by the FDIC, an FDIC-supervised institution is not required to deduct a non-significant investment in the captial instrument of an unconsolidated financial institution or an investment in a covered debt instrument pursuant to this paragraph if the financial institution is in distress and if such investment is made for the purpose of providing financial support to the financial institution, as determined by the FDIC.

[25] Any non-significant investments in the captial of an unconsolidated financial institution that is not required to be deducted under this paragraph (c)(4) or otherwise under this section must be assigned the appropriate risk weight under subparts D, E, or F of this part, as applicable.

[26] With the prior written approval of the FDIC, for the period of time stipulated by the FDIC, an advanced approaches FDIC-supervised institution is not required to deduct a non-significant investment in the capital instrument of an unconsolidated financial institution or an investment in a covered debt instrument pursuant to this paragraph if the financial institution is in distress and if such investment is made for the purpose of providing financial support to the financial institution, as determined by the FDIC.

[27] Any non-significant investment in the capital of an unconsolidated financial institution or any investment in a covered debt instrument that is not required to be deducted under this paragraph (c)(4) or otherwise under this section must be assigned the appropriate risk weight under subparts D, E, or F of this part, as applicable.

excluded covered debt instrument, as defined in § 324.2.

(B) An FDIC-supervised institution that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, must deduct according to the corresponding deduction approach the amount of any investment in a covered debt instrument that was originally designated as an excluded covered debt instrument, in accordance with paragraph (c)(4)(iv)(A) of this section, but is no longer held for the purpose of short-term resale or with the intent of benefiting from actual or expected short-term price movements, or to lock in arbitrage profits.

(C) An FDIC-supervised institution that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, must deduct according to the corresponding deduction approach the amount of any investment in a covered debt instrument that was originally designated as an excluded covered debt instrument, in accordance with paragraph (c)(4)(iv)(A) above, and has been held for more than thirty business days.

(D) An FDIC-supervised institution that is a subsidiary of a global systemically important banking organization, as defined in 12 CFR 252.2, must deduct according to the corresponding deduction approach the amount, measured on a gross long basis in accordance with § 324.22(h)(2), of its aggregate investment in excluded covered debt instruments that exceeds 5 percent of the FDIC-supervised institution's common equity tier 1 capital.

(5) *Significant investments in the capital of unconsolidated financial institutions that are not in the form of common stock.* (i) If an FDIC-supervised institution has a significant investment in the capital of an unconsolidated financial institution, the FDIC-supervised institution must deduct from capital any such investment issued by the unconsolidated financial institution that is held by the institution other than an investment in the form of common stock by applying the corresponding deduction approach in paragraph (c)(2) of this section.[28] The deductions described in this section are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the FDIC, for the period of time stipulated by the FDIC, an FDIC-supervised institution that underwrites a failed underwriting is not required to deduct a significant investment in the capital of an unconsolidated financial institution or an investment in covered debt instruments pursuant to this paragraph (c) if such investment is related to such failed underwriting.

(ii) If an advanced approaches FDIC-supervised institution has a significant investment in the capital of an unconsolidated financial institution and has an investment in a covered debt instrument issued by the unconsolidated financial institution, the FDIC-supervised institution must also deduct its investment in the covered debt instrument by applying the corresponding deduction approach in paragraph (c)(2) of this section.[29] The deductions described in this section are net of associated DTLs in accordance with paragraph (e) of this section. In addition, with the prior written approval of the FDIC, for the period of time stipulated by the FDIC, an advanced approaches FDIC-supervised institution that underwrites a failed underwriting is not required to deduct the investment in the covered debt instrument pursuant to this paragraph (c)(5) if such investment is related to such failed underwriting.

* * * * *

(f) *Insufficient amounts of a specific regulatory capital component to effect deductions.* Under the corresponding deduction approach, if an FDIC-supervised institution does not have a sufficient amount of a specific component of capital to effect the full amount of any deduction from capital required under paragraph (d) of this section, the FDIC-supervised institution must deduct the shortfall amount from the next higher (that is, more subordinated) component of regulatory capital. Any investment by an advanced approaches FDIC-supervised institution in a covered debt instrument must be treated as an investment in the tier 2 capital for purposes of this paragraph when applied to the capital ratio calculations in section 324.10(c).

* * * * *

(h) *Net long position.* (1) For purposes of calculating the amount of an FDIC-supervised institution's investment in the FDIC-supervised institution's own capital instrument, investment in the capital of an unconsolidated financial institution, and investment in a covered debt instrument, the institution's net long position is the gross long position in the underlying instrument determined in accordance with paragraph (h)(2) of this section, as adjusted to recognize any short position by the FDIC-supervised institution in the same instrument subject to paragraph (h)(3) of this section.

(2) *Gross long position.* A gross long position is determined as follows:

(i) For an equity exposure that is held directly by the FDIC-supervised institution, the adjusted carrying value of the exposure as that term is defined in § 324.51(b);

(ii) For an exposure that is held directly and that is not an equity exposure or a securitization exposure, the exposure amount as that term is defined in § 324.2;

(iii) For each indirect exposure, the FDIC-supervised institution's carrying value of its investment in an investment fund or, alternatively:

(A) An FDIC-supervised institution may, with the prior approval of the FDIC, use a conservative estimate of the amount of its investment in the FDIC-supervised institution's own capital instruments, its indirect investment in the capital of an unconsolidated financial institution, or its indirect investment in a covered debt instrument held through a position in an index, as applicable; or

(B) An FDIC-supervised institution may calculate the gross long position for an indirect exposure by multiplying the FDIC-supervised institution's carrying value of its investment in the investment fund by either:

(*1*) The highest stated investment limit (in percent) for an investment in the FDIC-supervised institution's own capital instruments, an investment in the capital of an unconsolidated financial institution, or an investment in a covered debt instrument, as applicable, as stated in the prospectus, partnership agreement, or similar contract defining permissible investments of the investment fund; or

(*2*) The investment fund's actual holdings of the investment in the FDIC-supervised institution's own capital instruments, investment in the capital of an unconsolidated financial institution, or investment in an covered debt instrument, as applicable; and

(iv) For a synthetic exposure, the amount of the FDIC-supervised

[28] With prior written approval of the FDIC, for the period of time stipulated by the FDIC, and FDIC-supervised institution is not required to deduct a significant investment in the capital instrument of an unconsolidated financial institution under this paragraph (c)(5) or otherwise under this ssection if such investment is made for the purpose of providing financial support to the financial institution as determined by the FDIC.

[29] With prior written approval of the FDIC, for the period of time stipulated by the FDIC, an advanced approaches FDIC-supervised institution is not required to deduct an investment in a covered debt instrument under this paragraph (c)(5) or otherwise under this section if such investment is made for the purpose of providing financial support to the financial institution as determined by the FDIC.

institution's loss on the exposure if the reference capital instrument were to have a value of zero.

(3) *Adjustments to reflect a short position.* In order to adjust the gross long position to recognize a short position in the same instrument under paragraph (h)(1) of this section, the following criteria must be met:

(i) The maturity of the short position must match the maturity of the long position, or the short position must have a residual maturity of at least one year (maturity requirement); or

(ii) For a position that is a trading asset or trading liability (whether on- or off-balance sheet) as reported on the FDIC-supervised institution's Call Report, if the FDIC-supervised institution has a contractual right or obligation to sell the long position at a specific point in time and the counterparty to the contract has an obligation to purchase the long position if the FDIC-supervised institution exercises its right to sell, this point in time may be treated as the maturity of the long position such that the maturity of the long position and short position are deemed to match for purposes of the maturity requirement, even if the maturity of the short position is less than one year; and

(iii) For an investment in an FDIC-supervised institution's own capital instrument under paragraph (c)(1) of this section, an investment in the capital of an unconsolidated financial institution under paragraphs (c)(4), (c)(5), and (d)(1)(iii) of this section, and an investment in a covered debt instrument under paragraphs (c)(4) and (c)(5) of this section:

(A) The FDIC-supervised institution may only net a short position against a long position in an investment in the FDIC-supervised institution's own capital instrument under paragraph (c)(1) of this section if the short position involves no counterparty credit risk;

(B) A gross long position in an investment in the FDIC-supervised institution's own capital instrument, an investment in the capital of an unconsolidated financial institution, or an investment in a covered debt instrument due to a position in an index may be netted against a short position in the same index;

(C) Long and short positions in the same index without maturity dates are considered to have matching maturities; and

(D) A short position in an index that is hedging a long cash or synthetic position in an investment in the FDIC-supervised institution's own capital instrument, an investment in the capital instrument of an unconsolidated financial institution, or an investment in a covered debt instrument can be decomposed to provide recognition of the hedge. More specifically, the portion of the index that is composed of the same underlying instrument that is being hedged may be used to offset the long position if both the long position being hedged and the short position in the index are reported as a trading asset or trading liability (whether on- or off-balance sheet) on the FDIC-supervised institution's Call Report, and the hedge is deemed effective by the FDIC-supervised institution's internal control processes, which have not been found to be inadequate by the FDIC.

* * * * *

Dated: September 11, 2018.

Joseph M. Otting,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, March 22, 2019.

Ann E. Misback,

Secretary of the Board.

Dated at Washington, DC on September 19, 2018.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2019–06344 Filed 4–5–19; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0772; Notice No. 25–19–01–SC]

Special Conditions: Embraer EMB–550 Airplane; Flight Envelope Protection: Normal Load Factor (g) Limiting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes an amendment to special conditions for the Embraer EMB–550 airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is associated with an electronic flight control system that prevents the pilot from inadvertently or intentionally exceeding the positive or negative airplane limit load factor. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before April 29, 2019.

ADDRESSES: Send comments identified by Docket No. FAA–2013–0772 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC, 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

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 Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, Airplane & Flight Crew Interface Section, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3158; email *joe.jacobsen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On August 9, 2016, Embraer applied for a change to Type Certificate No. TC00062IB to include additional flexibility to the normal load factor limit on the Model EMB–550 airplane, by amending the existing Model EMB–550 Special Conditions No. 25–520–SC as a result of harmonization efforts in the Flight Test Harmonization Working Group (FTHWG). The Embraer EMB–550 airplane, currently approved under Type Certificate No. TC00062IB, is a twin-engine, transport category airplane with a maximum takeoff weight of 42,857 pounds. The EMB–550 has a maximum seating capacity of 12 passengers.

The Model EMB–550 flight control system design incorporates normal load factor limiting on a full-time basis that will prevent the pilot from inadvertently or intentionally exceeding the positive or negative airplane limit load factor. This feature is considered novel and unusual in that the current regulations do not provide standards for maneuverability and controllability evaluations for such systems.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Embraer must show that the EMB–550 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. TC00062IB or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Embraer EMB–550 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Embraer EMB–550 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Embraer EMB–550 airplane will incorporate the following novel or unusual design features:

The Model EMB–550 flight control system design incorporates normal load factor limiting on a full-time basis that will prevent the pilot from inadvertently or intentionally exceeding the positive or negative airplane limit load factor. This feature is considered novel and unusual in that the current regulations do not provide standards for maneuverability and controllability evaluations for such systems.

Discussion

The normal load factor limit on the Model EMB–550 is unique in that traditional airplanes with conventional flight control systems (mechanical linkages) are limited in the pitch axis only by the elevator surface area and deflection limit. The elevator control power is normally derived for adequate controllability and the maneuverability at the most critical longitudinal pitching moment. The result is that traditional airplanes have a significant portion of the flight envelope where maneuverability in excess of limit structural design values is possible. The Model EMB–550 because of the normal load factor limit does not have this excess maneuverability.

Title 14, Code of Federal Regulations (14 CFR) part 25 does not specify requirements for demonstrating maneuver control that impose any handling qualities requirements beyond the design limit structural loads. Nevertheless, some pilots are accustomed to the availability of this excess maneuver capacity in case of extreme emergency such as upset recoveries or collision avoidance.

As a result of harmonization efforts with other civil aviation authorities through the Flight Test Harmonization Working Group (FTHWG), the FAA is including additional flexibility in maneuverability limits by amending the existing Model EMB–550 Special Conditions No. 25–520–SC. This additional flexibility allows for reduced maneuverability limits beyond Vmo/Mmo. The existing special conditions are otherwise unchanged.

The proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Embraer EMB–550 airplane. Should Embraer apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Certification of the Embraer EMB–550 airplane is currently scheduled for April 2019. The substance of these special conditions has been subject to the notice and public comment procedure in several prior instances. Therefore, because a delay would significantly affect the applicant's installation of the system and the certification of the airplane, we are shortening the public comment period to 20 days.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Embraer EMB–550 airplanes.

Flight Envelope Protection: Normal Load Factor (g) Limiting

1. To meet the intent of adequate maneuverability and controllability required

by § 25.143(a), and in addition to the requirements of § 25.143(a) and in the absence of other limiting factors, the following special conditions are proposed based on § 25.333(b):

a. The positive limiting load factor must not be less than:

(1) 2.5g for the normal state of the electronic flight control system with the high lift devices retracted up to Vmo/Mmo. The positive limiting load factor may be gradually reduced down to 2.25g above Vmo/Mmo.

(2) 2.0g for the normal state of the electronic flight control system with the high lift devices extended.

b. The negative limiting load factor must be equal to or more negative than:

(1) Minus 1.0g for the normal state of the electronic flight control system with the high lift devices retracted.

(2) 0.0g for the normal state of the electronic flight control system with high lift devices extended.

c. Maximum reachable positive load factor wings level may be limited by the characteristics of the electronic flight control system or flight envelope protections (other than load factor protection) provided that:

(1) The required values are readily achievable in turns, and

(2) Wings level pitch up responsiveness is satisfactory.

d. Maximum achievable negative load factor may be limited by the characteristics of the electronic flight control system or flight envelope protections (other than load factor protection) provided that:

(1) Pitch down responsiveness is satisfactory, and

(2) From level flight, 0g is readily achievable or alternatively, a satisfactory trajectory change is readily achievable at operational speeds. For the FAA to consider a trajectory change as satisfactory, the applicant should propose and justify a pitch rate that provides sufficient maneuvering capability in the most critical scenarios.

e. Compliance demonstration with the above requirements may be performed without ice accretion on the airframe.

f. These special conditions do not impose an upper bound for the normal load factor limit, nor does it require that the limiter exist. If the limit is set at a value beyond the structural design limit maneuvering load factor ''n'' of §§ 25.333(b), 25.337(b) and 25.337(c), there should be a very obvious positive tactile feel built into the controller so that it serves as a deterrent to inadvertently exceeding the structural limit.

Issued in Des Moines, Washington.

Suzanne Masterson,

Acting Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2019–06647 Filed 4–5–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0188; Product Identifier 2018–NM–174–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes. This AD was prompted by reports of uncommanded movement of the Captain's and First Officer's seats. This proposed AD would require, for the Captain's and First Officer's seats, repetitive horizontal actuator identifications, repetitive checks of the horizontal movement system (HMS), a detailed inspection of the HMS for certain airplanes, and applicable on-condition actions. This proposed AD would also require an inspection to determine the part number and, if applicable, the serial number of the Captain's and First Officer's seats and applicable on-condition actions. This proposed AD would also provide an optional terminating action for the repetitive checks of the HMS for certain airplanes. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by May 23, 2019.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.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–2019–0188.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0188; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3569; email: *Brandon.Lucero@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0188; Product Identifier 2018–NM–174–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We have received reports of uncommanded movement of the Captain's and First Officer's seats. An operator reported that during a takeoff, the First Officer's seat unlocked from its

seat tracks and moved aft. The First Officer was unable to control the airplane and the Captain took over the controls to avoid a rejected takeoff. The unlocking of the seat from the seat tracks was caused by actuator damage, which was a result of incorrect adjustment of the seat's manual release lever cable, which allowed the clutch mechanism to only partially engage.

In addition, one operator reported that the Captain's seat could not be locked in position after the horizontal position of the seat was adjusted in flight. The seat became unlocked from the track and moved freely forward and aft. Control was given to the First Officer for approach and landing. An inspection found that the horizontal actuator output shaft had broken. When a horizontal actuator output shaft breaks, the pilot cannot prevent seat movement in a forward and aft direction and cannot lock the seat in position. A broken horizontal actuator output shaft is the result of high loads that exceed the design limits that are caused by a stalled motor that can occur due to high mechanical resistance to motion during powered operation of the seat. Foreign object debris (FOD) in the seat tracks is another condition that can result in a stalled motor and cause the horizontal actuator output shaft to break.

This condition, if not addressed, could result in uncommanded movement of the Captain's or First Officer's seat during a critical part of a flight, such as takeoff or landing, and could cause a flight control obstruction or unintended flight control input, which could lead to reduced controllability of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Special Attention Service Bulletin 747–25–3644, Revision 1, dated July 17, 2018. This service information describes procedures for an inspection to determine the part number, and, if applicable, the serial number of the Captain's and First Officer's seats and applicable on-condition actions. On-condition actions include an inspection of each seat's fore/aft and vertical manual control levers for looseness; moving the adjustment nut, tightening the lock nut, readjusting the control lever, and doing a functional test; and installing a serviceable seat.

We also reviewed Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018. This service information describes procedures for repetitive horizontal actuator identifications, repetitive checks of the HMS, a detailed inspection of the HMS, and applicable on-condition actions. On-condition actions include clearing the seat tracks of FOD, an overhaul of the HMS, and checks of the HMS. The service information also describes procedures for an optional terminating action for the repetitive checks by installing a serviceable Captain's or First Officer's seat.

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

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3644, Revision 1, dated July 17, 2018, described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information,'' and except for any differences identified as exceptions in the regulatory text of this proposed AD.

This proposed AD would also require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, described previously except as discussed under ''Differences Between this Proposed AD and the Service Information,'' and except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0188.

Differences Between This Proposed AD and the Service Information

Where Boeing Special Attention Service Bulletin 747–25–3644, Revision 1, dated July 17, 2018, specifies to do the actions within 72 months after the original issue date of the service bulletin, this proposed AD would require accomplishment of those actions within 36 months after the effective date of this AD. The 36-month compliance time corresponds with the compliance time in Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018. We have determined a 36-month compliance time is appropriate for doing the actions specified in this proposed AD. We have coordinated this difference with Boeing.

The effectivity of Boeing Special Attention Service Bulletin 747–25–3644, Revision 1, dated July 17, 2018; and Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, is limited to The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes equipped with Ipeco part number series 3A090 and 3A258 Captain's and First Officer's powered seats, line number 699 and on. However, the applicability of this proposed AD includes all The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747–8F, and 747–8 series airplanes. Because the affected parts are rotable parts, we have determined that these parts could later be installed on airplanes that were initially delivered with acceptable parts, thereby subjecting those airplanes to the unsafe condition. This difference has been coordinated with Boeing.

Costs of Compliance

We estimate that this proposed AD affects 95 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Seat identification (part and serial number).	1 work-hour × $85 per hour = $85	$0	$85	$8,075 per seat.
Detailed inspection, horizontal movement system.	1 work-hour × $85 per hour = $85, per seat.	0	$85 per seat	$8,075 per seat.
Checks, horizontal movement system	2 work-hour × $85 per hour = $170 per seat, per check cycle.	0	$170 per seat, per check cycle.	$16,150 per seat, per check cycle.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Action	Labor cost	Parts cost	Cost per product
Overhaul or replacement, horizontal movement system.	Up to 15 work-hours × $85 per hour = $1,275, per seat.	Up to $6,400 per seat	Up to $7,675 per seat.
Inspection of each seat's fore/aft and vertical manual control levers.	1 work-hour × $85 per hour = $85, per seat.	0	$85 per seat.
Installation of serviceable seats	1 work-hour × $85 per hour = $85, per seat.	0	$85 per seat.
Clearing FOD	1 work-hour × $85 per hour = $85, per seat.	0	$85 per seat.
Functional test, adjusted control lever cable.	1 work-hour × $85 per hour = $85, per seat.	0	$85, per seat.

* The estimated cost for tooling to align an affected seat for adjustment of the control lever cable is up to $46,064.

We have received no definitive data that would enable us to provide cost estimates for the optional terminating action for the on-condition repetitive checks specified in this proposed AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2019–0188; Product Identifier 2018–NM–174–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by May 23, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–

400F, 747–8F, and 747–8 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports of uncommanded movement of the Captain's and First Officer's seats. We are issuing this AD to address uncommanded movement of the Captain's and First Officer's seats. An uncommanded seat movement during a critical part of a flight, such as takeoff or landing, could cause a flight control obstruction or unintended flight control input, which could lead to reduced controllability of the airplane.

(f) Compliance

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

(g) Horizontal Actuator Identification, Detailed Inspection, and Repetitive Checks of Horizontal Movement System and On-Condition Actions

Except as specified in paragraph (i) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018.

(h) Seat Identification and On-Condition Actions

Within 36 months after the effective date of this AD, do an inspection of the nameplate on the Captain's and First Officer's seats for the part number, and serial number as applicable, and do all applicable on-condition actions in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3644, Revision 1, dated July 17, 2018. A review of the airplane maintenance records may be used for the seat inspection if the part number and serial number can be conclusively determined from that review.

(i) Exceptions to Service Information Specifications

For purposes of determining compliance with the requirements of this AD: Where Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(j) Terminating Action for Repetitive Inspections

Installation of a serviceable Captain's or First Officer's seat as specified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–25–3653, Revision 1, dated October 19, 2018, terminates the repetitive inspections required by paragraph (g) of this AD, for that seat only.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (i) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(4)(i) and (k)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

(1) For more information about this AD, contact Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3569; email: *Brandon.Lucero@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on April 1, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–06792 Filed 4–5–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0193; Product Identifier 2018–NM–159–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2018–22–13, which applies to certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2018–22–13 requires revising the airplane flight manual (AFM) to provide the flightcrew with updated procedures related to inboard aileron fault operations. Since we issued AD 2018–22–13, we have determined that additional actions are necessary to address the unsafe condition and that additional airplanes are subject to the unsafe condition. This proposed AD would also require modifying the electronic centralized aircraft monitoring (ECAM) procedures by installing an Airbus Temporary Quick Change (ATQC) and activating an ECAM temporary change (ETC). We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by May 23, 2019.

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

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

For service information identified in this NPRM, contact Airbus SAS,

Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@airbus.com;* internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0193; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0193; Product Identifier 2018–NM–159–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

We issued AD 2018–22–13, Amendment 39–19486 (83 FR 55617, November 7, 2018) (''AD 2018–22–13''), for certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2018–22–13 requires revising the AFM to provide the flightcrew with updated procedures related to inboard aileron fault operations. AD 2018–22–13 was prompted by a technical issue detected on the inboard aileron electro-hydrostatic actuators that caused potential erroneous monitoring of those actuators. We issued AD 2018–22–13 to address possible in-flight loss of inboard aileron control, consequent increased fuel consumption due to the resulting drag, and reduced control or performance of the airplane if one engine is also inoperative.

Actions Since AD 2018–22–13 Was Issued

When we issued AD 2018–22–13, we stated that it was an interim action and we were considering additional rulemaking to require installing two different ATQCs to modify the ECAM procedures. We have determined that requiring those additional actions is necessary to address the identified unsafe condition. In addition, the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, revised EASA AD 2018–0213, dated October 1, 2018 (which corresponds to AD 2018–22–13). The EASA AD revision added airplanes to the applicability. Although none of those additional airplanes are currently on the U.S. registry, they might be added in the future, and we have included them in the applicability of this proposed AD.

EASA has issued EASA AD 2018–0213R1, dated November 9, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A350–941 and –1041 airplanes. The MCAI states:

> A technical issue was detected on the inboard aileron electro-hydrostatic actuators, causing potential erroneous monitoring of those actuators. Consequently, in-flight loss of inboard aileron control may occur, which, due to the resulting drag, would lead to increased fuel consumption.
>
> This condition, if not corrected, and if combined with one engine inoperative, could result in reduced control or performance of the aeroplane.
>
> To address this potential unsafe condition, Airbus issued the AFM [airplane flight manual] TR [temporary revision] and Flight Operations Transmission (FOT) 999.0062/18, informing operators that Airbus provides two different Airbus Temporary Quick Changes (ATQC) to the Electronic Centralized Aircraft Monitoring (ECAM), depending on the installed FWS [flight warning system] standard, either STD [standard] S4/2.0 or STD S5/2.2, as applicable, and issued the applicable SB [service bulletin] accordingly, providing modification instructions.
>
> For the reasons described above, this [EASA] AD requires amendment of the applicable AFM and installation of ATQC V4, followed by ECAM Temporary Change (ETC) activation, to update the procedures related to inboard aileron fault operations. This AD is considered to be an interim action and further AD action may follow.
>
> This [EASA] AD is revised to amend the Applicability and correct some additional (minor) errors.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0193.

Related Service Information Under 1 CFR Part 51

Airbus issued Airbus A350 Temporary Revision (TR) 113, Issue 1.0, dated August 17, 2018, which provides updated procedures related to inboard aileron fault operations.

Airbus also issued the following service information:

Service Bulletin A350–31–P028, dated September 17, 2018, describes procedures for installing ATQC standard V4 for FWS standard S4/2.0.

Service Bulletin A350–31–P029, dated September 17, 2018, describes procedures for installing ATQC standard V4 for FWS standard S5/2.2.

Service Bulletin A350–31–P030, dated September 17, 2018, describes procedures for activating ECAM temporary change code No. 27AF.

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

FAA's Determination

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

Proposed Requirements of This NPRM

This proposed AD would retain all requirements of AD 2018–22–13 and require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 11 airplanes of U.S. registry. We

estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2018–22–13	1 work-hour × $85 per hour = $85	$0	$85	$935
New proposed actions	4 work-hours × $85 per hour = $340	0	340	3,740

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2018–22–13, Amendment 39–19486 (83 FR 55617, November 7, 2018), and adding the following new AD:

Airbus SAS: Docket No. FAA–2019–0193; Product Identifier 2018–NM–159–AD.

(a) Comments Due Date

We must receive comments by May 23, 2019.

(b) Affected ADs

This AD replaces AD 2018–22–13, Amendment 39–19486 (83 FR 55617, November 7, 2018) (''AD 2018–22–13'').

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, except those on which Airbus modifications 113758 and 113759 have been embodied in production.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by a technical issue detected on the inboard aileron electro-hydrostatic actuators that caused potential erroneous monitoring of those actuators. We are issuing this AD to address possible in-flight loss of inboard aileron control, consequent increased fuel consumption due to the resulting drag, and reduced control or performance of the airplane if one engine is also inoperative.

(f) Compliance

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

(g) Retained Revision of Airplane Flight Manual (AFM), With Revised Compliance Language

This paragraph restates the requirements of paragraph (g) of AD 2018–22–13, with revised compliance language. At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, revise the Abnormal Procedures section of the AFM to include the information in Airbus A350 Temporary Revision (TR) 113, Issue 1.0, dated August 17, 2018, which introduces updated procedures related to inboard aileron fault operations. This may be done by inserting a copy of TR 113, Issue 1.0, dated August 17, 2018, into the AFM. When TR 113, Issue 1.0, dated August 17, 2018, has been included in general revisions of the AFM, the general revisions may be inserted into the AFM, provided the relevant information in the general revisions is identical to that in TR 113, Issue 1.0, dated August 17, 2018, and the TR may be removed. Operate the airplane according to the procedures in TR 113, Issue 1.0, dated August 17, 2018. In case any discrepancy is identified between procedures displayed on the electronic centralized aircraft monitoring (ECAM) and procedures stated in the applicable AFM, the AFM procedures prevail.

(1) For airplanes modified by Airbus modifications 113758 and 113760: Within 30 days after the effective date of this AD

(2) For airplanes not identified in paragraph (g)(1) of this AD: Within 30 days after November 23, 2018 (the effective date of AD 2018–22–13).

(h) New Requirement of This AD: Modification

Within 6 months after the effective date of this AD, do the actions specified in paragraphs (h)(1) and (h)(2) of this AD.

(1) Install the Airbus Temporary Quick Change (ATQC) as specified in paragraph (h)(1)(i) or (h)(1)(ii) of this AD, as applicable.

(i) For airplanes with flight warning system (FWS) standard S4/2.0: Install ATQC standard V4 for FWS standard S4/2.0, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A350–31–P028, dated September 17, 2018.

(ii) For airplanes with FWS standard S5/2.2: Install ATQC standard V4 for FWS standard S5/2.2, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A350–31–P029, dated September 17, 2018.

(2) Activate ECAM temporary change code No. 27AF, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A350–31–P030, dated September 17, 2018.

(i) Other FAA AD Provisions

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

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

(ii) AMOCs approved previously for AD 2018–22–13 are approved as AMOCs for the corresponding provisions of this AD.

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0213R1, dated November 9, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0193.

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

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on April 1, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–06793 Filed 4–5–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2019–0241; Airspace Docket No. 18–AEA–18]

RIN 2120–AA66

Proposed Amendment of VOR Federal Airways V–260 and V–290; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify VHF Omni-Directional Range (VOR) Federal airways V–260 and V–290, in the eastern United States. The modifications are needed due to the planned decommissioning of the Rainelle, WV, VOR that provides navigation guidance for portions of the routes.

DATES: Comments must be received on or before May 23, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527 or (202) 366–9826. You must identify FAA Docket No. FAA–2019–0241; Airspace Docket No. 18–AEA–18 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the VOR Federal airway structure in the eastern United States to maintain the efficient flow of air traffic.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic,

environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2019–0241; Airspace Docket No. 18–AEA–18 and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2019–0241; Airspace Docket No. 18–AEA–18''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA, 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this proposed rule. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to amend VOR Federal airways V–260 and V–290 to remove segments linked to the Rainelle, WV, VOR, which is planned to be decommissioned. The proposed route changes are described below.

V–260: V–260 currently extends between the Charleston, WV, VOR/DME, and the Cofield, NC, VORTAC. The proposed change would remove the segments between the Charleston, WV, VOR/DME, and the Roanoke, VA, VOR/DME. The amended route would extend between the Roanoke, VA, VOR/DME and the Cofield, NC, VORTAC as currently charted.

V–290: V–290 currently consists of two parts. The first part extends between the Rainelle, WV, VOR, and the Flat Rock, VA, VORTAC. Then there is a gap in the route followed by the second part that extends between the Tar River, NC, VORTAC, and the intersection of radials from the Tar River, NC, VORTAC and the New Bern, NC, VOR/DME (depicted on aeronautical charts as the PUNGO, NC, navigation fix). At the PUNGO fix, V–290 joins existing area navigation route T–243. The proposed change would remove the portion of V–290 between the Rainelle, WV, VOR, and the Montebello, VA, VOR/DME. The amended route would therefore extend, in two parts, between the Montebello, VA, VOR/DME, and the Flat Rock, VA, VORTAC; and between the Tar River, NC, VORTAC, and the intersection of radials from the Tar River VORTAC and the New Bern VOR/DME, as currently charted.

The full amended route descriptions are listed in the ''The Proposed Amendment'' section, below.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document would be subsequently published in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–260 [Amended]

From Roanoke, VA; Lynchburg, VA; Flat Rock, VA; Richmond, VA; Hopewell, VA; Franklin, VA; to Cofield, NC.

V–290 [Amended]

From Montebello, VA; to Flat Rock, VA.
From Tar River, NC; to INT Tar River 109° radial and New Bern, NC, 042° radial

* * * * *

Issued in Washington, DC, on April 1, 2019.

Scott M. Rosenbloom,

Acting Manager, Airspace Policy Group.

[FR Doc. 2019–06752 Filed 4–5–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–446]

Schedules of Controlled Substances: Placement of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes placing methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate [5F–ADB; 5F–MDMB–PINACA]; methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate [5F–AMB]; *N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide [5F–APINACA, 5F–AKB48]; *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide [ADB–FUBINACA]; methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate [MDMB–CHMICA, MMB–CHMINACA] and methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate [MDMB–FUBINACA], including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in schedule I of the Controlled Substances Act. If finalized, this action would make permanent the existing regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA.

DATES: Comments must be submitted electronically or postmarked on or before May 8, 2019.

Interested persons may file a request for hearing or waiver of hearing pursuant to 21 CFR 1308.44 and in accordance with 21 CFR 1316.45 and/or 1316.47, as applicable. Requests for hearing and waivers of an opportunity for a hearing or to participate in a hearing must be received on or before May 8, 2019.

ADDRESSES: Interested persons may file written comments on this proposal in accordance with 21 CFR 1308.43(g). Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period. To ensure proper handling of comments, please reference ''Docket No. DEA–446'' on all electronic and written correspondence, including any attachments.

- *Electronic comments:* The Drug Enforcement Administration encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.
- *Paper comments:* Paper comments that duplicate the electronic submission are not necessary. Should you wish to mail a paper comment, *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.
- *Hearing requests:* All requests for a hearing and waivers of participation must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing and waivers of participation should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Lynnette M. Wingert, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at *http://www.regulations.gov*. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. The Freedom of Information Act (FOIA) applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment.

Comments containing personal identifying information or confidential business information identified as directed above will be made publicly available in redacted form. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document and supplemental information to this proposed rule are available at *http://www.regulations.gov* for easy reference.

Request for Hearing, or Waiver of Participation in Hearing

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking ''on the record after opportunity for a hearing.'' Such proceedings are conducted

pursuant to the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 551–559. 21 CFR 1308.41–1308.45; 21 CFR part 1316, subpart D. Interested persons may file requests for a hearing or notices of intent to participate in a hearing in conformity with the requirements of 21 CFR 1308.44(a) or (b), and include a statement of interest in the proceeding and the objections or issues, if any, concerning which the person desires to be heard. Any interested person may file a waiver of an opportunity for a hearing or to participate in a hearing together with a written statement regarding the interested person's position on the matters of fact and law involved in any hearing as set forth in 21 CFR 1308.44(c).

All requests for hearing and waivers of participation must be sent to the DEA using the address information provided above.

Legal Authority

The Controlled Substances Act (CSA) provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (1) on his own motion; (2) at the request of the Secretary of the Department of Health and Human Services (HHS);[1] or (3) on the petition of any interested party. 21 U.S.C. 811(a). This proposed action is supported by a recommendation from the Assistant Secretary for Health of the HHS (Assistant Secretary) and an evaluation of all other relevant data by the DEA. If finalized, this action would make permanent the existing temporary regulatory controls and administrative, civil, and criminal sanctions of schedule I controlled substances on any person who handles or proposes to handle 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA.

Background

On April 10, 2017, the DEA published an order in the **Federal Register** amending 21 CFR 1308.11(h) to temporarily place the six synthetic cannabinoids (SCs) methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3, 3-dimethylbutanoate [5F–ADB; 5F–MDMB–PINACA]; methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate [5F–AMB]; *N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide [5F–APINACA, 5F–AKB48]; *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide [ADB–FUBINACA]; methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate [MDMB–CHMICA, MMB–CHMINACA] and methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate [MDMB–FUBINACA], in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). 82 FR 17119. That temporary scheduling order was effective on the date of publication, and was based on findings by the Acting Administrator of the DEA (Acting Administrator) that the temporary scheduling of these six synthetic cannabinoids (SC) was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). Section 201(h)(2) of the CSA, 21 U.S.C. 811(h)(2), requires that the temporary control of these substances expire two years from the effective date of the scheduling order, which was April 10, 2017. However, the CSA also provides that during the pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to the substance, the temporary scheduling of that substance could be extended for up to one year. Proceedings for the scheduling of a substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of the DEA pursuant to 28 CFR 0.100) on his own motion, at the request of the Secretary of HHS,[2] or on the petition of any interested party. An extension of the existing temporary order is being ordered by the Acting Administrator in a separate action, and is published elsewhere in this issue of the **Federal Register**.

The Acting Administrator, on his own motion pursuant to 21 U.S.C. 811(a), is initiating proceedings under 21 U.S.C. 811(a)(1) to permanently schedule 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA. The DEA has gathered and reviewed the available information regarding the pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and the relative potential for abuse for these six SCs. On September 27, 2017, the Acting Administrator submitted a request to the Acting Assistant Secretary to provide the DEA with a scientific and medical evaluation of available information and a scheduling recommendation for 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA, and in accordance with 21 U.S.C. 811(b) and (c). On March 21, 2019, the Assistant Secretary submitted HHS's scientific and medical evaluation for these six substances to the Acting Administrator. Upon receipt of the scientific and medical evaluation and scheduling recommendation from the HHS, the DEA reviewed the documents and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA in accordance with 21 U.S.C. 811(c).

Proposed Determination to Schedule 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA

As discussed in the background section, the Acting Administrator is initiating proceedings, pursuant to 21 U.S.C. 811(a)(1), to add 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA permanently to schedule I of the CSA. The DEA has reviewed the scientific and medical evaluation and scheduling recommendations, received from HHS, and all other relevant data, and conducted its own eight-factor analysis of the abuse potential of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA pursuant to 21 U.S.C. 811(c). Included below is a brief summary of each factor as analyzed by the HHS and the DEA, and as considered by the DEA in its proposed scheduling action. Please note that both the DEA 8-Factor and HHS 8-Factor analyses and the Assistant Secretary's March 21, 2019, letter, are available in their entirety under the tab ''Supporting Documents'' of the public docket of this action at *http://www.regulations.gov,* under Docket Number ''DEA–446.''

1. *The Drug's Actual or Relative Potential for Abuse:* The term ''abuse'' is not defined in the CSA. However, the legislative history of the CSA suggests that the DEA consider the following criteria in determining whether a

[1] As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

[2] Because the Secretary of HHS has delegated to the Assistant Secretary the authority to make domestic drug scheduling recommendations, for purposes of this proposed scheduling action, all subsequent references to ''Secretary'' have been replaced with ''Assistant Secretary.''

particular drug or substance has a potential for abuse [3]:

(a) There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or

(b) There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or

(c) Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; or

(d) *The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.*

HHS noted that people are taking 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and/or MDMB–FUBINACA in sufficient amounts to create a health hazard. Adverse effects observed following the ingestion of synthetic cannabinoids, including 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA, include nausea and vomiting, shortness of breath or depressed breathing, hypertension, tachycardia, chest pain, muscle twitching, acute renal failure, anxiety, agitation, psychosis, suicidal ideation, and/or cognitive impairment. SCs like 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA are easily accessible and difficult to detect in standard urine drug screens, which contributes to their popularity and high rates of abuse. In addition, poison centers continue to report the abuse of SCs and their associated products demonstrating that these substances remain a threat to both the short- and long-term public health and safety.

In their letter dated March 21, 2019, the HHS stated that there are no Food and Drug Administration (FDA)-approved drug products containing 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA in the United States and there appear to be no legitimate sources for these substances as marketed drugs. Because 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA are not approved for medical use and are not formulated or available for clinical use, the human use of these substances is assumed to be on an individual's own initiative, rather than on the basis of medical advice from a practitioner licensed by law to administer drugs. Further, published scientific and medical literature, and reports from the American Association of Poison Control Centers (AAPCC) and law enforcement indicate that individuals are taking these SCs on their own initiative, rather than on the basis of medical advice of a licensed practitioner.

HHS detailed that 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA, similar to schedule I SCs (*e.g.,* JWH–018), bind to and activate the CB1 cannabinoid receptor. As stated by HHS, 5F–ADB, 5F–AMB, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA produced delta-9-tetrahydrocannabinol (THC)-like discriminative stimulus effects in rats trained to discriminate THC from vehicle control. DEA further notes that in drug discrimination studies conducted under the interagency agreement between DEA and FDA, 5F–APINACA also produced THC-like discriminative stimulus effects in rats trained to discriminate THC from vehicle control.

The abuse of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA, similar to schedule I SCs, has been associated with various adverse health effects. As stated by the HHS, it is reasonable to assume that these six SCs have substantial capability to be a hazard to the health of the user and to the safety of the community.

2. *Scientific Evidence of the Drug's Pharmacological Effects, if Known:* 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA are SCs that have pharmacological effects similar to the schedule I hallucinogen THC and other temporarily and permanently controlled schedule I SCs. HHS reported on in vitro receptor binding and functional assays that were conducted with 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA. In addition, drug discrimination studies using Sprague Dawley rats investigating the THC-like stimulus effects of these SCs have been completed. These results indicate that 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA, similar to other schedule I SCs, bind to CB1 receptors, act as agonists at CB1 receptors, and produce THC-like discriminative stimulus effects.

3. *The State of Current Scientific Knowledge Regarding the Drug or Other Substance:* HHS noted that chemically, 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, and MDMB–FUBINACA can be described as 3-carboxamide indazole derivatives while MDMB–CHMICA belongs to the 3-carboxamide indol family. The DEA is not aware of any currently accepted medical uses for 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA or MDMB–FUBINACA. As mentioned by the HHS, 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA have not been approved by FDA for medical use in the United States. Absent an FDA approval, according to established DEA procedure and case law, ''a drug has a currently accepted medical use if all of the following five elements have been satisfied.'' (57 FR 10499; March 26, 1992).

i. The drug's chemistry must be known and reproducible.

ii. There must be adequate safety studies.

iii. There must be adequate and well-controlled studies proving efficacy.

iv. The drug must be accepted by qualified experts.

v. The scientific evidence must be widely available.

HHS evaluated these six SCs using this five-part test and determined that none of the six SCs has a ''currently accepted medical use'' in the United States.

4. *Its History and Current Pattern of Abuse:* All 6 SCs were identified internationally prior to their discovery within the United States. 5F–ADB was first identified in November 2014, in Japan in postmortem samples of an individual who died following use of an herbal product containing this substance. 5F–AMB was first identified in herbal smoking mixtures in Japan between November 2013 and May 2014. 5F–APINACA was first identified in South Korea beginning in late 2012. ADB–FUBINACA was first reported in the scientific literature in a patent by Pfizer in 2009 (compound 1) followed by popularity in Turkey in 2011 prior to its emergence on the United States illicit drug market in March, 2014. According to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), the first seizure of MDMB–CHMICA was on September 12, 2014. Germany also reported 9 deaths and 34 non-fatal intoxications involving MDMB–

[3] Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91–1444, 91st Cong., Sess. 1 (1970); reprinted in 1970 U.S.C.C.A.N. 4566, 4603.

CHMICA from September 2014 through October 2014. According to the United Nations Office on Drugs and Crime, 40 kilograms of MDMB–CHMICA was identified in a seizure by Luxembourg Customs in December 2014. MDMB–FUBINACA was first identified as ''MDMB/N/-Bz F'' by Russian media outlets following the reported overdoses of 700 people and 25 deaths in October 2014.

In recent cases of overdoses or deaths, 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA have been encountered in the form of herbal products, similar to the SCs that have been previously encountered.

5. *The Scope, Duration, and Significance of Abuse:* Following multiple scheduling actions controlling SCs, law enforcement and health care professionals have encountered novel SCs including 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA differing only by small structural modifications intended to avoid prosecution while maintaining the pharmacological effects. National Forensic Laboratory Information System (NFLIS [4]) details over 31,512 reports from forensic laboratories identifying 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA for a period from August 2012 through February 2019. In addition, System to Retrieve Information from Drug Evidence (STRIDE [5]) and STARLiMS [6] have 1,685 reports involving 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA from 2012 through February 2019.

6. *What, if Any, Risk There is to the Public Health:* The HHS and DEA documented multiple cases where 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA have been identified in overdoses and/or cases involving death attributed to their abuse. Adverse health effects reported from these incidents involving 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and/or MDMB–FUBINACA included nausea, persistent vomiting, agitation, altered mental status, seizures, convulsions, loss of consciousness, cardio toxicity and/or death. By sharing pharmacological similarities with schedule I substances (THC, JWH–018 and other temporarily and permanently controlled schedule I SCs), 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and/or MDMB–FUBINACA, SCs with no approved medical use, pose serious risk to the abuser.

7. *Its Psychic or Physiological Dependence Liability:* As stated by HHS, 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA have pharmacological profiles that are similar to other schedule I SCs (*e.g.,* JWH–018, XLR11 and AKB–48) and therefore it is reasonable to assume that these six SCs possess physiological and psychological dependence liability similar to that of these schedule I SCs. There are no clinical studies evaluating psychic or physiological dependence liabilities specific for 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA.

8. *Whether the Substance is an Immediate Precursor of a Substance Already Controlled Under the CSA:* 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA are not immediate precursors of any controlled substance of the CSA as defined by 21 U.S.C 802(23).

Conclusion: After considering the scientific and medical evaluation conducted by the HHS, the HHS's recommendation, and the DEA's own eight-factor analysis, the DEA finds that the facts and all relevant data constitute substantial evidence of the potential for abuse of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA. As such, the DEA hereby proposes to permanently schedule 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA as controlled substances under the CSA.

Proposed Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule. 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Assistant Secretary for HHS and review of all other available data, the Acting Administrator of the DEA, pursuant to 21 U.S.C. 811(a) and 21 U.S.C. 812(b)(1), finds that:

1. 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA have a high potential for abuse that is comparable to other schedule I substances such as THC and JWH–018;

2. 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA have no currently accepted medical use in treatment in the United States; and

3. There is a lack of accepted safety for use of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA under medical supervision.

Based on these findings, the Acting Administrator of the DEA concludes that methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate [5F–ADB; 5F–MDMB–PINACA]; methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate [5F–AMB]; *N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide [5F–APINACA, 5F–AKB48]; *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide [ADB–FUBINACA]; methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate [MDMB–CHMICA, MMB–CHMINACA] and methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate [MDMB–FUBINACA], including their salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, warrant control in schedule I of the CSA. 21 U.S.C. 812(b)(1).

Requirements for Handling 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA

If this rule is finalized as proposed, 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA would continue [7] to be subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution,

[4] NFLIS is a DEA program and a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by state and local forensic laboratories in the United States. The NFLIS database also contains Federal data from U.S. Customs and Border Protection (CBP). NFLIS only includes drug chemistry results from completed analyses.

[5] STRIDE is a database of drug exhibits sent to DEA laboratories for analysis. Exhibits from the database are from the DEA, other federal agencies, and some local law enforcement agencies.

[6] STARLiMS is a laboratory information management system that systematically collects results from drug chemistry analyses conducted by DEA laboratories. On October 1, 2014, STARLiMS replaced System to Retrieve Information from Drug Evidence (STRIDE) as the DEA laboratory drug evidence data system of record.

[7] 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA are currently subject to schedule I controls on a temporary basis, pursuant to 21 U.S.C. 811(h). 82 FR 17119, April 10, 2017.

dispensing, importing, exporting, research, and conduct of instructional activities, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA, or who desires to handle 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA, is required to be registered with the DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312.

2. *Security.* 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA or MDMB–FUBINACA are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823 and in accordance with 21 CFR 1301.71–1301.93.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA must be in compliance with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

4. *Quota.* Only registered manufacturers are permitted to manufacture 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

5. *Inventory.* Any person registered with the DEA to handle 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA must have an initial inventory of all stocks of controlled substances (including 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA) on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA) on hand every two years, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant is required to maintain records and submit reports with respect to 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR parts 1304 and 1312.

7. *Order Forms.* Every DEA registrant who distributes 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA is required to comply with the order form requirements, pursuant to 21 U.S.C. 828, and 21 CFR part 1305.

8. *Importation and Exportation.* All importation and exportation of 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and MDMB–FUBINACA must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. *Liability.* Any activity involving 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA or MDMB–FUBINACA not authorized by, or in violation of, the CSA or its implementing regulations is unlawful, and could subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866 and 13563

In accordance with 21 U.S.C. 811(a), this proposed scheduling action is subject to formal rulemaking procedures performed ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order 12866 and the principles reaffirmed in Executive Order 13563.

Executive Order 12988

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132

This proposed rulemaking does not have federalism implications warranting the application of Executive Order 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This proposed rule does not have tribal implications warranting the application of Executive Order 13175. It does 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.

Executive Order 13771

This proposed rule does not meet the definition of an Executive Order 13771 regulatory action, and the repeal and cost offset requirements of Executive Order 13771 have not been triggered. OMB has previously determined that formal rulemaking actions concerning the scheduling of controlled substances, such as this rule, are not significant regulatory actions under Section 3(f) of Executive Order 12866.

Regulatory Flexibility Act

The Acting Administrator, in accordance with the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–602, has reviewed this proposed rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. On April 10, 2017, the DEA published an order to temporarily place these six SCs in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The DEA estimates that all entities handling or planning to handle these SCs have already established and implemented the systems and processes required to handle 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA or MDMB–FUBINACA. There are currently 28 registrations authorized to handle 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA and/or MDMB–FUBINACA specifically, as well as a number of registered analytical labs that are authorized to handle schedule I controlled substances generally. These 28 registrations represent 24 entities, of which 14 are small entities. Therefore, the DEA estimates 14 small entities are affected by this proposed rule.

A review of the 28 registrations indicates that all entities that currently handle 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA or MDMB–FUBINACA also handle other schedule I controlled substances, and have established and

implemented (or maintain) the systems and processes required to handle 5F–ADB, 5F–AMB, 5F–APINACA, ADB–FUBINACA, MDMB–CHMICA or MDMB–FUBINACA. Therefore, the DEA anticipates that this proposed rule will impose minimal or no economic impact on any affected entities; and thus, will not have a significant economic impact on any of the 14 affected small entities. Therefore, the DEA has concluded that this proposed rule will not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.,* the DEA has determined and certifies that this action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted for inflation) in any one year * * *.'' Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

List of Subjects in 21 CFR Part 1308

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

For the reasons set out above, the DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

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

■ 2. In § 1308.11, add paragraphs (d)(73) through (78) and remove and reserve paragraphs (h)(6) through (11) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(73) methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F–ADB; 5F–MDMB–PINACA). 7034
(74) methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (Other names: 5F–AMB) 7033
(75) *N*-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (Other names: 5F–APINACA, 5F–AKB48) 7049
(76) *N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (Other names: ADB–FUBINACA) 7010
(77) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB–CHMICA, MMB–CHMINACA) 7042
(78) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB–FUBINACA) 7020

* * * * *

Dated: April 2, 2019.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2019–06853 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[WV–125–FOR; Docket ID: OSMRE–2017–0003 S1D1S SS08011000 SX064A000 190S180110; S2D2S SS08011000 SX064A000 19XS501520]

West Virginia Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule with public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the West Virginia regulatory program (the West Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). On May 3, 2017, West Virginia Department of Environmental Protection (WVDEP) submitted a program amendment to OSMRE to modify its pre-blasting survey requirements, bond release and bonding requirements, and to modify disbursements from the Water Reclamation Trust Fund.

This document gives the times and locations that the West Virginia program and this proposed amendment are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., Eastern Daylight Time (e.d.t.), May 8, 2019. If requested, we will hold a public hearing on the amendment on May 3, 2019. We will accept requests to speak at a hearing until 4:00 p.m., e.d.t. on April 23, 2019.

ADDRESSES: You may submit written comments, identified by WV–125–FOR; OSM–2017–0003, by any of the following methods:

- *Mail/Hand Delivery:* Mr. Roger W. Calhoun, Director, Charleston Field Office Office of Surface Mining Reclamation and Enforcement, 1027 Virginia Street, East Charleston, West Virginia 25301
- *Fax:* (304) 347–7170.
- *Federal eRulemaking Portal:* The amendment has been assigned the Docket ID OSM–2017–0003. If you would like to submit comments go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket ID for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the West Virginia program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Charleston Field Office or the full text of the program amendment is available for you to read at *www.regulations.gov.*

Charleston Field Office, Office of Surface Mining Reclamation and

Enforcement, 1027 Virginia Street, East, Charleston, West Virginia 25301, Email: *chfo@osmre.gov.*

West Virginia Department of Environmental Protection, 601 57th Street SE, Charleston, WV 25304, Telephone: (304) 926–0490.

In addition, you may review a copy of the amendment during regular business hours at the following locations:

Morgantown Area Office, Office of Surface Mining Reclamation and Enforcement, 604 Cheat Road, Suite 150, Morgantown, West Virginia 26508, Telephone: (304) 291–4004 (By Appointment Only).

Beckley Area Office, Office of Surface Mining Reclamation and Enforcement, 313 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255–5265.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Charleston Field Office, Telephone: (304) 347–7158. Email: *chfo@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the West Virginia Program
II. Description and Submission of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the West Virginia Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the West Virginia program on January 21, 1981. You can find background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and conditions of approval of the West Virginia program in the January 21, 1981, **Federal Register** (46 FR 5915). You can also find later actions concerning the West Virginia program and program amendments at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

II. Description of the Proposed Amendment

By letter (Administrative Record No. 1608) dated May 3, 2017, the West Virginia Department of Environmental Protection (WVDEP) sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

Enrolled Senate Bill 687 seeks to modify bond releases and bonding requirements and to modify the requirements for how money is to be paid from the Special Reclamation Water Trust Fund to assure a reliable source of capital and operating expenses for the treatment of discharges from bond-forfeited sites. Senate Bill 687 was adopted by the West Virginia Legislature on April 8, 2017, and approved by the Governor on April 26, 2017. These changes cannot take effect for the purposes of the State program until approved as an amendment by OSMRE pursuant to 30 CFR 732.17(g). WVDEP requests that we approve the following changes to the approved State program:

1. W.VA. Code 22–3–11(g)(1) and (g)(2)—Bonds; amount and method of bonding; bonding requirements; special reclamation tax and funds; prohibited acts; period of bond liability.

The State seeks to continue the Special Reclamation Fund and, at subsection (g)(1), allow moneys in the Special Reclamation Water Trust Fund to be used to assure a reliable source of capital and operating expenses for the treatment of water discharges from forfeited sites where the Secretary has obtained or applied for an NPDES permit.

At revised subsection (g)(2), the State proposes to delete provisions that require the Secretary to develop a long-range planning process for selection and prioritization of sites to be reclaimed so as to avoid inordinate short term obligations of the assets in both funds of such magnitude that the solvency of either fund is jeopardized. In addition, the State proposes to delete the provision that provides the Secretary may use both funds for the purpose of designing, constructing and maintaining water treatment systems when they are required for a complete reclamation of the affected lands described in this subsection.

This proposed revision falls under the Federal provisions at 30 CFR 800.11(e) and section 509(c) of SMCRA.

2. W.VA. Code 22–3–11(g)(3)(A)—Bonds; amount and method of bonding; bonding requirements; special reclamation tax and funds; prohibited acts; period of bond liability.

Previously, subsection 22–3–11(g)(2) was revised by the State to provide a tax credit to any mine operator who performs reclamation or remediation at a bond forfeiture site within the State. Under the proposed amendment, former subsection (g)(2)(A) was renumbered (g)(3)(A) to allow for the revision of (g)(2).

3. W.VA. Code 22–3–23(c) and (i)—Release of bond or deposits; application; notice; duties of Secretary; public hearings; final maps on grade release.

WVDEP proposes to amend subsection 23(c) by adding new bond release requirements at subdivisions (2) and (3). Subdivision (2) provides that the bond or deposit in whole or in part, may be released after revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan. When determining the amount of bond to be released after successful revegetation has been established, the Secretary shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in section thirteen of this article. This revision also includes specific provisions with respect to when the bond can be released and under what circumstances.

Subdivision (3) provides that when the operator has successfully completed all surface coal mining and reclamation activities, the remaining portion of the bond may be released, but not before the expiration of the period specified for operator responsibility in section thirteen of this article provided that no bond shall be fully released until all reclamation requirements are complied with.

The State proposes to delete the requirement of the minimum $10,000 bond after grading, seeding, fertilizing, irrigation, and other associated reclamation activities. Also included in this proposed revision are provisions relating to conditions that have to be met prior to the Secretary releasing all or part of the bond.

Finally, WVDEP proposed to add subdivision (i) to its bonding requirements which authorizes the Secretary to propose rules for legislative approval during the 2018 regular session of the Legislature in accordance with the provisions of article three, chapter twenty-nine-a of the code and revisions to the Legislative Rule entitled West Virginia Surface Mining Reclamation Rule, Title 38, Series 2 of the West Virginia Code of State Rules, to implement the revisions to this article made during the 2017 legislative session. In addition, the Secretary is to specifically consider the adoption of corresponding federal standards codified at 30 C. F. R. 700 *et. seq.*

These revisions fall under the Federal bond release requirements at 30 CFR 800.11, 800.13, 800.14, 800.15, 800.16, 800.17, 800.30 and 800.40 and sections 509 and 519 of SMCRA.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electronic or Written Comments

If you submit written or electronic comments on the proposed rule, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any

recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.d.t. on April 23, 2019. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

Pursuant to Office of Management and Budget (OMB) Guidance dated October 12, 1993, the approval of state program amendments is exempted from OMB review under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 11, 2018.

Thomas D. Shope,

Regional Director, Appalachian Region.

[FR Doc. 2019–06826 Filed 4–5–19; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[Docket ID: DOD–2017–HA–0058]

RIN 0720–AB71

TRICARE: Prescribing of Physical Therapy, Occupational Therapy, and Speech Therapy by Other Allied Health Professionals Acting Within the Scope of Their License

AGENCY: Office of the Secretary, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Department of Defense (DoD) proposes an amendment to the TRICARE regulation. Specifically, this proposed rule will allow coverage of otherwise authorized physical therapy (PT), occupational therapy (OT), and speech therapy (ST) for TRICARE beneficiaries when such services are prescribed by an authorized TRICARE Allied Health Professional acting within the scope of their license.

DATES: Written comments received at the address indicated below by June 7, 2019 will be accepted.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) number and title, by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Amber Butterfield, Defense Health Agency, TRICARE Health Plan, Medical Benefits and Reimbursement Division, (303) 676–3565.

SUPPLEMENTARY INFORMATION:

I. Executive Summary and Overview

A. Purpose of the Regulatory Action

This proposed rule will permit coverage of services prescribed by TRICARE-authorized individual allied health professionals for PT, OT, and ST. The current language of Title 32 Code of Federal Regulations (CFR), § 199.4(c)(3)(x) states that PT, OT, and ST may be cost-shared when services are prescribed and monitored by a physician, certified physician assistant, or certified nurse practitioner. In addition, 32 CFR 199.6(c)(3)(iii)(K)(*2*) currently states that the services of other individual paramedical providers, such as licensed registered PT, OT, and ST, can be considered for benefits on a fee-for-service basis only if the beneficiary

is referred by a physician, certified physician assistant, or certified nurse practitioner and a physician, certified physician assistant, or certified nurse practitioner provides continuing and ongoing oversight and supervision of the program or episode of treatment provided by these individual paramedical providers. As a result, otherwise authorized PT, OT, and ST services for TRICARE beneficiaries are not covered benefits when other Allied Health Professionals, such as Doctors of Podiatry, even when acting within their scope of license, prescribe the services.

State governments generally regulate the licensure and practice of health care professionals, and DoD limits TRICARE benefits coverage to services and supplies furnished by otherwise authorized TRICARE individual professional providers performing within the scope of their state licenses or certifications. State scope of practice laws vary with regard to the range of services, and some include the authority to prescribe PT, OT, and ST. After assessing the information available, DoD has determined that it is unnecessarily restrictive not to cover otherwise authorized PT, OT, and ST services for TRICARE beneficiaries merely because the services are ordered by a non-physician. Therefore, the regulation is being amended to allow TRICARE coverage of PT, OT, and ST services when ordered by other Allied Health Professionals who are TRICARE authorized providers and acting within the scope of their state license or certificate.

B. Summary of the Major Provisions of the Proposed Rule

This rule allows TRICARE coverage of otherwise authorized PT, OT, and ST services when prescribed by TRICARE authorized allied health professionals when the allied health professional is acting within the scope of his/her license.

C. Expected Impact and Costs

The primary impact of this rule will result in less time and expense spent by beneficiaries and referring providers to obtain necessary medical services and supplies. Almost 10,000 beneficiaries visited a primary care provider after seeking care from a podiatrist, but prior to PT services, in 2017. With an average copay/cost-share of $24 across networks and TRICARE programs, this rule will conservatively save beneficiaries up to $230,000 per year in cost-sharing and will conservatively save TRICARE $1.1 million per year as a result of reduced visits to referring providers.

Once beneficiaries initiate an episode of care with an Other Allied Health Professional for a covered disease or condition, they need not return to their Primary Care Manager for an office visit to obtain an examination and referral for PT, OT, or ST services. Assuming two hours by appointment (appointment, travel, waiting room, exam room), beneficiaries will save approximately 20,000 hours each year by not having to visit their referring provider prior to seeking PT, OT, or ST services. Referring providers will also save time, approximately 2,200 hours (15 minutes for a podiatrist to consult with a referring provider regarding a PT prescription) each year, as a result of reduced coordination and paperwork.

The proposed amendment to cover PT, OT, and ST services, when prescribed by a TRICARE-authorized Allied Health Professionals acting within the scope of their license, is not expected to increase the amount of otherwise covered PT, OT, and ST services. This is because prescriptions for such services are currently being written by those providers authorized to do so under the TRICARE program or those providers are countersigning prescriptions from Allied Health Professionals, such as a podiatrist. The DoD does anticipate, however, that there may be a marginal increase in administrative costs to accommodate changes to our contractors' systems, although the overall result of this change will create an efficiency in the process.

This proposed rule does not create new costs to the government, because it falls under the Transfer Payment clause in accordance with OMB Circular A–4. As this rule proposes, TRICARE payments for physical, occupational or speech therapy services provided to military beneficiaries and prescribed by Other Allied Health Professionals, represents an ''Insurance Payment'' as described in OMB Circular A–4.

II. Regulatory Procedures

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule has been designated a ''significant regulatory action,'' although not economically significant, under section 3(f) of Executive Order 12866. This proposed rule is not anticipated to have an annual effect on the economy of $100M or more.

Accordingly, this rule has been reviewed by the Office of Management and Budget.

Executive Order (E.O.) 13771, ''Reducing Regulation and Controlling Regulatory Costs''

E.O. 13771 seeks to control costs associated with the government imposition of private expenditures required to comply with Federal regulations and to reduce regulations that impose such costs. Consistent with the analysis of transfer payments under OMB Circular A–4, this proposed rule does not involve regulatory costs subject to E.O. 13771.

Congressional Review Act, 5 U.S.C. 804(2)

Under the Congressional Review Act, a major rule may not take effect until at least 60 days after submission to Congress of a report regarding the rule. A major rule is one that would have an annual effect on the economy of $100M or more or have certain other impacts.

This proposed rule is not a major rule under the Congressional Review Act.

Public Law 96–354, ''Regulatory Flexibility Act'' (RFA), (5 U.S.C. 601)

The Regulatory Flexibility Act (RFA) requires that each Federal agency analyze options for regulatory relief of small businesses if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. This proposed rule is not an economically significant regulatory action, and it will not have a significant impact on a substantial number of small entities. Therefore, it is certified that this rule is not subject to the requirements of the RFA.

Public Law 104–4, Sec. 202, ''Unfunded Mandates Reform Act''

Section 202 of the Unfunded Mandates Reform Act of 1995, requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in, any one year of $100M, as of 1995 exchange rate, updated annually for inflation. That threshold level is

currently approximately $140M. This proposed rule will not mandate any requirements for state, local, or tribal governments or the private sector.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

This rulemaking does not contain a ''collection of information'' requirement, and will not impose additional information collection requirements on the public under Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. chapter 35).

Executive Order 13132, ''Federalism''

This proposed rule has been examined for its impact under Executive Order 13132, and it does not contain policies that have federalism implications that would have substantial direct effects on the States, on the relationship between the national Government and the States, or on the distribution of powers and responsibilities among the various levels of Government. Therefore, consultation with State and local officials is not required.

List of Subjects in 32 CFR Part 199

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, Military personnel.

Accordingly, 32 CFR part 199 is proposed to be amended as follows:

PART 199—[AMENDED]

■ 1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. Chapter 55.

■ 2. Section 199.4 is amended by revising paragraph (c)(3)(x)(A) to read as follows:

§ 199.4 Basic program benefits.

* * * * *

(c) * * *

(3) * * *

(x) * * *

(A) The services are prescribed and monitored by a physician or other TRICARE authorized allied health professional acting within the scope of their license.

* * * * *

■ 3. Section 199.6 is amended by revising paragraph (c)(3)(iii)(K)(*2*) to read as follows:

§ 199.6 TRICARE-authorized providers.

* * * * *

(c) * * *

(3) * * *

(iii) * * *

(K) * * *

(*2*) The services of the following individual professional providers of care, to be considered for benefits on a fee-for-service basis, may be provided only if the beneficiary is referred by a physician or other TRICARE authorized Allied Health Professional acting within the scope of their license and a physician or other TRICARE authorized Allied Health Professional acting within the scope of their license must also provide continuing and ongoing oversight and supervision of the program or episode of treatment provided by these individual paramedical providers.

* * * * *

Dated: April 2, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–06795 Filed 4–5–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 493

[CMS–3355–N]

RIN 0938–AT55

Clinical Laboratory Improvement Amendments of 1988 (CLIA) Proficiency Testing Regulations Related to Analytes and Acceptable Performance; Extension of Comment Period

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS; Centers for Disease Control and Prevention (CDC), HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the comment period for the notice of proposed rulemaking with comment entitled ''Clinical Laboratory Improvement Amendments of 1988 (CLIA) Proficiency Testing Regulations Related to Analytes and Acceptable Performance'' that appeared in the February 4, 2019 **Federal Register**. The comment period for the proposed rule, which would end on April 5, 2019, is extended 60 days.

DATES: The comment period for the proposed rule published February 4, 2019, at 84 FR 1536, is extended to 5 p.m., eastern daylight time, on June 4, 2019.

ADDRESSES: You may submit comments as outlined in the February 4, 2019 proposed rule (84 FR 1536). Please choose only one method listed.

FOR FURTHER INFORMATION CONTACT: Sarah Bennett, CMS, (410) 786–3531; or Nancy Anderson, CDC, (404) 498–2741.

SUPPLEMENTARY INFORMATION:

In the ''Clinical Laboratory Improvement Amendments of 1988 (CLIA) Proficiency Testing Regulations Related to Analytes and Acceptable Performance'' proposed rule that appeared in the February 4, 2019 **Federal Register** (84 FR 1536), we solicited public comments on proposed changes to current proficiency testing (PT) analytes, including acceptance limits, in addition to technical changes to the PT referral regulations to more closely align them with the CLIA statute.

We received an inquiry from several PT programs regarding the 60-day comment period for the proposed rule. The commenters stated that providing all stakeholders additional time to review and comment would allow them to conduct a more comprehensive review in order to develop detailed responses to the technical aspects of this proposed rule given that it would represent the first comprehensive change to the PT regulations since the implementation of CLIA in 1992.

In order to maximize the opportunity for the public to provide meaningful input to CMS and CDC, we believe that it is important to allow additional time for the public to prepare comments on the proposed rule. In addition, we believe that granting an extension to the public comment period in this instance would further our overall objective to obtain public input on the potential changes related to PT that we are considering. Therefore, we are extending the comment period for the proposed rule for an additional 60 days.

Dated: March 29, 2019.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: April 1, 2019.

Robert Redfield,

Director, Centers for Disease Control and Prevention and Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 2019–06819 Filed 4–4–19; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 190215127–9273–01]

RIN 0648–BI73

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Multi-Year Harvest Specifications for the Central Subpopulation of Northern Anchovy

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

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to revise the annual reference points, including the overfishing limit (OFL), acceptable biological catch (ABC) and annual catch limit (ACL), for the central subpopulation of northern anchovy in the U.S. exclusive economic zone off the Pacific coast under the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). NMFS prepared this rulemaking in response to a January 2018 court decision (*Oceana, Inc.* v. *Ross*) that vacated the OFL, ABC, and ACL for the central subpopulation of northern anchovy, followed by subsequent orders requiring NMFS to establish a new OFL, ABC, and ACL through notice and comment rulemaking. NMFS is proposing an OFL of 94,290 metric tons (mt), an ABC of 23,573 mt, and an ACL of 23,573 mt. If the ACL for this stock is reached or projected to be reached, then fishing will be closed until it reopens at the start of the next fishing season. This rule is intended to conserve and manage the central subpopulation of northern anchovy off the U.S. West Coast.

DATES: Comments must be received by April 23, 2019.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2019–0021 by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0021,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Barry A. Thom, Regional Administrator, West Coast Region, NMFS, 501 W Ocean Blvd., Ste. 420, Long Beach, CA 90802–4250; Attn: Joshua Lindsay.
- *Instructions:* Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, West Coast Region, NMFS, (562) 980–4034.

SUPPLEMENTARY INFORMATION: The CPS fishery in the U.S. exclusive economic zone (EEZ) off the West Coast is managed under the CPS FMP. The Pacific Fishery Management Council (Council) developed the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* The six species managed under the CPS FMP are Pacific sardine, Pacific mackerel, jack mackerel, northern anchovy (northern and central subpopulations), market squid, and krill. The CPS FMP is implemented by regulations at 50 CFR part 660, subpart I.

Management unit stocks in the CPS FMP are classified under three management categories: Active, monitored, and prohibited harvest species. Stocks in the active category (Pacific sardine and Pacific mackerel) are managed under catch limits set using regular stock assessments and periodic or annual adjustments of target harvest levels based on those stock assessments. Fisheries for these stocks have biologically significant levels of catch, or biological or socioeconomic considerations requiring this type of relatively intense harvest management procedures. In contrast, stocks in the monitored category (jack mackerel, northern anchovy, and market squid [1]), are managed under long-term catch limits and annual qualitative reviews of available abundance data without regular stock assessments or annual adjustments to target harvest levels. Fisheries for monitored stocks do not have biologically significant catch levels and, therefore, do not require intensive harvest management. As a result, monitored stocks have been adequately managed by tracking landings and examining available abundance indices. Species in both categories may be subject to management measures such as catch allocation, gear regulations, closed areas or closed seasons. For example, trip limits and a limited entry permit program apply to all CPS finfish. The prohibited harvest species category is comprised only of krill, which is subject to a complete prohibition on targeting and retention.

In September 2011, NMFS approved Amendment 13 to the CPS FMP, which modified the framework process used to set and adjust fishery specifications and for setting ACLs and accountability measures (AMs). Amendment 13 conformed the CPS FMP with the 2007 amendments to the Magnuson-Stevens Act and the Magnuson-Stevens Act National Standard 1 (NS1) guidelines at 50 CFR 600.310, which for the first time required ACLs be established for management unit species (with exceptions). Specifically, Amendment 13 maintained the existing reference points and the primary harvest control rules for the monitored stocks (jack mackerel, northern anchovy and market squid), including the large uncertainty buffer built into the ABC control rule for the finfish stocks. Amendment 13 established a management framework under which the OFL for each monitored stock is set equal to its existing maximum sustainable yield (MSY) value, if available, and ABC values are set at 25 percent of OFL, to provide a 75-percent scientific uncertainty buffer. ACLs are then set either equal to or lower than the ABC; annual catch targets (ACTs), if deemed necessary, can be set less than or equal to the ACL, primarily to account for potential management uncertainty.

Compared to the management framework for stocks in the active category, which uses annual estimates of biomass to calculate annual harvest levels, the ACLs for the monitored finfish stocks are not based on annual estimates of biomass or any single estimate of biomass. As described above, ACLs for monitored finfish are set at the ABC levels, which are no higher than 25 percent of the OFL. OFLs are set equal to estimates of MSY—an estimate that is intended to reflect the largest average fishing mortality rate or yield that can be taken from a stock over the long term if contained in the CPS FMP or set based on a stock specific method if deemed more appropriate.

[1] Market squid is statutorily exempt from the general requirement to be managed using an ACL because of its short life-cycle.

Although the control rules and harvest policies for monitored CPS stocks are simpler than the active category control rules, the inclusion of a large non-discretionary buffer between the OFL and ABC both protects the stock from overfishing and allows for a relatively small sustainable harvest. In recognition of the low fishing effort and landings for these stocks, the Council chose this type of passive management framework for some finfish stocks in the FMP because it has proven sufficient to prevent overfishing while allowing for sustainable annual harvests, even when the year-to-year biomasses of these stocks fluctuate.

On January 18, 2018, in *Oceana* v. *Ross,* the U.S. District Court for the Northern District of California granted summary judgment to Oceana, vacating OFL, ABC, ACL for the central subpopulation of northern anchovy (hereafter, simply ''central anchovy''). This ruling, as well as subsequent court rulings require NMFS to re-establish these reference points through a final rule no later than late May. Therefore, NMFS proposes to implement a new OFL, ABC and ACL that would be in effect beginning in the 2019 fishing year and that would remain in place until new scientific information becomes available to warrant changes.

To determine these new reference points, NMFS reviewed existing data sources, including historical estimates of biomass from the last stock assessment NMFS completed for central anchovy in 1995, as well as more recent NMFS estimates of relative abundance and analyses for determining a new long-term OFL for central anchovy, to use within the FMP's default ABC control rule for monitored stocks. We determined that an OFL and ABC that deviated from the management approach set in the FMP for stocks in the monitored category would be beyond the scope of this rulemaking.

After this review, NMFS determined that with the limited time to review and analyze complex approaches for setting these reference points, the most appropriate path at this time for setting an OFL for central anchovy in accordance with the FMP is to use an approach similar to the approach used by the Council, and approved by NMFS, for developing reference points for OFL and ABC for the northern subpopulation of northern anchovy (NSNA) in 2010. When the Council developed the OFL and ABC for NSNA a numerical MSY value was not available to set as the OFL. Therefore, instead of basing the OFL on an estimate of MSY, the OFL was calculated by multiplying the average of the only two available biomass estimates by the F_{MSY} (*i.e.,* fishing mortality at MSY) used for Pacific mackerel in the CPS FMP. Pacific mackerel was deemed an appropriate fishing mortality proxy because the life history characteristics of NSNA should allow it to support a fishing rate at least as high as Pacific mackerel while sustaining the population. The established uncertainty buffer of 75 percent was then applied to calculate the ABC for NSNA.

Consistent with the approach used to set the NSNA reference points, the proposed OFL, ABC, and ACL in this rule are based on averaging three of the available four recent estimates of the relative abundance for central anchovy from NMFS surveys and an estimate of the rate of fishing mortality for central anchovy at MSY.[2] The abundance estimates are from the 2016 and 2018 NMFS acoustic-trawl method (ATM) surveys, which are 151,558 mt and 723,826 mt respectively and the 2017 NMFS daily egg production method (DEPM) survey, which is 308,173 mt. An ATM estimate was also available for 2017. However, NMFS evaluated the 2017 estimate compared to the other ATM estimates, and decided, for this rulemaking, to exclude it from the analysis to generate catch limits. The reason for this was that the ATM survey in the summer of 2017 was focused off the northern portion of the U.S. West Coast as well as the west coast of Vancouver Island, British Columbia, Canada, and was not designed to sample the complete range of central anchovy. The principle objectives of this survey were to gather data on the northern stock of Pacific sardine, and to some extent, the northern stock of northern anchovy, and therefore the survey chose not to sample south of Morro Bay, California, which is area where central anchovy are typically found.

The fishing mortality rate estimate is from analysis the SWFSC completed in 2016 as part of an effort examining minimum stock size thresholds for CPS. This analysis used the most current time-series data available for potentially deriving an F_{MSY} which comes from the last model-based stock assessment for central anchovy completed for formal management purposes (Jacobson et al. 1995). This analysis produced estimates of F_{MSY} based on eight alternative models. We have used the average of the four best fitting models from that work to calculate an E_{MSY} of 0.239. The methodology results in a proposed OFL of 94,290 metric tons (mt), an ABC of 23,573 mt, and an ACL of 23,573 mt.

In determining whether to use the abundance estimates mentioned above, we considered the fact that scientific reviews presented to the Council at its April 2018 meeting stated that because the acoustic estimates cannot be considered absolute estimates of biomass, two things would need to occur before they are used to directly inform management, unless they are used as a data source in an integrated stock assessment model, including: Addressing the area shoreward of the survey that is not sampled, and conducting a management strategy evaluation to determine the appropriate way to incorporate an index of abundance into a harvest control rule. However, because the acoustic estimates represent recent information on the stock and can be considered minimum estimates of the stock size, we are comfortable at this time that using these estimates in a time series to set an OFL will, in combination with reducing the OFL by 75 percent to set the ABC and ACL, prevent overfishing. Therefore, NMFS determined that using these ATM estimates in the manner described above, represent the best available information for determining the proposed reference points in this rule.

The Council developed, and NMFS approved, the monitored stock management control rules and overfishing specification process as consistent with the best scientific information available. Monitored stock management, including the buffer between the OFL and ABC built into the harvest policy for CPS stocks, appropriately accounts for the various types of scientific uncertainty around the OFL estimate. NMFS has determined that maintaining this approach for the proposed OFL and ABC in this action is sufficient to prevent overfishing for the central anchovy stock. We are proposing that the ACL be set equal to the ABC. Setting a lower ACL or establishing an additional ACT to account for management uncertainty is unnecessary because managers have the ability to track the landings of this fishery and close the fishery if necessary to ensure the ACL is not exceeded.

The proposed ACL would sufficiently limit harvests of central anchovy on an annual basis and prevent overfishing, as each year the total harvest of the stock will be assessed against the ACL. These reference points would remain in place until changed according to the FMP framework. If the ACL is reached the fishery would be closed until the beginning of the next fishing season.

[2] The calculation uses an E_{MSY}, which is the exploitation rate for deterministic equilibrium MSY.

The NMFS West Coast Regional Administrator would publish a notice in the **Federal Register** announcing the date of any such closure.

This action also proposes a minor revision to section § 660.509 to clarify the NMFS West Coast Regional Administrator's authority to close a CPS fishery by announcement in a notice published in the **Federal Register**, per the CPS FMP, when an ACL is reached. Currently this section describes the Regional Administrator's authority for implementing in-season closures only when a directed fishery allocation or incidental allocation is reached.

Classification

NMFS is issuing these proposed regulations under Magnuson-Stevens Act § 305(d), 16 U.S.C. 1855(d).

Pursuant to the procedures established to implement section 6 of E.O. 12866, the Office of Management and Budget has determined that this proposed rule is not significant.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the RFA (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble and is not repeated here. The results of the analysis are stated below. A copy of this analysis is available from NMFS (see **ADDRESSES**).

For Regulatory Flexibility Act (RFA) purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide.

The action being implemented through this proposed rule is the establishment of a new OFL, ABC, and ACL for the central anchovy.

The small entities that would be affected by the proposed action are the vessels that harvest central anchovy as part of the West Coast CPS purse seine fleet. The average annual per vessel revenue in 2016 for the West Coast CPS finfish small purse seine fleet, as well as the few vessels that target anchovy off of Oregon and Washington, was below $11 million; therefore, all of these vessels are considered small businesses under the RFA. Because each affected vessel is a small business, this proposed rule is considered to equally affect all of these small entities in the same manner. Therefore, this rule would not create disproportionate costs between small and large vessels/businesses.

To evaluate whether this proposed rule could potentially reduce the profitability of affected vessels, NMFS compared current and average recent historical landings to the proposed ACL (maximum fishing level for each year). The proposed ACL for central anchovy is 23,573 mt. In 2018, approximately 17,040 mt of central anchovy were landed. The annual average harvest from 2009 to 2018 for central anchovy was 7,020 mt. Central anchovy landings have been well below the proposed ACL in 8 of the past 10 years. Therefore, although the establishment of a new ACL for this stock is considered a new management measure for the fishery, and is lower than the previous ACL level of 25,000 mt, this proposed action should not result in changes in current fishery operations. As a result, it is unlikely that the ACL proposed in this rule will limit the potential profitability to the fleet from catching central anchovy and thus would not impose significant economic impacts.

The central anchovy fishery is a component of the CPS purse seine fishery off the U.S. West Coast, which generally fishes a complex of species that also includes the fisheries for Pacific sardine, Pacific mackerel, jack mackerel, and market squid. Currently there are 58 vessels permitted in the Federal CPS limited entry fishery off California. Annually, 32 of these 58 CPS vessels landed anchovy in recent years.

CPS finfish vessels typically harvest a number of other species, including Pacific sardine, Pacific mackerel, and market squid, making the central anchovy fishery only one component of a multi-species CPS fishery. Therefore, the revenue derived from this fishery is only part of determining the overall revenue for a majority of the vessels in the CPS fleet, and the economic impact to the fleet from the proposed action cannot be viewed in isolation. CPS vessels typically rely on multiple species for profitability because abundance of the central anchovy stock, like the other CPS stocks, is highly associated with ocean conditions and seasonality. Variability in ocean conditions and season results in variability in the timing and location of CPS harvest throughout the year. Because each species responds to ocean conditions in its own way, not all CPS stocks are likely to be abundant at the same time. Therefore, as abundance levels and markets fluctuate, the CPS fishery as a whole has relied on a group of species for its annual revenues.

NMFS reviewed and evaluated other methods and data sources to update the estimate of MSY or develop a new long-term OFL. However, NMFS had limited time to fully review these types of methods; therefore, an alternative such as this was not fully developed. The CPS FMP also states that the ACL is set equal to the ABC or lower if determined necessary to prevent overfishing or for other optimum yield considerations not already build into the ABC control rule. The proposed action sets the ACL equal to the ABC which is the maximum level it can be set; other alternatives for the ACL could only set it lower, creating a higher potential for negative economic impact on the directly affected fishermen. Additionally, the proposed action maintains the management approach set in the FMP for stocks in the monitored category, which dictates how the OFL and ABC can be set, thereby limiting the alternatives for these values.

Thus, no significant alternatives to this proposed rule exist that would accomplish the stated objectives of the applicable statutes while minimizing any significant economic impact of this proposed rule on the affected small entities. However, as stated above, this proposed rule is not expected to have a significant economic impact on the regulated fishermen.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

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

Dated: April 2, 2019.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.509, paragraph (a) is revised to read as follows:

§ 660.509 Accountability measures (season closures).

(a) *General rule.* When the directed fishery allocation, incidental allocation, annual catch limit is reached for any

CPS species, the fishery for that CPS species will be closed until the beginning of the next fishing period or season. The Regional Administrator shall announce in the **Federal Register** the date of such closure, as well as any incidental harvest level(s) recommended by the Council and approved by NMFS.

* * * * *

■ 3. In § 660.511, add paragraph (k) to read as follows:

§ 660.511 Catch restrictions.

* * * * *

(k) The following ACLs apply to fishing for monitored stocks of CPS finfish:

(1) Northern Anchovy (Central Subpopulation): 23,573 mt.

(2) [Reserved]

[FR Doc. 2019–06790 Filed 4–5–19; 8:45 a.m.]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 84, No. 67

Monday, April 8, 2019

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 3, 2019.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW, Washington, DC 20503. 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.

Comments regarding these information collections are best assured of having their full effect if received by May 8, 2019. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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.

Agricultural Marketing Service

Title: Livestock Mandatory Reporting Act of 1999.

OMB Control Number: 0581–0186.

Summary of Collection: The Livestock Mandatory Reporting (LMR) Act of 1999 (Pub. L. 106–78; 7 U.S.C. 1635–1636h) mandates the reporting of information on prices and quantities of livestock and livestock products. The 1999 Act was established to provide timely, accurate, and reliable market information on the marketing of cattle, swine, lambs, and related products. Under this program, certain livestock packers, livestock product processors and importers meeting certain criteria, including size as measured by annual slaughter are required to report market information to the Agricultural Marketing Service (AMS). On September 30, 2015, the Agriculture Reauthorizations Act of 2015 (2015 Reauthorization Act) reauthorized LMR for an additional five years, until September 30, 2020. The information is necessary for the proper performance of the functions of AMS. USDA's market news provides all market participants, including producers, with the information necessary to make intelligent and informed marketing decisions.

Need and Use of the Information: The information collected and recordkeeping requirements will serve as the basis for livestock and livestock product market news reports utilized by the industry for marketing purposes. The reports are used by other Government agencies to evaluate market conditions and calculate price levels. Economists at major agricultural colleges and universities use the reports to make short and long-term market projections. The information is reported up to three times daily and once weekly and is only available directly from those entities required to report under the Act.

Description of Respondents: Business or other for-profit.

Number of Respondents: 47.

Frequency of Responses: Reporting; Weekly; Other (Daily).

Total Burden Hours: 21,698.

Kimble Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–06823 Filed 4–5–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: The Role of Job Search as a Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Component

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice

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 for The Role of Job Search as a Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Component. This is a new information collection.

This study informs the U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) about the types of job search activities offered through SNAP E&T programs and their effectiveness in moving participants toward employment.

DATES: Written comments must be received on or before June 7, 2019.

ADDRESSES: Comments may be sent to Danielle Deemer, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 10.1008, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Danielle Deemer at (703) 305–2576 or via email at *danielle.deemer@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 written comments will be open for public inspection at the office of the Food and Nutrition Service (FNS) during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday) at 3101 Park Center Drive, Room 10.1008, Alexandria, VA 22302.

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 Danielle Deemer at (703) 305–2576.

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.

Title: The Role of Job Search as a Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Component.

Form Number: N/A.

OMB Number: 0584–NEW.

Expiration Date: Not Yet Determined.

Type of Request: New Information Collection Request.

Abstract: Section 17 [7 U.S.C. 2026] (a)(1) of the Food and Nutrition Act of 2008, as amended, provides general legislative authority for the planned data collection. It authorizes the Secretary of Agriculture to enter into contracts with private institutions to undertake research that will help to improve the administration and effectiveness of SNAP in delivering nutrition-related benefits.

USDA FNS has funded The Role of Job Search as a SNAP E&T Component to better understand the overall role of job search activities in serving SNAP E&T participants and to determine which job search activities are most effective in leading SNAP participants to self-sufficiency. Although all States must operate a SNAP E&T program, they have flexibility in its design. For example, States may choose one or more of several SNAP E&T components, such as job search, on-the-job training, workfare, or vocational training, to offer to SNAP E&T participants. Of the possible activities, States most commonly report offering job search and job search training. Although studies suggest stand-alone job search activities do not lead to long-term self-sufficiency, little is known about their effect on SNAP participants specifically. There is a lack of evidence about how States integrate job search activities with other SNAP E&T components, such as education or workfare, particularly within the SNAP E&T context, and if it is an effective strategy when they do.

To address these issues, FNS is conducting a study to accomplish 3 objectives:

1. Document and describe job search activities offered and State-level E&T policies and requirements.

2. Conduct a process evaluation documenting implementation and operation of job search activities in the study States.

3. Conduct an outcome evaluation to assess short- and long-term effects of job search activities on participants.

FNS pre-selected and is recruiting for in-depth case studies 4 States representing a range of SNAP E&T job search activities. No other States will be included in the study. The study will gather data through site visits to the 4 States and phone interviews with up to 200 total current and former SNAP E&T job search participants (individuals/households) in the study States. The study will also gather SNAP administrative caseload data and Unemployment Insurance (UI) quarterly wage data from the 4 study States. Data will be collected in each of the 4 study States through (1) interviews with the State SNAP director and E&T manager; (2) in-person interviews with staff, process-mapping group discussions with staff, and observations at 2 Local SNAP offices; and (3) in-person staff interviews and observations at 2 Local E&T providers (Business-for-not-for-profit). These data will provide information on overall State policies, the E&T process and client flow through the process, and staff perspectives on the effects of job search on participant outcomes. Phone interviews with up to 50 current and former SNAP E&T job search participants in each of the 4 study States will provide client perspectives on E&T activities and outcomes. SNAP administrative caseload data will be used to examine the characteristics of E&T participants in each State and will be linked with the UI wage data to assess short- and long-term outcomes associated with SNAP E&T job search participation.

Affected Public: (1) State, Local and Tribal Governments; (2) Business-for-not-for-Profit; and (3) Individuals/Households.

Respondent groups identified include the following:

1. *State, Local, and Tribal Government:* State SNAP directors, State E&T managers, State SNAP database administrators, State UI database administrators, and State UI Agency liaisons in each of the 4 study States; Local SNAP office staff in each of 4 study States; staff at 3 State E&T providers; and staff at other stakeholder organizations in each of the 4 study States, such as departments of labor [1]

2. *Business For Profit:* Staff at 2 Business E&T providers and Not For Profit: Staff at 3 Not-For-Profit E&T providers

3. *Individuals:* SNAP Participants in 4 study States

Note that the E&T providers are assumed to be a mix of State, Business for-Profit-not-for-Profit organizations (*i.e.,* 3 State, 2 For-Profit, and 3 Not-For-Profit E&T providers total).

Estimated Number of Respondents: The total estimated number of respondents in the 4 study States is 454 (98 State and Local Government staff, 12 Business for-Profit staff, 18 Business not-for-Profit staff, and 326 Individuals). Of the 454 contacted, 369 are estimated to be responsive and 85 are estimated to be nonresponsive. The breakout follows:

1. *98 State and Local Government staff:* All State and local government staff contacted in the 4 study States are expected to respond; of 8 State SNAP staff contacted, 8 are estimated to be responsive; of 4 State database administrators contacted, 4 are estimated to be responsive; of 4 UI Agency Database Administrators, 4 are estimated to be responsive; of 4 UI Agency data usage agreement (DUA) Liaisons, 4 are expected to be responsive; of 4 stakeholder staff contacted, 4 are expected to be responsive; of 18 State E&T provider staff contacted, 18 are estimated to be responsive; of 56 Local office staff contacted, 56 are estimated to be responsive.

2. *12 Business or Other For-Profit staff:* Of 12 Business E&T provider staff contacted, 12 are estimated to be responsive.

3. *18 Not-For-Profit staff:* Out of 18 Not-For-Profit E&T provider staff contacted, 18 are estimated to be responsive.

4. *326 Individuals:* Of 326 individuals contacted, 241 are estimated to be responsive and 85 are non-responsive.

Estimated Number of Responses per Respondent: 1.62—based on 735 total annual responses (625 responsive and

[1] The study assumes information will be collected from 4 States.

110 nonresponsive) made by the 454 respondents (369 responsive and 85 nonresponsive). See table 1 for the estimated number of responses per respondent for each type of respondent.

The breakout follows:

1. *State SNAP Staff:* The estimated number of responses per State SNAP staff is 2:

• 4 State SNAP directors will respond to advance materials and scheduling; the same 4 State SNAP directors plus 4 additional State E&T managers/directors will take part in interviews. The same 4 State E&T managers will complete the administrative cost worksheet.

2. *State SNAP Database Administrators:* The estimated number of responses per State SNAP Database Administrator is 3:

• 4 State SNAP database administrators will respond to advance materials and scheduling; the same 4 State SNAP database administrators will submit both a test and a final administrative data file.

3. *State UI Agency Database Administrators:* The estimated number of responses per State UI Database Administrator is 2:

• 4 State UI database Administrators will respond to advance materials and scheduling; the same 4 State UI database administrators will submit the UI wage data file.

4. *State UI Agency Liaisons:* The estimated number of responses per State UI Agency Administrator is 1:

• 4 State UI Agency liaisons will complete the data usage agreement (DUA) for the contractor to obtain the UI wage data.

5. *Stakeholder Agency Staff:* The estimated number of responses per other Stakeholder staff is 2:

• 4 Other Stakeholder staff will respond to advance materials and scheduling; the same 4 staff members take part in interviews.

6. *State E&T Provider Staff:* The estimated number of responses per State E&T provider staff is 1.17:

• 3 State E&T provider staff will respond to advance materials and scheduling; the same 3 E&T provider staff plus 12 additional E&T provider staff will take part in interviews. Three additional E&T provider staff will participate in observations of the E&T process.

7. *Local SNAP Office Staff:* The estimated number of responses per Local SNAP office staff is 1.43:

• 8 Local SNAP office staff will respond to advance materials and scheduling; the same 8 Local SNAP office staff plus 16 additional Local SNAP office staff will take part in interviews. Sixteen of the Local SNAP office staff plus 24 additional Local SNAP office staff will take part in a group process mapping exercise. Eight additional Local office staff will participate in observations of the E&T process.

8. *For-Profit E&T Provider Staff:* The estimated number of responses per Business E&T provider staff is 1.17:

• 2 For-Profit E&T provider staff will respond to advance materials and scheduling; the same 2 For-Profit E&T provider staff plus 8 additional For-Profit E&T provider staff will take part in interviews. An additional 2 For-Profit E&T Provider staff will participate in observations of the E&T process.

9. *Not-For-Profit E&T Provider Staff:* The estimated number of responses per Not-For-Profit E&T provider staff is 1.17:

• 3 Not-For-Profit E&T provider staff will respond to advance materials and scheduling, the same 3 Not-For-Profit E&T provider staff plus 12 additional Not-For-Profit E&T provider staff will take part in interviews. An additional 3 Not-For-Profit E&T provider staff will participate in observations of the E&T process.

10. *Individuals (SNAP Participants).* The estimated number of responses per Individual is 1.83:

• 16 Individuals will participate in observations of the E&T process at Local offices or provider sites.

• 310 Individuals will receive an advance letter and be recruited to participate in the interviews and 225 will respond and schedule an interview (85 other Individuals will not respond to the recruitment process). Of the 225 respondents, 200 will complete the interview (25 Individuals will not complete the interview).

Estimated Total Annual Responses: 735 (625 annual responses for responsive participants and 110 annual responses for nonresponsive participants).

Estimated Time per Response: 0.6957142857 hours (0.81 hours for responsive participants and 0.05 hours for nonresponsive participants). The estimated time of response varies from 0.05 hours to 15 hours depending on respondent group and activity.

Estimated Annual Burden Hours: 511.35.

See entire burden breakout in Table 1 below.

TABLE 1—TOTAL PUBLIC BURDEN HOURS

Respondent category	Type of respondent	Instruments and activities	Sample size	Responsive					Nonresponsive					Grand total annual burden estimate (hours)
				Number of respondents	Frequency of response	Total annual responses	Hours per response	Annual burden (hours)	Number of non-respondents	Frequency of response	Total annual responses	Hours per response	Annual burden (hours)	
State, Local, and Tribal Government														
State/Local/Tribal Government Sub-Total.	State SNAP Staff	Advance materials and preparation, including all conference and scheduling calls.	4	4	1	4	3	12	0	0	0	0	0	12
	State SNAP Staff	In-person semi-structured interviews with SNAP Directors and E&T Managers.	8	8	1	8	1.5	12	0	0	0	0	0	12
	State SNAP Staff	Administrative Cost Worksheet.	4	4	1	4	1	4	0	0	0	0	0	4
	Subtotal for State SNAP Staff (Unique)		8	8	2	16	1.75	28	0	0	0	0	0	28
	State SNAP Database administrator.	Advance materials and preparation, including consultative data call.	4	4	1	4	3	12	0	0	0	0	0	12
	State SNAP Database administrator.	Submit test file	4	4	1	4	4	16	0	0	0	0	0	16
	State SNAP Database administrator.	Submit administrative data file	4	4	1	4	10	40	0	0	0	0	0	40
	Subtotal for State Database Administrator (Unique)		4	4	3	12	5.67	68	0	0	0	0	0	68
	State UI Agency Database Administrator.	Advance materials and preparation, including consultative data call.	4	4	1	4	3	12	0	0	0	0	0	12
	State UI Agency Database Administrator.	Submit UI wage data file	4	4	1	4	15	60	0	0	0	0	0	60
	Subtotal for State UI Agency Database Administrator (Unique)		4	4	2	8	9	72	0	0	0	0	0	72
	State UI Agency DUA Liaison	Complete UI Wage Data DUA	4	4	1	4	8	32	0	0	0	0	0	32
	Subtotal UI Agency DUA Liaison (Unique)		4	4	1	4	8	32	0	0	0	0	0	32
	SNAP E&T Job Search Stakeholder Agency.	Advance materials and preparation.	4	4	1	4	1	4	0	0	0	0	0	4
	SNAP E&T Job Search Stakeholder Agency.	In-person semi-structured interview.	4	4	1	4	1	4	0	0	0	0	0	4
	SNAP E&T Job Search Stakeholder Agency (Unique)		4	4	2	8	1	8	0	0	0	0	0	8
	State E&T Provider	Advance materials and preparation.	3	3	1	3	1	3	0	0	0	0	0	3
	State E&T Provider	In-person semi-structured interviews with 1 SNAP director/manager at 3 E&T providers.	3	3	1	3	1	3	0	0	0	0	0	3
	State E&T Provider	In-person semi-structured interviews with 4 frontline staff at 3 E&T providers.	12	12	1	12	1	12	0	0	0	0	0	12
	State E&T Provider	Observations of E&T Process	3	3	1	3	0.05	0.15	0	0	0	0	0	0.15
	Subtotal for State E&T Provider (Unique)		18	18	1.17	21	1	18.15	0	0	0	0	0	18.15
	Local SNAP Office Staff	Advance materials and preparation.	8	8	1	8	1	8	0	0	0	0	0	8
	Local SNAP Office staff	In-person semi-structured interviews with 1 SNAP director/manager at 2 sites over 4 States.	8	8	1	8	1	8	0	0	0	0	0	8
	Local SNAP Office staff	In-person semi-structured interviews with 2 frontline staff in 2 sites over 4 States.	16	16	1	16	1	16	0	0	0	0	0	16

TABLE 1—TOTAL PUBLIC BURDEN HOURS—Continued

Respondent category	Type of respondent	Instruments and activities	Sample size	Responsive					Nonresponsive					Grand total annual burden estimate (hours)
				Number of respondents	Frequency of response	Total annual responses	Hours per response	Annual burden (hours)	Number of non-respondents	Frequency of response	Total annual responses	Hours per response	Annual burden (hours)	
	Local SNAP Office staff	Group mapping exercise with 5 local staff in 2 sites over 4 States.	40	40	1	40	1.5	60	0	0	0	0	0	60
	Local SNAP Office staff	Observations of E&T Process	8	8	1	8	0.05	0.4	0	0	0	0	0	0.4
	Subtotal for Local SNAP office (Unique)		56	56	1.43	80	1.16	92.4	0	0	0	0	0	92.4
State/Local/Tribal Government Sub-Total (Unique)			98	98	1.52	149	2.14	318.6	0	0	0	0	0	318.6
Business or Other For Profit														
Business or Other For Profit	E&T Provider	Advance materials and preparation.	2	2	1	2	1	2	0	0	0	0	0	2
	E&T Provider	In-person semi-structured interviews with 1 SNAP director/manager at 2 E&T providers.	2	2	1	2	1	2	0	0	0	0	0	2
	E&T Provider	In-person semi-structured interviews with 4 frontline staff at 2 E&T providers.	8	8	1	8	1	8	0	0	0	0	0	8
	E&T Provider	Observations of E&T Process	2	2	1	2	0.05	0.1	0	0	0	0	0	0.1
Business or Other For Profit Sub-Total (Unique)			12	12	1.17	14	1	12.1	0	0	0	0	0	12.1
Not for Profit														
Not for Profit	E&T Provider	Advance materials and preparation.	3	3	1	3	1	3	0	0	0	0	0	3
	E&T Provider	In-person semi-structured interviews with 1 SNAP director/manager at 3 E&T providers.	3	3	1	3	1	3	0	0	0	0	0	3
	E&T Provider	In-person semi-structured interviews with 4 frontline staff at 3 E&T providers.	12	12	1	12	1	12	0	0	0	0	0	12
	E&T Provider	Observations of E&T Process	3	3	1	3	0.05	0.15	0	0	0	0	0	0.15
Not For Profit Sub-Total (Unique)			18	18	1.17	21	1	18.15	0	0	0	0	0	18.15
Individuals														
Individuals	SNAP participants	Observations of E&T Process	16	16	1	16	0.05	0.8	0	0	0	0	0	0.8
	SNAP participants	Advance Letter and other Participant Recruitment.	310	225	1	225	0.25	56.25	85	1	85	0.05	4.25	60.5
	SNAP participants	Current and Former Participant Phone Interviews.	225	200	1	200	0.50	100	25	1	25	0.05	1.25	101.25
SNAP Participant Sub-Total (Unique)			326	241	1.83	441	0.36	157.05	85	2	110	0.05	5.5	162.55
	Total		454	369	1.69	625	0.81	505.85	85	1	110	0.05	5.5	511.35

Dated: March 28, 2019.

Brandon Lipp,

Administrator, Food and Nutrition Service.

[FR Doc. 2019–06879 Filed 4–5–19; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Recreation Fee and Wilderness Program Administration

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension with revisions to the information collection: Recreation Fee and Wilderness Program Administration.

DATES: Comments must be received in writing on or before June 7, 2019 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Todd Harbin, Assistant National Recreation Fee Program Manager, USDA Forest Service, 1220 SW 3rd Avenue, Suite 1700, Portland, OR 97204.

Comments also may be submitted via facsimile to Todd Harbin at 503–808–2489 or by email at *todd.harbin@usda.gov.*

The public may inspect comments received at the USDA Forest Service, 1220 SW 3rd Avenue, Suite 1700, Portland, OR 97204 during normal business hours.

FOR FURTHER INFORMATION CONTACT: Todd Harbin, Assistant National Recreation Fee Program Manager, at 541–556–3380 or via email at *todd.harbin@usda.gov.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Recreation Fee and Wilderness Program Administration Forms.

OMB Number: 0596–0106.

Type of Request: Extension with no change of a currently approved information collection.

Abstract: The Federal Lands Recreation and Enhancement Act (16 U.S.C. 6801–6814) authorizes the Forest Service to issue permits and charge fees for recreation uses of Federal recreational lands and waters, such as group activities, recreation events and motorized recreational vehicle use. In addition, permits may be issued as a means to disperse use, protect natural and cultural resources, provide for the health and safety of visitors, allocate capacity, and/or help cover the higher costs of providing specialized services.

Forms

FS–2300–26, *Recreation Fee Envelope.* Information collected includes the amount enclosed in the envelope, date in, date out, number of days paid, time and date of purchase, visitor's vehicle model and license number and registered State, visitor's home zip code, number in party, other charges (if applicable), visitor's Senior, Access Pass or Golden Passport number (if applicable), planned departure date (if applicable), site name, camp's site type: Single campsite or group campsite (if applicable), campsite number (if applicable), and the number in group.

FS–2300–26a, *Recreation Fee Envelope,* is the same form as FS–2300–26; the difference is the color of the form is different to signify a specific Region's use.

FS–2300–30, *Visitor's Permit.* Information collected includes the visitor's name and address, area(s) to be visited, dates of visit, length of stay, location of entry and exit points, method of travel, number of people in the group, and where applicable, the number of pack and saddle stock (that is, the number of animals either carrying people or their gear), the number of dogs, and the number of watercraft and/or vehicles (where allowed).

The Forest Service employee who completes the Visitor's Permit will note on the permit any special restrictions or important information the visitor should know. The visitor receives a copy of the permit and instructions to keep the permit with them for the duration of the visit.

FS–2300–32, *Visitor Registration Card.* Information collected includes the visitor's name and address, area(s) to be visited, dates of visit, length of stay, location of entry and exit points, method of travel, number of people in the group, and where applicable, the number of pack and saddle stock (that is, the number of animals either carrying people or their gear) in the group, the number of dogs, and the number of watercraft and/or vehicles (where allowed).

FS–2300–43, *Permit for Short-Term, Noncommercial Use of Government-Owned Cabins and Lookouts* is used to record contact information including name, address, and telephone number, requested dates of occupancy, party size, and additional items if applicable, such as number of pack animals and/or snowmobiles. If unable to collect this information, National Forests would not be able to manage their permit programs or disperse use, protect natural and cultural resources, provide for the health and safety of visitors, allocate capacity, and/or help cover the higher costs of providing specialized services on National Forest System recreational lands.

FS–2300–47, *National Recreation Application,* is a form used to apply for a recreation permit. Information collected includes the applicant's name, address, phone number and email address, location and activity type, date and time of requested use, itinerary, number in party, entry and exit points, day or overnight use, method of travel (if applicable), group organization or event name (if applicable), group leader name and contact information (if applicable), vehicle or boat registration and license number and State of issue (if applicable), type and number of boats, stock or off-highway vehicles (if applicable), and assessed fee and method of payment (if applicable).

FS–2300–48, *National Recreation Permit,* is used to authorize specific activities at particular facilities or areas. Information collected includes the group or individual's name, responsible person's signature, address, phone number, date of permit, method of travel, license number and description of vehicle and tow type, payment method and amount, number and types of water craft (if applicable), number in a group at a cabin or campsite (if applicable), number and type of off-highway vehicles or other vehicles, and number and type of other use (if applicable).

This information is used to manage the application process and to issue permits for recreation uses of Federal recreational lands and waters. The information will be collected by Federal employees and agents who are authorized to collect recreation fees and/or issue recreation permits. Name and contact information will be used to inform applicants and permit holders of their success in securing a permit for a special area. Number in group, number and type of vehicles, water craft, or stock may be used to assure compliance with management area direction for recreational lands and waters and track visitation trends. A National Forest may use zip codes to help determine where the National Forest's visitor base originates. Activity information may be used to improve services. Personal information such as names, addresses, phone numbers, email addresses, and

vehicle registration information will be secured and maintained in accordance with the system of records, National Recreation Reservation System (NRRS) USDA/FS–55.

Estimate of Annual Burden: 3–5 minutes.

Type of Respondents: Individuals.

Estimated Annual Number of Respondents: 2,448,000.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 130,000 hours.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: March 29, 2019.

Allen Rowley,

Acting Associate Deputy Chief, National Forest Systems.

[FR Doc. 2019–06764 Filed 4–5–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Rural Cooperative Development Grants

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice of Solicitation for Applications.

SUMMARY: This Notice announces that the Rural Business-Cooperative Service (Agency) is accepting fiscal year (FY) 2019 applications for the Rural Cooperative Development Grant (RCDG) program. Enactment of a continuing resolution or an appropriations act may affect the availability or level of funding for the program. The Agency will publish the program funding level on the Rural Development website.

The purpose of this program is to provide financial assistance to improve the economic condition of rural areas through cooperative development. Eligible applicants include a non-profit corporation or an institution of higher education.

DATES: Completed applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than June 7, 2019. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Late applications are not eligible for funding under this Notice and will not be evaluated. Electronic applications must be received by June 3, 2019, to be eligible for grant funding. Please review the *Grants.gov* website at *http://grants.gov/applicants/organization_registration.jsp.* For instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. Late applications are not eligible for funding under this Notice and will not be evaluated.

ADDRESSES: You should contact a USDA Rural Development State Office (State Office) if you have questions. You are encouraged to contact your State Office well in advance of the application deadline to discuss your project and ask any questions about the application process. Contact information for State Offices can be found at *http://www.rd.usda.gov/contact-us/state-offices.*

Program guidance as well as application and matching funds templates may be obtained at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.* If you want to submit an electronic application, follow the instructions for the RCDG funding announcement located at *http://www.grants.gov.* If you want to submit a paper application, send it to the State Office located in the State where you are headquartered. If you are headquartered in Washington, DC please contact the Grants Division, Cooperative Programs, Rural Business-Cooperative Service, at (202) 690–1374 for guidance on where to submit your application.

FOR FURTHER INFORMATION CONTACT: Grants Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW, Mail Stop-3253, Room 4208-South, Washington, DC 20250–3253, (202) 690–1374.

SUPPLEMENTARY INFORMATION:

Preface

The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America. *www.usda.gov/ruralprosperity* Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Key strategies include:

- Achieving e-Connectivity for rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

Overview

Federal Agency: Rural Business-Cooperative Service.

Funding Opportunity Title: Rural Cooperative Development Grants.

Announcement Type: Initial Notice.

Catalog of Federal Domestic Assistance Number: 10.771.

Date: Application Deadline. Paper applications must be postmarked, mailed, shipped, or sent overnight no later than June 7, 2019, or it will not be considered for funding. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Electronic applications must be received by *http://www.grants.gov* no later than midnight Eastern Time, June 3, 2019, or it will not be considered for funding.

The Application Template provides specific, detailed instructions for each item of a complete application. The Agency emphasizes the importance of including every item and strongly encourages applicants to follow the instructions carefully, using the examples and illustrations in the Application Template. Prior to official submission of applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to May 23, 2019. Agency contact information can be found in Section D of this document.

The Agency will not solicit or consider new scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applicants to seek clarification on materials

contained in the submitted application. See the Application Template for a full discussion of each item. For requirements of completed grant applications, refer to Section D of this document.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden associated with this Notice has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0006.

A. Program Description

The RCDG program is authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1932(e)) as amended by the Agricultural Act of 2014 (Pub. L. 113–79). You are required to comply with the regulations for this program published at 7 CFR part 4284, subparts A and F, which are incorporated by reference in this Notice. Therefore, you should become familiar with these regulations. The primary objective of the RCDG program is to improve the economic condition of rural areas through cooperative development. Grants are awarded on a competitive basis. The maximum award amount per grant is $200,000. Grants are available for non-profit corporations or higher education institutions only. Grant funds may be used to pay for up to 75 percent of the cost of establishing and operating centers for rural cooperative development. Grant funds may be used to pay for 95 percent of the cost of establishing and operating centers for rural cooperative development, when the applicant is a 1994 Institution as defined by 7 U.S.C. 301. The 1994 Institutions are commonly known as Tribal Land Grant Institutions. Centers may have the expertise on staff or they can contract out for the expertise, to assist individuals or entities in the startup, expansion or operational improvement of rural businesses, especially cooperative or mutually-owned businesses.

Definitions

The terms you need to understand are defined and published at 7 CFR 4284.3 and 7 CFR 4284.504. In addition, the terms ''rural'' and ''rural area,'' defined at section 343(a)(13) of the CONACT (7 U.S.C. 1991(a)), are incorporated by reference, and will be used for this program instead of those terms currently published at 7 CFR 4284.3. The term ''you'' referenced throughout this Notice should be understood to mean ''you'' the applicant. Finally, there has been some confusion on the Agency's meaning of the terms ''conflict of interest'' and ''mutually-owned business,'' because they are not defined in the CONACT or in the regulations used for the program. Therefore, the terms are clarified and should be understood as follows.

Conflict of interest—A situation in which a person or entity has competing personal, professional, or financial interests that make it difficult for the person or business to act impartially. Regarding use of both grant and matching funds, Federal procurement standards prohibit transactions that involve a real or apparent conflict of interest for owners, employees, officers, agents, or their immediate family members having a financial or other interest in the outcome of the project; or that restrict open and free competition for unrestrained trade. Specifically, project funds may not be used for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest, including, but not limited to, owner(s) and their immediate family members. An example of conflict of interest occurs when the grantee's employees, board of directors, or the immediate family of either, have the appearance of a professional or personal financial interest in the recipients receiving the benefits or services of the grant.

Mutually-owned business—An organization owned and governed by members who either are its consumers, producers, employees, or suppliers.

B. Federal Award Information

Type of Award: Competitive Grant.
Fiscal Year Funds: FY 2019.
Total Funding: $5,800,000
Maximum Award: $200,000.
Anticipated Award Date: September 30, 2019.

C. Eligibility Information

Applicants must meet all of the following eligibility requirements. Applications which fail to meet any of these requirements by the application deadline will be deemed ineligible and will not be evaluated further.

1. Eligible Applicants

You must be a nonprofit corporation or an institution of higher education to apply for this program. Public bodies and individuals cannot apply for this program. See 7 CFR 4284.507. You must also meet the following requirements:

a. An applicant is ineligible if they have been debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, ''Debarment and Suspension.'' The Agency will check the System for Award Management (SAM) to determine if the applicant has been debarred or suspended. In addition, an applicant will be considered ineligible for a grant due to an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt. See 7 CFR 4284.6. The applicant must certify as part of the application that they do not have an outstanding judgment against them. The Agency will check the Credit Alert Interactive Voice Response System (CAIVRS) to verify this.

b. Any corporation that has been convicted of a felony criminal violation under any Federal law within the past 24 months or that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance provided with funds appropriated by the Consolidated Appropriations Act, 2018 (Pub. L. 115–141) or successor appropriations act, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government. Applicants will be required to complete Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. Institutions of Higher Education are not required to submit this form.

c. Applications will be deemed ineligible if the application includes any funding restrictions identified under Section D.6. a and b. Inclusion of funding restrictions outlined in Section D.6. a. and b. preclude the Agency from making a federal award.

d. Applications will be deemed ineligible if the application is not complete in accordance with the requirements stated in Section C.3.e.

2. Cost Sharing or Matching

Your matching funds requirement is 25 percent of the total project cost (5 percent for 1994 Institutions). See 7 CFR 4284.508. When you calculate your matching funds requirement, please round up or down to whole dollars as appropriate. An example of how to calculate your matching funds is as follows:

a. Take the amount of grant funds you are requesting and divide it by .75. This will give you your total project cost.

Example: $200,000 (grant amount)/.75 (percentage for use of grant funds) = $266,667 (total project cost)

b. Subtract the amount of grant funds you are requesting from your total project cost. This will give you your matching funds requirement.

Example: $266,667 (total project cost) – $200,000 (grant amount) = $66,667 (matching funds requirement)

c. A quick way to double check that you have the correct amount of matching funds is to take your total project cost and multiply it by .25.

Example: $266,667 (total project cost) × .25 (maximum percentage of matching funds requirement) = $66,667 (matching funds requirement)

You must verify that all matching funds are available during the grant period and provide this documentation with your application in accordance with requirements identified in Section D.2.e.8. If you are awarded a grant, additional verification documentation may be required to confirm the availability of matching funds.

Other rules for matching funds that you must follow are listed below.

- They must be spent on eligible expenses during the grant period.
- They must be from eligible sources.
- They must be spent in advance or as a pro-rata portion of grant funds being spent.
- They must be provided by either the applicant or a third party in the form of cash or an in-kind contribution.
- They cannot include board/advisory council members' time.
- They cannot include other Federal grants unless provided by authorizing legislation.
- They cannot include cash or in-kind contributions donated outside the grant period.
- They cannot include over-valued, in-kind contributions.
- They cannot include any project costs that are ineligible under the RCDG program.
- They cannot include any project costs that are unallowable under the applicable grant ''Cost Principles,'' including 2 CFR part 200, subpart E, and the Federal Acquisition Regulation (for-profits) or successor regulation.
- They can include loan funds from a Federal source.
- They can include travel and incidentals for board/advisory council members if you have established written policies explaining how these costs are normally reimbursed, including rates. You must include an explanation of this policy in your application or the contributions will not be considered as eligible matching funds.
- You must be able to document and verify the number of hours worked and the value associated with any in-kind contribution being used to meet a matching funds requirement.
- In-kind contributions provided by individuals, businesses, or cooperatives which are being assisted by you cannot be provided for the direct benefit of their own projects as USDA Rural Development considers this to be a conflict of interest or the appearance of a conflict of interest.

3. Other Eligibility Requirements

a. Completeness

Your application will not be considered for funding if it fails to meet an eligibility criterion by time of application deadline and does not provide sufficient information to determine eligibility and scoring. You must include all of the forms and proposal elements as discussed in the regulation and as clarified further in this Notice. Incomplete applications will not be reviewed by the Agency. For more information on what is required for an application, see 7 CFR 4284.510.

b. Purpose Eligibility

Your application must propose the establishment or continuation of a cooperative development center concept. You must use project funds, including grant and matching funds for eligible purposes only (see 7 CFR 4284.508). In addition, project funds may be used for programs providing for the coordination of services and sharing of information among the centers (see 7 U.S.C 1932(e)(4)(C)(vi)).

c. Project Eligibility

All project activities must be for the benefit of a rural area.

d. Multiple Application Eligibility

Only one application can be submitted per applicant. If two applications are submitted (regardless of the applicant name) that include the same Executive Director and/or advisory boards or committees of an existing center, both applications will be determined not eligible for funding.

e. Grant Period

Your application must include no more than a one-year grant period, or it will not be considered for funding. The grant period should begin no earlier than October 1, 2019, and no later than January 1, 2020. Applications that request funds for a time period ending after December 31, 2020, will not be considered for funding. Projects must be completed within a one-year timeframe. Prior approval is needed from the Agency if you are awarded a grant and desire the grant period to begin earlier or later than previously discussed.

The Agency may approve requests to extend the grant period for up to an additional 12 months at its discretion. However, you may not have more than one active RCDG during the same grant period. Further guidance on grant period extensions will be provided in the award document.

f. Satisfactory Performance

You must be performing satisfactorily on any outstanding RCDG award to be considered eligible for a new award. Satisfactory performance includes being up-to-date on all financial and performance reports as prescribed in the grant award, and current on tasks and timeframes for utilizing grant and matching funds as approved in the work plan and budget. If you have any unspent grant funds on RCDG awards prior to fiscal year 2018, your application will not be considered for funding. If your fiscal year 2018 award has unspent funds of 50 percent or more than what your approved work plan and budget projected, at the time that your fiscal year 2019 application is being evaluated, your application will not be considered for funding. The Agency will verify the performance status of FY 2018 awards and make a determination after the FY 2019 application period closes.

g. Duplication of Current Services

Your application must demonstrate that you are providing services to new customers or new services to current customers. If your work plan and budget is duplicative of your existing award, your application will not be considered for funding. If your workplan and budget is duplicative of a previous or existing RCDG and/or Socially Disadvantaged Groups Grant (SDGG) award, your application will not be considered for funding. The Agency will make this determination.

h. Indirect Costs

Your negotiated indirect cost rate approval does not need to be included in your application, but you will be required to provide it if a grant is awarded. Approval for indirect costs that are requested in an application without an approved indirect cost rate agreement is at the discretion of the Agency.

D. Application and Submission Information

1. Address To Request Application Package

For further information, you should contact your State Office at *http://www.rd.usda.gov/contact-us/state-offices.* Program materials may also be obtained at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.* You may also obtain a copy by calling 202–690–1374.

2. Content and Form of Application Submission

You may submit your application in paper form or electronically through *Grants.gov*. If you submit in paper form, any forms requiring signatures must include an original signature.

a. Electronic Submission

To apply electronically, you must use the *Grants.gov* website at *http://www.Grants.gov*. You may not apply electronically in any way other than through *Grants.gov*.

You can locate the *Grants.gov* downloadable application package for this program by using a keyword, the program name, or the Catalog of Federal Domestic Assistance Number for this program.

When you enter the *Grants.gov* website, you will find information about applying electronically through the site, as well as the hours of operation.

To use *Grants.gov*, you must already have a DUNS number and you must also be registered and maintain registration in SAM. We strongly recommend that you do not wait until the application deadline date to begin the application process through *Grants.gov*.

You must submit all your application documents electronically through *Grants.gov*. Applications must include electronic signatures. Original signatures may be required if funds are awarded.

After electronically applying through *Grants.gov*, you will receive an automatic acknowledgement from *Grants.gov* that contains a *Grants.gov* tracking number.

b. Paper Submission

If you want to submit a paper application, send it to the State Office located in the State where your project will primarily take place. You can find State Office Contact information at: *http://www.rd.usda.gov/contact-us/state-offices.* An optional-use Agency application template is available online at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.*

c. Supplemental Information

Your application must contain all the required forms and proposal elements described in 7 CFR 4284.510 and as otherwise clarified in this Notice. Specifically, your application must include: (1) The required forms as described in 7 CFR 4284.510(b) and (2) the required proposal elements as described in 7 CFR 4284.510(c). If your application is incomplete, it is ineligible to compete for funds. Applications lacking sufficient information to determine eligibility and scoring will be considered ineligible. Information submitted after the application deadline will not be accepted. You are encouraged, but not required to utilize the application template found at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.*

d. Clarifications on Forms

- Standard Form (SF) 424—Your DUNS number should be identified in the ''Organizational DUNS'' field on SF 424, ''Application for Federal Assistance.'' In addition, you should provide the DUNS number and the Commercial and Government Entity (CAGE) code and expiration date under the applicant eligibility discussion in your proposal narrative. If you do not include the CAGE code and expiration date and the DUNS number in your application, it will not be considered for funding.
- Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands, or the various territories of the United States including American Samoa, Guam, Midway Islands, the Commonwealth of the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities. Institutions of Higher Education are not required to submit this form.
- You can voluntarily fill out and submit the ''Survey on Ensuring Equal Opportunity for Applicants,'' as part of your application if you are a nonprofit organization.

e. Clarifications on Proposal Elements

1. You must include the title of the project as well as any other relevant identifying information on the Title Page.

2. You must include a Table of Contents with page numbers for each component of the application to facilitate review.

3. Your Executive Summary must include the items in 7 CFR 4284.510(c) (3) vand discuss the percentage of work that will be performed among organizational staff, consultants, or other contractors. It should not exceed two pages.

4. Your Eligibility Discussion must not exceed two pages and cover how you meet the eligibility requirements for applicant, matching funds, and other eligibility requirements.

5. Your Proposal Narrative must not exceed 40 pages using at least 11-point font and should describe the essential aspects of the project.

i. You are only required to have one title page for the proposal.

ii. If you list the evaluation criteria on the Table of Contents and specifically and individually address each criterion in narrative form, then it is not necessary for you to include an Information Sheet. Otherwise, the Information Sheet is required under 7 CFR 4284.510 (c) (5) (ii).

iii. You must include the following under Goals of the Project:

A. A statement that substantiates that the Center will effectively serve rural areas in the United States;

B. A statement that the primary objective of the Center will be to improve the economic condition of rural areas through cooperative development;

C. A description of the contributions that the proposed activities are likely to make to the improvement of the economic conditions of the rural areas for which the Center will provide services. Expected economic impacts should be tied to tasks included in the work plan and budget; and

D. A statement that the Center, in carrying out its activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal government, and State and local governments.

iv. The Agency has established annual performance evaluation measures to evaluate the RCDG program. You must provide estimates on the following performance evaluation measures.

- Number of groups who are not legal entities assisted.
- Number of businesses that are not cooperatives assisted.
- Number of cooperatives assisted.
- Number of businesses incorporated that are not cooperatives.

• Number of cooperatives incorporated.
• Total number of jobs created as a result of assistance.
• Total number of jobs saved as a result of assistance.
• Number of jobs created for the Center as a result of RCDG funding.
• Number of jobs saved for the Center as a result of RCDG funding.

It is permissible to have a zero in a performance element. When you calculate jobs created, estimates should be based upon actual jobs to be created by your organization because of the RCDG funding or actual jobs to be created by cooperative businesses or other businesses as a result of assistance from your organization. When you calculate jobs saved, estimates should be based only on actual jobs that would have been lost if your organization did not receive RCDG funding or actual jobs that would have been lost without assistance from your organization.

v. You can also suggest additional performance elements for example where job creation or jobs saved may not be a relevant indicator (*e.g.* housing). These additional criteria should be specific, measurable performance elements that could be included in an award document.

vi. You must describe in the application how you will undertake to do each of the following. We would prefer if you described these undertakings within proposal evaluation criteria to reduce duplication in your application. The specific proposal evaluation criterion where you should address each undertaking is noted below.

A. Take all practicable steps to develop continuing sources of financial support for the Center, particularly from sources in the private sector (should be presented under proposal evaluation criterion j., utilizing the specific requirements of Section E.1.j.);

B. Make arrangements for the Center's activities to be monitored and evaluated (should be addressed under proposal evaluation criterion number h. utilizing the specific requirements of Section E.1.h.); and

C. Provide an accounting for the money received by the grantee in accordance with 7 CFR part 4284, subpart F. This should be addressed under proposal evaluation criterion number a., utilizing the specific requirements of Section E.1.a.

vii. You should present the Work Plan and Budget proposal element under proposal evaluation criterion number h., utilizing the specific requirements of Section E.1.h. of this Notice to reduce duplication in your application.

viii. You should present the Delivery of Cooperative development assistance proposal element under proposal evaluation criterion number b., utilizing the specific requirements of Section E.1.b. of this Notice.

ix. You should present the Qualifications of Personnel proposal element under proposal evaluation criterion number i., utilizing the specific requirements of Section E.1.i. of this Notice.

x. You should present the Local Support and Future Support proposal elements under proposal evaluation criterion number j., utilizing the requirements of Section E.1.j. of this Notice.

xi. Your application will not be considered for funding if you do not address all the proposal evaluation criteria. See Section E.1. of this Notice for a description of the proposal evaluation criteria.

xii. Only appendices A–C will be considered when evaluating your application. You must not include resumes of staff or consultants in the application.

6. You must certify that there are no current outstanding Federal judgments against your property and that you will not use grant funds to pay for any judgment obtained by the United States. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that the United States has not obtained an unsatisfied judgment against its property, is not delinquent on the payment of Federal income taxes, or any Federal debt, and will not use grant funds to pay any judgments obtained by the United States.'' A separate signature is not required.

7. You must certify that matching funds will be available at the same time grant funds are anticipated to be spent and that expenditures of matching funds are pro-rated or spent in advance of grant funding, such that for every dollar of the total project cost, not less than the required amount of matching funds will be expended. Please note that this Certification is a separate requirement from the Verification of Matching Funds requirement. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that matching funds will be available at the same time grant funds are anticipated to be spent and that expenditures of matching funds shall be pro-rated or spent in advance of grant funding, such that for every dollar of the total project cost, at least 25 cents (5 cents for 1994 Institutions) of matching funds will be expended.'' A separate signature is not required.

8. You must provide documentation in your application to verify all of your proposed matching funds. The documentation must be included in Appendix A of your application and will not count towards the 40-page limitation. Template letters are available for each type of matching funds contribution at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.*

a. If matching funds are to be provided in cash, you must meet the following requirements:

• *You:* The application must include a statement verifying (1) the amount of the cash and (2) the source of the cash. You may also provide a bank statement dated 30 days or less from the application deadline date to verify your cash match.
• *Third-party:* The application must include a signed letter from the third party verifying (1) how much cash will be donated and (2) that it will be available corresponding to the proposed grant period or donated on a specific date within the grant period.

b. If matching funds are to be provided by an in-kind donation, you must meet the following requirements.

• *You:* The application must include a signed letter from you or your authorized representative verifying (1) the nature of the goods and/or services to be donated and how they will be used, (2) when the goods and/or services will be donated (*i.e.,* corresponding to the proposed grant period or to specific dates within the grant period), and (3) the value of the goods and/or services. Please note that most applicant contributions for the RCDG program are considered applicant cash match in accordance with this Notice. If you are unsure, please contact your State Office because identifying your matching funds improperly can affect your scoring.
• *Third-Party:* The application must include a signed letter from the third party verifying (1) the nature of the goods and/or services to be donated and how they will be used, (2) when the goods and/or services will be donated (*i.e.,* corresponding to the proposed grant period or to specific dates within the grant period), and (3) the value of the goods and/or services.

To ensure that you are identifying and verifying your matching funds appropriately, please note the following:

• If you are paying for goods and/or services as part of the matching funds requirement, the expenditure is considered a cash match, and you must verify it as such. Universities must

verify the goods and services they are providing to the project as a cash match and the verification must be approved by the appropriate approval official (*i.e.,* sponsored programs office or equivalent).

• If you have already received cash from a third-party (*i.e.,* Foundation) before the start of your proposed grant period, you must verify this as your own cash match and not as a third-party cash match. If you are receiving cash from a third-party during the grant period, then you must be verifying the cash as a third-party cash match.

• Board resolutions for a cash match must be approved at the time of application.

• You can only consider goods or services for which no expenditure is made as an in-kind contribution.

• If a non-profit or another organization contributes the services of affiliated volunteers, they must follow the third-party, in-kind donation verification requirement for each individual volunteer.

• Expected program income may not be used to fulfill your matching funds requirement at the time you submit your application. However, if you have a contract to provide services in place at the time you submit your application, you can verify the amount of the contract as a cash match.

• The valuation processes you use for in-kind contributions does not need to be included in your application, but you must be able to demonstrate how the valuation was derived if you are awarded a grant. The grant award may be withdrawn, or the amount of the grant reduced if you cannot demonstrate how the valuation was derived.

Successful applicants must comply with requirements identified in Section F, Federal Award Administration.

3. Dun and Bradstreet Data Universal Numbering System (DUNS) and System for Awards Management (SAM)

To be eligible (unless you are excepted under 2 CFR 25.110(b), (c) or (d), you are required to:

(a) Provide a valid DUNS number in your application, which can be obtained at no cost via a toll-free request line at (866) 705–5711;

(b) Register in SAM before submitting your application. You may register in SAM at no cost at *https://www.sam.gov/portal/public/SAM/.* You must provide your SAM CAGE Code and expiration date or evidence that you have begun the SAM registration process at time of application, and

(c) Continue to maintain an active SAM registration with current information at all times during which you have an active Federal award or an application or plan under consideration by a Federal awarding agency.

If you have not fully complied with all applicable DUNS and SAM requirements, the Agency may determine that the applicant is not qualified to receive a Federal award and the Agency may use that determination as a basis for making an award to another applicant. Please refer to Section F.2. for additional submission requirements that apply to grantees selected for this program.

4. Submission Dates and Times

Application Deadline Date: June 7, 2019.

Explanation of Deadlines: Complete applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than June 7, 2019, to be eligible for grant funding. The Agency will determine whether your application is late based on the date shown on the postmark or shipping invoice. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day. Late applications will automatically be deemed ineligible.

Electronic applications must be received by *http://www.grants.gov* no later than midnight Eastern Time, June 3, 2019, to be eligible for grant funding. Please review the *Grants.gov* website at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you can meet the electronic application deadline. *Grants.gov* will not accept applications submitted after the deadline.

5. Intergovernmental Review of Applications

Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs,'' applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House website: *https://www.whitehouse.gov/wp-content/uploads/2017/11/SPOC-Feb.-2018.pdf.* If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your State has not established a SPOC, or if you do not want to submit a copy of the application, our State Offices will submit your application to the SPOC or other appropriate agency or agencies.

6. Funding Restrictions

a. Project funds, including grant and matching funds, cannot be used for ineligible grant purposes (see 7 CFR 4284.10). Also, you shall not use project funds for the following:

• To purchase, rent, or install laboratory equipment or processing machinery;

• To pay for the operating costs of any entity receiving assistance from the Center;

• To pay costs of the project where a conflict of interest exists;

• To fund any activities prohibited by 2 CFR part 200; or

• To fund any activities considered unallowable by 2 CFR part 200, subpart E, ''Cost Principles,'' and the Federal Acquisition Regulation (for-profits) or successor regulations.

b. In addition, your application will not be considered for funding if it does any of the following:

• Focuses assistance on only one cooperative or mutually-owned business;

• Requests more than the maximum grant amount; or

• Proposes ineligible costs that equal more than 10 percent of total project costs. The ineligible costs will NOT be removed at this stage to proceed with application processing. For purposes of this determination, the grant amount requested plus the matching funds amount constitutes the total project costs.

We will consider your application for funding if it includes ineligible costs of 10 percent or less of total project costs, if the remaining costs are determined eligible otherwise. However, if your application is successful, those ineligible costs must be removed and replaced with eligible costs before the Agency will make the grant award, or the amount of the grant award will be reduced accordingly. If we cannot determine the percentage of ineligible costs, your application will not be considered for funding.

7. Other Submission Requirements

a. You should not submit your application in more than one format. You must choose whether to submit your application in paper or

electronically. Applications submitted on paper must be mailed or hand-delivered to the State Office located in the State where you are headquartered. You can find State Office contact information at: *http://www.rd.usda.gov/contact-us/state-offices*. To submit an application electronically, you must follow the instruction for this funding announcement at *http://www.grants.gov*. A password is not required to access the website.

b. National Environmental Policy Act

All recipients under this Notice are subject to the requirements of 7 CFR part 1970. However, technical assistance awards under this Notice are classified as a Categorical Exclusion according to 7 CFR 1970.53(b), and usually do not require any additional documentation.

The Agency will review each grant application to determine its compliance with 7 CFR part 1970. The applicant may be asked to provide additional information or documentation to assist the Agency with this determination.

c. Civil Rights Compliance Requirements

All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973.

E. Application Review Information

The State Offices will review applications to determine if they are eligible for assistance based on requirements in 7 CFR part 4284, subparts A and F, this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. Applications will be funded in rank order until the funding limitation has been reached. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion.

1. Scoring Criteria

Scoring criteria will follow criteria published at 7 CFR 4284.513 as supplemented below including any amendments made by the Section 6013 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–234), which is incorporated by reference in this Notice. The regulatory and statutory criteria are clarified and supplemented below. You should also include information as described in Section D.2.e.5.vi. if you choose to address these items under the scoring criteria. Evaluators will base scores only on the information provided or cross-referenced by page number in each individual evaluation criterion. The maximum amount of points available is 110. Newly established or proposed Centers that do not yet have a track record on which to evaluate the following criteria should refer to the expertise and track records of staff or consultants expected to perform tasks related to the respective criteria. Proposed or newly established Centers must be organized well-enough at time of application to address its capabilities for meeting these criteria.

a. Administrative capabilities (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated track record in carrying out activities in support of development assistance to cooperatively and mutually owned businesses. At a minimum, you must discuss the following administrative capabilities:

1. Financial systems and audit controls;
2. Personnel and program administration performance measures;
3. Clear written rules of governance; and
4. Experience administering Federal grant funding no later than the last 5 years, including but not limited to past RCDGs. Please list the name of the Federal grant program(s), the amount(s), and the date(s) of funding received.

You will score higher on this criterion if you can demonstrate that the Center has independent governance. For applicants that are universities or parent organizations, you should demonstrate that there is a separate board of directors for the Center.

b. Technical assistance and other services (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated expertise no later than the last 5 years in providing technical assistance and accomplishing effective outcomes in rural areas to promote and assist the development of cooperatively and mutually owned businesses. You must discuss at least:

1. Your potential for delivering effective technical assistance;
2. The types of assistance provided;
3. The expected effects of that assistance;
4. The sustainability of organizations receiving the assistance; and
5. The transferability of your cooperative development strategies and focus to other areas of the U.S.

A chart or table showing the outcomes of your demonstrated expertise based upon the performance elements listed in Section D.2.e.5.iv. or as identified in your award document on previous RCDG awards. At a minimum, please provide information for FY 2015—FY 2017 awards. We prefer that you provide one chart or table separating out award years. The intention here is for you to provide actual performance numbers based upon award years (fiscal year) even though your grant period for the award was for the next calendar or fiscal year. Please provide a narrative explanation if you have not received an RCDG award.

You will score higher on this criterion if you provide more than 3 years of outcomes and can demonstrate that the organizations you assisted within the last 5 years are sustainable. Additional outcome information should be provided on RCDG grants awarded before FY 2015. Please describe specific project(s) when addressing 1–5 of this paragraph. To reduce duplication, descriptions of specific projects and their impacts, outcomes and roles can be discussed once under criterion b or c. However, you must cross-reference the information under the other criterion.

c. Economic development (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated ability to facilitate:

1. Establishment of cooperatives or mutually owned businesses;
2. New cooperative approaches (*i.e.,* organizing cooperatives among underserved individuals or communities; an innovative market approach; a type of cooperative currently not in your service area; a new cooperative structure; novel ways to raise member equity or community capitalization; conversion of an existing business to cooperative ownership); and
3. Retention of businesses, generation of employment opportunities or other factors, as applicable, that will otherwise improve the economic conditions of rural areas.

You will score higher on this criterion if you provide economic measurements showing the impacts of your past development projects no later than 5 years old and identify your role in the economic development outcomes.

d. Past performance in establishing legal business entities (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated past performance in establishing legal cooperative business entities and other legal business entities during January 1, 2016—December 31, 2018. Provide the name of the organization(s) established, the date of formation and your role in assisting with the incorporation(s) under this criterion. In addition, documentation verifying the establishment of legal business entities must be included in Appendix C of your application and will not count against the 40-page limit

for the narrative. The documentation must include proof that organizational documents were filed with the Secretary of State's Office (*i.e.* Certificate of Incorporation or information from the State's official website naming the entity established and the date of establishment); or if the business entity is not required to register with the Secretary of State, a certification from the business entity that a legal business entity has been established and when. Please note that you are not required to submit articles of incorporation to receive points under this criterion. You will score higher on this criterion if you have established legal cooperative businesses. If your State does not incorporate cooperative business entities, please describe how the established business entity operates like a cooperative.

e. Networking and regional focus (maximum score of 10 points). A panel of USDA employees will evaluate your demonstrated commitment to:

1. Networking with other cooperative development centers, and other organizations involved in rural economic development efforts, and

2. Developing multi-organization and multi-State approaches to addressing the economic development and cooperative needs of rural areas.

You will score higher on this criterion if you can demonstrate the outcomes of your multi-organizational and multi-State approaches. Please describe the project(s), partners and the outcome(s) that resulted from the approach.

f. Commitment (maximum score of 10 points). A panel of USDA employees will evaluate your commitment to providing technical assistance and other services to under-served and economically distressed areas in rural areas of the United States. You will score higher on this criterion if you define and describe the underserved and economically distressed areas within your service area, provide economic statistics, and identify past or current projects within or affecting these areas, as appropriate.

g. Matching Funds (maximum score of 10 points). A panel of USDA employees will evaluate your commitment for the 25 percent (5 percent for 1994 Institutions) matching funds requirement. A chart or table should be provided to describe all matching funds being committed to the project. However, formal documentation to verify all the matching funds must be included in Appendix A of your application. You will be scored on how you identify your matching funds.

1. If you met the 25 percent (5 percent for 1994 Institutions) matching requirement, points will be assigned as follows:

- In-kind only—1 point,
- Mix of in-kind and cash—3–4 points (maximum points will be awarded if the ratio of cash to in-kind is 30 percent and above of matching funds), or
- Cash only—5 points.

2. If you exceeded the 25 percent (5 percent for 1994 Institutions) matching requirement, points will be assigned as follows:

- In-kind only—2 points,
- Mix of in-kind and cash—6–7 points (maximum points will be awarded if the ratio of cash to in-kind is 30 percent or more), or
- Cash only—up to 10 points.

h. Work Plan/Budget (maximum score of 10 points). A panel of USDA employees will evaluate your work plan for detailed actions and an accompanying timetable for implementing the proposal. The budget must present a breakdown of the estimated costs associated with cooperative and business development activities as well as the operation of the Center and allocate these costs to each of the tasks to be undertaken. Matching funds as well as grant funds must be accounted for in the budget.

You must discuss at a minimum:

1. Specific tasks (whether it be by type of service or specific project) to be completed using grant and matching funds;

2. How customers will be identified;

3. Key personnel; and

4. The evaluation methods to be used to determine the success of specific tasks and overall objectives of Center operations. Please provide qualitative methods of evaluation. For example, evaluation methods should go beyond quantitative measurements of completing surveys or number of evaluations.

You will score higher on this criterion if you present a clear, logical, realistic, and efficient work plan and budget.

i. Qualifications of those Performing the Tasks (maximum score of 10 points). A panel of USDA employees will evaluate your application to determine if the personnel expected to perform key tasks have a track record of:

1. Positive solutions for complex cooperative development and/or marketing problems; or

2. A successful record of conducting accurate feasibility studies, business plans, marketing analysis, or other activities relevant to your success as determined by the tasks identified in the work plan; and

3. Whether the personnel expected to perform the tasks are full/part-time employees of your organization or are contract personnel.

You will score higher on this criterion if you demonstrate commitment and availability of qualified personnel expected to perform the tasks.

j. Local and Future Support (maximum score of 10 points). A panel of USDA employees will evaluate your application for local and future support. Support should be discussed directly within the response to this criterion.

1. Discussion on local support should include previous and/or expected local support and plans for coordinating with other developmental organizations in the proposed service area or with state and local government institutions. You will score higher if you demonstrate strong support from potential beneficiaries and formal evidence of intent to coordinate with other developmental organizations. You may also submit a maximum of 10 letters of support or intent to coordinate with the application to verify your discussion. These letters should be included in Appendix B of your application and will not count against the 40-page limit for the narrative.

2. Discussion on future support will include your vision for funding operations in future years. You should document:

(i) New and existing funding sources that support your goals;

(ii) Alternative funding sources that reduce reliance on Federal, State, and local grants; and

(iii) The use of in-house personnel for providing services versus contracting out for that expertise. Please discuss your strategy for building in-house technical assistance capacity.

You will score higher if you can demonstrate that your future support will result in long-term sustainability of the Center.

k. Administrator Discretionary Points (maximum of 10 points). The Administrator may choose to award up to 10 points to an eligible non-profit corporation or institution of higher education who has never previously been awarded an RCDG grant; and whose workplan and budget seeks to help rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Eligible applicants who want to be considered for discretionary points must discuss how their workplan and budget supports one or more of the five following key strategies:

Achieving e-Connectivity for Rural America;

Improving Quality of Life;

Supporting a Rural Workforce;

Harnessing Technological Innovation; and

Economic Development.

2. Review and Selection Process

The State Offices will review applications to determine if they are eligible for assistance based on requirements in 7 CFR part 4284, subparts A and F, this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. The Administrator may choose to award up to 10 Administrator priority points based on criterion (k) in section E.1. of this Notice. These points will be added to the cumulative score for a total possible score of 110. Applications will be funded in highest ranking order until the funding limitation has been reached. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion. If your application is evaluated, but not funded, it will not be carried forward into the next competition.

F. Federal Award Administration Information

1. Federal Award Notices

If you are selected for funding, you will receive a signed notice of Federal award by postal mail from the State Office where your application was submitted, containing instructions on requirements necessary to proceed with execution and performance of the award.

If you are not selected for funding, you will be notified in writing via postal mail and informed of any review and appeal rights. You must comply with all applicable statutes, regulations, and notice requirements before the grant award will be approved. There will be no available funds for successful appellants once all FY 2019 funds are awarded and obligated. See 7 CFR part 11 for USDA National Appeals Division procedures.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4284, subpart F; the Grants and Agreements regulations of the Department of Agriculture codified in 2 CFR parts 180, 400, 415, 417, 418, 421; 2 CFR parts 25 and 170; and 48 CFR 31.2, and successor regulations to these parts.

In addition, all recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

The following additional requirements apply to grantees selected for this program:

Agency-approved Grant Agreement.

Letter of Conditions.

- Form RD 1940–1, ''Request for Obligation of Funds.''
- Form RD 1942–46, ''Letter of Intent to Meet Conditions.''
- Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''
- Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''
- Form AD–1049, ''Certification Regarding Drug-Free Workplace Requirements (Grants).''
- Form RD 400–4, ''Assurance Agreement.''
- SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.
- Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this Notice. Institutions of Higher Education do not need to submit this form.

3. Reporting

After grant approval and through grant completion, you will be required to provide the following:

a. An SF–425, ''Federal Financial Report,'' and a project performance report will be required on a semiannual basis (due 30 working days after end of the semiannual period). The project performance reports shall include the following: A comparison of actual accomplishments to the objectives established for that period;

b. Reasons why established objectives were not met, if applicable;

c. Reasons for any problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

d. Objectives and timetable established for the next reporting period.

e. Provide a final project and financial status report within 60 days after the expiration or termination of the grant.

f. Provide outcome project performance reports and final deliverables.

G. Agency Contacts

If you have questions about this Notice, please contact the appropriate State Office at *http://www.rd.usda.gov/contact-us/state-offices.* Program guidance as well as application and matching funds templates may be obtained at *http://www.rd.usda.gov/programs-services/rural-cooperative-development-grant-program.* If you want to submit an electronic application, follow the instructions for the RCDG funding announcement located at *http://www.grants.gov.* You may also contact National Office staff: Natalie Melton, RCDG Program Lead, *cpgrants@wdc.usda.gov* or call the main line at 202–690–1374.

H. Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the

letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Bette B. Brand,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2019–06888 Filed 4–5–19; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Business—Cooperative Service

Inviting Applications for Socially-Disadvantaged Groups Grants

AGENCY: Rural Business—Cooperative Service, USDA.

ACTION: Notice of solicitation of applications.

SUMMARY: This Notice announces that the Rural Business-Cooperative Service (Agency) is accepting fiscal year (FY) 2019 applications for the Socially-Disadvantaged Groups Grant (SDGG) program. Enactment of a continuing resolution or an appropriations act may affect the availability or level of funding for this program. The Agency will publish the program funding level on the SDGG website located at *http://www.rd.usda.gov/programs-services/socially-disadvantaged-groups-grant.* Expenses incurred in developing applications are the responsibility of the applicant.

The purpose of this program is to provide technical assistance to Socially-Disadvantaged Groups in rural areas. Eligible applicants include Cooperatives, Groups of Cooperatives, and Cooperative Development Centers. This program supports Rural Development's (RD) mission of improving the quality of life for rural Americans and commitment to directing resources to those who most need them.

DATES: Completed applications for grants must be submitted on paper or electronically according to the following deadlines:

Paper copies must be postmarked and mailed, shipped, or sent overnight no later than June 7, 2019. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date.

Electronic copies must be received by *http://www.grants.gov* no later than midnight Eastern Time June 3, 2019. Late applications are not eligible for funding under this Notice and will not be evaluated.

The Application Template provides specific, detailed instructions for each item of a complete application. The Agency emphasizes the importance of including every item and strongly encourages applicants to follow the instructions carefully, using the examples and illustrations in the Application Template. Prior to official submission of applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to May 23, 2019. Agency contact information can be found in Section D of this document.

The Agency will not solicit or consider new scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applicants to seek clarification on materials contained in the submitted application. See the Application Template for a full discussion of each item. For requirements of completed grant applications, refer to Section D of this document.

ADDRESSES: You should contact the USDA RD State Office (State Office) located in the State where you are headquartered if you have questions. Contact information for State Offices can be found at: *http://www.rd.usda.gov/contact-us/state-offices.* You are encouraged to contact your State Office well in advance of the application deadline to discuss your project and ask any questions about the application process. Program guidance as well as application templates may be obtained at *http://www.rd.usda.gov/programs-services/socially-disadvantaged-groups-grant* or by contacting your State Office. If you want to submit an electronic application, follow the instructions for the SDGG funding announcement located at *http://www.grants.gov.* Please review the *Grants.gov* website at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you can meet the electronic application deadline. You are strongly encouraged to file your application early and allow sufficient time to manage any technical issues that may arise. If you want to submit a paper application, send it to the State Office located in the State where you are headquartered. If you are headquartered in Washington, DC, please contact the Grants Division, Cooperative Programs, Rural Business-Cooperative Service, at (202) 690–1374 for guidance on where to submit your application.

FOR FURTHER INFORMATION CONTACT: Grants Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW, MS 3253, Room 4208-South, Washington, DC 20250–3250, or call 202–690–1374.

SUPPLEMENTARY INFORMATION:

Preface

The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America. *https://www.usda.gov/topics/rural/rural-prosperity.* Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. Key strategies include:

- Achieving e-Connectivity for rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

Overview

Federal Agency Name: USDA Rural Business-Cooperative Service.

Funding Opportunity Title: Socially-Disadvantaged Groups Grant.

Announcement Type: Initial Notice.

Catalog of Federal Domestic Assistance Number: 10.871.

Dates: Application Deadline. You must submit your complete application by June 7, 2019 or it will not be considered for funding. Electronic applications must be received by *http://www.grants.gov* no later than midnight Eastern Time, June 3, 2019, or it will not be considered for funding.

The Application Template provides specific, detailed instructions for each item of a complete application. The Agency emphasizes the importance of including every item and strongly encourages applicants to follow the instructions carefully, using the examples and illustrations in the Application Template. Prior to official submission of applications, applicants may request technical assistance or other application guidance from the Agency, as long as such requests are made prior to May 23, 2019. Agency

contact information can be found in Section D of this document.

The Agency will not solicit or consider new scoring or eligibility information that is submitted after the application deadline. The Agency reserves the right to contact applicants to seek clarification on materials contained in the submitted application. See the Application Guide for a full discussion of each item. For requirements of completed grant applications, refer to Section D of this document.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden associated with this Notice has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0052.

A. Program Description

The SDGG program is authorized by section 310B (e)(11) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932 (e)(11)). The primary objective of the SDGG program is to provide Technical Assistance to Socially-Disadvantaged Groups. Grants are available for Cooperative Development Centers, individual Cooperatives, or Groups of Cooperatives that serve Socially-Disadvantaged Groups and where a majority of their board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups.

Definitions

The definitions you need to understand are as follows:

Agency—Rural Business-Cooperative Service, an agency of the United States Department of Agriculture (USDA) Rural Development or a successor agency.

Conflict of Interest—A situation in which a person or entity has competing personal, professional, or financial interests that make it difficult for the person or business to act impartially. Federal procurement standards prohibit transactions that involve a real or apparent conflict of interest for owners, employees, officers, agents, or their immediate family members having a financial or other interest in the outcome of the project; or that restrict open and free competition for unrestrained trade. Specifically, project funds may not be used for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest, including, but not limited to, owner(s) and their immediate family members. Examples of conflicts of interest include using grant funds to pay a member of the applicant's board of directors to provide proposed Technical Assistance to Socially-Disadvantaged Groups; pay a cooperative member to provide proposed Technical Assistance to other members of the same cooperative; and pay an immediate family member of the applicant to provide proposed Technical Assistance to Socially-Disadvantaged Groups.

Cooperative—A business or organization owned by and operated for the benefit of those using its services and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. Profits and earnings generated by the cooperative are distributed among the members, also known as user-owners.

Cooperative Development Center—A nonprofit corporation or institution of higher education operated by the grantee for cooperative or business development and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. It may or may not be an independent legal entity separate from the grantee.

Feasibility Study—An analysis of the economic, market, technical, financial, and management feasibility of a proposed Project.

Group of Cooperatives—A group of Cooperatives whose primary focus is to provide assistance to Socially-Disadvantaged Groups and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. One of the Cooperatives must be designated as the lead entity and have legal authority to contract with the Federal Government.

Operating Cost—The day-to-day expenses of running a business; for example: Utilities, rent on the office space a business occupies, salaries, depreciation, marketing and advertising, and other basic overhead items.

Participant Support Costs—Direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects.

Project—Includes all activities to be funded by the Socially-Disadvantaged Groups Grant.

Rural and Rural Area—Any area of a State:

(1) Not in a city or town that has a population of more than 50,000 inhabitants, according to the latest decennial census of the United States; and

(2) The contiguous and adjacent urbanized area,

(3) Urbanized areas that are rural in character as defined by 7 U.S.C. 1991 (a)(13).

(4) For the purposes of this definition, cities and towns are incorporated population centers with definite boundaries, local self-government, and legal powers set forth in a charter granted by the State. Notwithstanding any other provision of this paragraph, within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any part of the areas as a rural area if the Secretary determines that the part is not urban in character, other than any area included in the Honolulu census designated place (CDP) or the San Juan CDP.

Rural Development—A mission area within USDA consisting of the Office of Under Secretary for Rural Development, Rural Business-Cooperative Services, Rural Housing Service, and Rural Utilities Service and any successors.

Socially-Disadvantaged Group—A group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities.

State—Includes each of the 50 states, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and, as may be determined by the Secretary to be feasible, appropriate and lawful, the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau.

Technical Assistance—An advisory service performed for the purpose of assisting Cooperatives or groups that want to form Cooperatives such as market research, product and/or service improvement, legal advice and assistance, Feasibility Study, business planning, marketing plan development, and training.

B. Federal Award Information

Type of Award: Competitive Grant.
Fiscal Year Funds: FY2019.
Total Funding: $3,000,000.
Maximum Award: $175,000.
Project Period: 1 year.
Anticipated Award Date: September 30, 2019.

C. Eligibility Information

Applicants must meet all the following eligibility requirements.

Applications which fail to meet any of these requirements by the application deadline will be deemed ineligible and will not be evaluated further.

1. *Eligible Applicants.* Grants may be made to individual Cooperatives, Groups of Cooperatives, and Cooperative Development Centers that serve Socially-Disadvantaged Groups and where a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. You must be able to verify your legal structure in the State or the tribe under which you are incorporated. Grants may not be made to public bodies or to individuals. Your application must demonstrate that you meet all definition requirements for one of the three eligible applicant types as defined above under Program Description. Federally-recognized tribes have a government-to-government relationship with the United States and may have difficulty meeting the definition requirements. Therefore, it is recommended that they utilize a separate entity, such as a tribally-owned business, tribal authority, tribal non-profit, tribal College or University to apply for SDGG funding that would provide Technical Assistance to members of the tribe. This separate tribal entity must also demonstrate that it meets all definition requirements for one of the three eligible applicant types as defined above.

(a) An applicant is ineligible if they have been debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, ''Debarment and Suspension.'' In addition, an applicant will be considered ineligible for a grant due to an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt. The applicant must certify as part of the application that they do not have an outstanding judgment against them. The Agency will check the Credit Alert Interactive Voice Response System (CAIVRS) to verify this.

(b) Any corporation (i) that has been convicted of a felony criminal violation under any Federal law within the past 24 months or (ii) that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance provided with funds appropriated by the Consolidated Appropriations Act, 2018 (Pub. L. 115–141) or successor appropriations act, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government. Applicants will be required to complete Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. Institutions of Higher Education are not required to submit this form.

2. *Cost Sharing or Matching.* No matching funds are required.

3. *Other Eligibility Requirements.*

Use of Funds: Your application must propose Technical Assistance that will benefit Socially-Disadvantaged Groups. Cooperatives that are recipients of Technical Assistance must have a membership that consists of a majority of members from Socially-Disadvantaged Groups. Please review section D (6) of this Notice, ''Funding Restrictions,'' carefully.

Project Eligibility: The proposed Project must only serve members of Socially-Disadvantaged Groups in Rural Areas.

Grant Period Eligibility: Your application must include a grant period of one-year or less or it will not be considered for funding. The proposed time frame should begin no earlier than October 1, 2019 and end no later than December 31, 2020. Applications that request funds for a time period ending after December 31, 2020, will not be considered for funding. You should note that the anticipated award date is September 30, 2019. Projects must be completed within the 12-months or less time frame.

The Agency may approve requests to extend the grant period for up to an additional 12 months at its discretion. However, you may not have more than one SDGG during the same grant period. If you extend the period of performance for your current award, you may be deemed ineligible to receive a SDGG in the next grant cycle. Further guidance on grant period extensions will be provided in the award document.

Satisfactory performance eligibility: If you have an existing SDGG award, you must be performing satisfactorily to be considered eligible for a new SDGG award. Satisfactory performance includes being up-to-date on all financial and performance reports as prescribed in the grant award, and current on tasks and timeframes for utilizing grant and matching funds as approved in the work plan and budget. If you have any unspent grant funds on SDGG awards prior to FY 2018, your application will not be considered for funding. If your FY 2018 award has unspent funds of 50 percent or more than what your approved work plan and budget projected at the time of evaluation of your FY 2019 application, your FY 2019 application may not be considered for funding. The Agency will verify the performance status of FY 2018 awards and make a determination after the FY 2019 application period closes.

Completeness Eligibility: Your application must provide all the information requested in Section D (2) of this Notice. Applications lacking sufficient information to determine eligibility and scoring will be considered ineligible.

Duplication of current services. Your application must demonstrate that you are providing services to new customers or new services to current customers. If your work plan and budget is duplicative of your existing award, your application will not be considered for funding. If your work plan and budget is duplicative of a previous or existing RCDG and/or SDGG award, your application will not be considered for funding.

Multiple Grant Eligibility: You may only submit one SDGG grant application each funding cycle.

D. Application and Submission Information

1. Address To Request Application Package

The application template for applying on paper for this funding opportunity is located at *http://www.rd.usda.gov/programs-services/socially-disadvantaged-groups-grant.* Use of the application template is strongly recommended to assist you with the application process. You may also contact your USDA RD State Office for more information. Contact information for State Offices is located at *http://www.rd.usda.gov/contact-us/state-offices.* You may also obtain an application package by calling 202–690–1374.

2. Content and Form of Application Submission

You may submit your application in paper form or electronically through *Grants.gov.* Your application must contain all required information. If you submit in paper form, any forms requiring signatures must include an original signature.

To apply electronically, you must follow the instructions for this funding

announcement at *http://www.grants.gov.* Please note that we cannot accept emailed or faxed applications.

You can locate the *Grants.gov* downloadable application package for this program by using a keyword, the program name, or the Catalog of Federal Domestic Assistance Number for this program.

When you enter the *Grants.gov* website, you will find information about applying electronically through the site, as well as the hours of operation.

To use *Grants.gov*, you must already have a DUNS number and you must also be registered and maintain registration in SAM. We strongly recommend that you do not wait until the application deadline date to begin the application process through *Grants.gov*.

You must submit all application documents electronically through *Grants.gov*. Applications must include electronic signatures. Original signatures may be required if funds are awarded.

After applying electronically through *Grants.gov*, you will receive an automatic acknowledgement from *Grants.gov* that contains a *Grants.gov* tracking number.

If you want to submit a paper application, send it to the State Office located in the State where you are headquartered. You can find State Office contact information at: *http://www.rd.usda.gov/contact-us/state-offices.*

Your application must also contain the following required forms and proposal elements:

(a) Standard Form SF–424, ''Application for Federal Assistance,'' to include your DUNS number and SAM Commercial and Government Entity (CAGE) code and expiration date. If you do not include your DUNS number in your application, it will not be considered for funding.

(b) Form SF–424A, ''Budget Information-Non-Construction Programs.'' This form must be completed and submitted as part of the application package.

(c) Form SF–424B, ''Assurances—Non-Construction Programs.'' This form must be completed, signed, and submitted as part of the application package.

(d) Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands, or the various territories of the United States including American Samoa, Guam, Midway Islands, the Commonwealth of the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities. Institutions of higher education are not required to submit this form.

(e) You must certify that there are no current outstanding Federal judgments against your property and that you will not use grant funds to pay for any judgment obtained by the United States. You must also certify that you are not delinquent on the payment of Federal income taxes, or any Federal debt. There is no standard form to complete, but to satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that the United States has not obtained an unsatisfied judgment against its property, is not delinquent on the payment of Federal income taxes, or any Federal debt, and will not use grant funds to pay any judgments obtained by the United States.'' A separate signature is not required.

(f) Table of Contents. Your application must contain a detailed Table of Contents (TOC). The TOC must include page numbers for each part of the application. Page numbers should begin immediately following the TOC.

(g) Executive Summary. A summary of the proposal, not to exceed one page, must briefly describe the Project, tasks to be completed, and other relevant information that provides a general overview of the Project.

(h) Eligibility Discussion. A detailed discussion, not to exceed four pages, must describe how you meet the following requirements:

(1) Applicant Eligibility. You must describe how you meet the definition of a Cooperative, Group of Cooperatives, or Cooperative Development Center. Your application must show that your individual Cooperative, Group of Cooperatives or Cooperative Development Center serves Socially-Disadvantaged Groups and a majority of the board of directors or governing board is comprised of individuals who are members of Socially-Disadvantaged Groups. Your application must include a list of your board of directors/governing board and the percentage of board of directors/governing board that are members of Socially-Disadvantaged Groups. NOTE: Your application will not be considered for funding if you fail to show that a majority of your board of directors/governing board is comprised of individuals who are members of Socially-Disadvantaged Groups.

You must verify your incorporation and status in the State that you have applied by providing the State's or Tribe's Certificate of Good Standing and your Articles of Incorporation. You may also submit your Bylaws if they provide additional information not included in your Articles of Incorporation that will help verify your legal status. If applying as an institution of higher education, documentation verifying your legal status is not required; however, you must demonstrate that you qualify as an Institution of Higher Education as defined at 20 U.S.C. 1001. You must apply as only one type of applicant. The requested verification documents should be included in Appendix A of your application. If they are not included, your application will not be considered for funding.

(2) Use of Funds. You must provide a brief discussion on how the proposed Project activities meet the definition of Technical Assistance and identify the Socially-Disadvantaged Groups that will be assisted.

(3) Project Area. You must provide specific information that details the location of the Project area and explain how the area meets the definition of ''Rural Area.''

(4) Grant Period. You must provide a time frame for the proposed Project and discuss how the Project will be completed within that time frame. You must have a time frame of one year or less.

(5) Indirect Costs. Please indicate if you have a Negotiated Indirect Cost Rate Agreement (NICRA), and if so, the rate. Your negotiated indirect cost rate approval does not need to be included in your application, but you will be required to provide it if a grant is awarded. Per 2 CFR 200.414(f), if a negotiated rate does not exit, then applicants must use the de minimis rate of 10% in the project budget and workplan. Approval for indirect costs that are requested in an application without an approved indirect cost rate agreement is at the discretion of the Agency.

(i) Scoring Criteria. Each of the scoring criteria in this Notice must be addressed in narrative form, with a maximum of three pages for each individual scoring criterion, unless otherwise specified. Failure to address each scoring criteria will result in the application being determined ineligible.

(j) The Agency has established annual performance evaluation measures to evaluate the SDGG program. You must provide estimates on the following performance evaluation measures as part of your narrative:

• Number of cooperatives assisted; and
• Number of socially disadvantaged groups assisted.

3. DUNS Number and SAM

To be eligible (unless you are excepted under 2 CFR 25.110(b), (c) or (d)), you are required to:

(a) Provide a valid DUNS number in your application, which can be obtained at no cost via a toll-free request line at (866) 705–5711;

(b) Register in SAM before submitting your application. You may register in SAM at no cost at *https://www.sam.gov/portal/public/SAM/.* You must provide your SAM CAGE Code and expiration date or evidence that you have begun the SAM registration process at time of application; and

(c) Continue to maintain an active SAM registration with current information at all times during which you have an active Federal award or an application or plan under consideration by a Federal awarding agency.

If you have not fully complied with all applicable DUNS and SAM requirements, the Agency may determine that the applicant is not qualified to receive a Federal award and the Agency may use that determination as a basis for making an award to another applicant. Please refer to Section F. 2 for additional submission requirements that apply to grantees selected for this program.

4. Submission Dates and Times

Application Deadline Date: June 7, 2019.

Explanation of Deadlines: Paper applications must be postmarked and mailed, shipped, or sent overnight by June 7, 2019, or it will not be considered for funding. The Agency will determine whether your application is late based on the date shown on the postmark or shipping invoice. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day. Late applications are not eligible for funding and will not be evaluated further.

Electronic applications must be RECEIVED by *http://www.grants.gov* by midnight Eastern Time May 31, 2019, to be eligible for funding. Please review the *Grants.gov* website at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you can meet the electronic application deadline. *Grants.gov* will not accept applications submitted after the deadline.

5. Intergovernmental Review

Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs,'' applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House website: *https://www.whitehouse.gov/wp-content/uploads/2017/11/SPOC-Feb.-2018.pdf.*

If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your State has not established a SPOC, or if you do not want to submit a copy of the application, our State Offices will submit your application to the SPOC or other appropriate agency or agencies.

6. Funding Restrictions

Grant funds must be used for Technical Assistance. No funds made available under this solicitation shall be used to:

(a) Plan, repair, rehabilitate, acquire, or construct a building or facility, including a processing facility;

(b) Purchase, rent, or install fixed equipment, including processing equipment;

(c) Purchase vehicles, including boats;

(d) Pay for the preparation of the grant application;

(e) Pay expenses not directly related to the funded Project;

(f) Fund political or lobbying activities;

(g) To fund any activities considered unallowable by the applicable grant cost principles, including 2 CFR part 200, subpart E and the Federal Acquisition Regulation;

(h) Fund architectural or engineering design work for a specific physical facility;

(i) Fund any direct expenses for the production of any commodity or product to which value will be added, including seed, rootstock, labor for harvesting the crop, and delivery of the commodity to a processing facility;

(j) Fund research and development;

(k) Purchase land;

(l) Duplicate current activities or activities paid for by other Federal grant programs;

(m) Pay costs of the Project incurred prior to the date of grant approval;

(n) Pay for assistance to any private business enterprise that does not have at least 51 percent ownership by those who are either citizens of the United States or reside in the United States after being legally admitted for permanent residence;

(o) Pay any judgment or debt owed to the United States;

(p) Pay any Operating Costs of the Cooperative, Group of Cooperatives, or Cooperative Development Center not directly related to the Project;

(q) Pay expenses for applicant employee training or professional development not directly related to the Project; or

(r) Pay for any goods or services from a person who has a Conflict of Interest with the grantee.

(s) Pay for Technical Assistance provided to a Cooperative that does not have a membership that consists of a majority of members from Socially-Disadvantaged Groups.

In addition, your application will not be considered for funding if it does any of the following:

• Requests more than the maximum grant amount;
• Proposes ineligible costs that equal more than 10 percent of total grant funds requested; or
• Proposes Participant Support Costs that equal more than 10 percent of total grant funds requested.

We will consider your application for funding if it includes ineligible costs of 10 percent or less of total grant funds requested, if it is determined eligible otherwise. However, if your application is successful, those ineligible costs must be removed and replaced with eligible costs before the Agency will make the grant award or the amount of the grant award will be reduced accordingly. If we cannot determine the percentage of ineligible costs, your application will not be considered for funding.

7. Other Submission Requirements

(a) You should not submit your application in more than one format. You must choose whether to submit your application in paper or electronically. Applications submitted in paper must be mailed or hand-delivered to the State Office located in the State where you are headquartered. You can find State Office contact information at: *http://www.rd.usda.gov/contact-us/state-offices.* To apply electronically, you must follow the instructions for this funding announcement at *http://www.grants.gov.* A password is not required to access the website.

(b) National Environmental Policy Act. This Notice has been reviewed in

accordance with 7 CFR part 1970, ''Environmental Policies and Procedures.'' We have determined that an Environmental Impact Statement is not required because the issuance of regulations and instructions, as well as amendments to them, describing administrative and financial procedures for processing, approving, and implementing the Agency's financial programs is categorically excluded in the Agency's National Environmental Policy Act (NEPA) regulation found at 7 CFR 1970.53(f). We have determined that this Notice does not constitute a major Federal action significantly affecting the quality of the human environment.

The Agency will review each grant application to determine its compliance with 7 CFR part 1970. The applicant may be asked to provide additional information or documentation to assist the Agency with this determination.

(c) Civil Rights Compliance Requirements. All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973.

E. Application Review Information

The State Offices will review applications to determine if they are eligible for assistance based on requirements in this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. A recommendation will be submitted to the Administrator to fund applications in highest ranking order. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion.

1. Scoring Criteria

All eligible and complete applications will be evaluated based on the following criteria. Evaluators will base scores only on the information provided or cross-referenced by page number in each individual evaluation criterion. SDGG is a competitive program, so you will receive scores based on the quality of your responses. Simply addressing the criteria will not guarantee higher scores. The total points possible for the criteria are 105.

(a) *Technical Assistance (maximum score of 25 points).* A panel of USDA employees will evaluate your application to determine your ability to assess the needs of and provide effective Technical Assistance to Socially-Disadvantaged Groups. You must discuss the:

(1) Needs of the Socially-Disadvantaged Groups to be assisted and explain how those needs were determined,

(2) Proposed Technical Assistance to be provided to the Socially-Disadvantaged Groups; and

(3) Expected outcomes of the proposed Technical Assistance, including how Socially-Disadvantaged Groups will benefit from participating in the Project. You will score higher on this criterion if you provide examples of past projects that demonstrate successful outcomes in identifying specific needs and providing Technical Assistance to Socially-Disadvantaged Groups.

(b) *Work Plan/Budget (maximum of 25 points)*—Six-page limit. Your work plan must provide specific and detailed descriptions of the tasks and the key project personnel that will accomplish the project's goals. Budget will be reviewed for completeness. You must list what tasks are to be done, when it will be done, who will do it, and how much it will cost. Reviewers must be able to understand what is being proposed and how the grant funds will be spent. The budget must be a detailed breakdown of estimated costs. These costs should be allocated to each of the tasks to be undertaken.

A panel of USDA employees will evaluate your work plan for detailed actions and an accompanying timetable for implementing the proposal. Clear, logical, realistic, and efficient plans that allocate costs to specific tasks using applicable budget object class categories provided on the Form SF–424A will result in a higher score. You must discuss at a minimum:

(i) Specific tasks to be completed using grant funds;

(ii) How customers will be identified;

(iii) Key personnel and what tasks they are undertaking, and

(iv) The evaluation methods to be used to determine the success of specific tasks and overall project objectives. Please provide qualitative methods of evaluation. For example, evaluation methods should go beyond quantitative measurements of completing surveys or number of evaluations, such as discussion of evaluation methods per task.

(c) *Experience (maximum score of 25 points).* A panel of USDA employees will evaluate your experience, commitment and availability for identified staff or consultants in providing Technical Assistance, as defined in this Notice. You must describe the Technical Assistance experience for each identified staff member or consultant, as well as years of experience in providing that assistance. You must also discuss the commitment and the availability of identified staff, consultants, or other professionals to be hired for the project—especially those who may be consulting on multiple SDGG/RCDG projects. If staff or consultants have not been selected at the time of application, you must provide specific descriptions of the qualifications required for the positions to be filled. In addition, resumes for each individual staff member or consultant must be included as an attachment in Appendix B. The attachments will not count toward the maximum page total. We will compare the described experience in this section and in the resumes to the work plan to determine relevance of the experience. Applications that do not include the attached resumes will not be considered for funding.

Applications that demonstrate strong credentials, education, capabilities, experience and availability of Project personnel that will contribute to a high likelihood of Project success will receive more points than those that demonstrate less potential for success in these areas.

Points will be awarded as follows:

(i) 0 points will be awarded if you do not substantively address the criterion.

(ii) 1–9 points will be awarded if qualifications and experience of some, but not all, staff is addressed and/or if necessary qualifications of unfilled positions are not provided.

(iii) 10–14 points will be awarded if (ii) is met, plus all project personnel are identified but do not demonstrate qualifications or experience relevant to the project.

(iv) 15–19 will be awarded if (ii) and (iii) are met, plus most, but not all, key personnel demonstrate strong credentials and/or experience, and availability indicating a reasonable likelihood of success.

(v) 20–25 points will be awarded if (ii)–(iv) are met, plus all personnel demonstrate strong, relevant credentials or experience, and availability indicating a high likelihood of project success.

(d) *Commitment (maximum of 10 points).* A panel of USDA employees will evaluate your commitment to providing Technical Assistance to Socially-Disadvantaged Groups in Rural Areas. You must list the number and location of Socially-Disadvantaged Groups that will directly benefit from the assistance provided. You must also define and describe the underserved and economically distressed areas within your service area and provide

current and relevant statistics that support your description of the service area. Projects located in persistent poverty counties as defined by USDA's Economic Research Service will score higher on this factor.

(e) *Local support (maximum of 10 points).* A panel of USDA employees will evaluate your application for local support of the Technical Assistance activities. Your discussion on local support should include previous and/or expected local support and plans for coordinating with other developmental organizations in the proposed service area or with tribal, State and local government institutions. You will score higher if you demonstrate strong support from potential beneficiaries and other developmental organizations. You may also submit a maximum of 10 letters of support or intent to coordinate with the application to verify your discussion.

Points will be awarded as follows:

(i) 0 points are awarded if you do not adequately address this criterion.

(ii) 1–5 points are awarded if you demonstrate support from potential beneficiaries and other developmental organizations in your discussion but do not provide letters of support.

(iii) Additional 1 point is awarded if you provide 2–3 support letters that show support from potential beneficiaries and/or support from local organizations.

(iv) Additional 2 points are awarded if you provide 4–5 support letters that show support from potential beneficiaries and/or support from local organizations.

(v) Additional 3 points are awarded if you provide 6–7 support letters that show support from potential beneficiaries and/or support from local organizations.

(vi) Additional 4 points are awarded if you provide 8–9 support letters that show support from potential beneficiaries and/or support from local organizations.

(vii) Additional 5 points are awarded if you provide 10 support letters that show support from potential beneficiaries and/or support from local organizations.

You may submit a maximum of 10 letters of support. Support letters should be signed and dated (after the Notice publication date,) and come from potential beneficiaries and other local organizations. Letters received from Congressional members and Technical Assistance providers will not be included in the count of support letters received. Additionally, identical form letters signed by multiple potential beneficiaries and/or local organizations will not be included in the count of support letters received. Support letters should be included as an attachment to the application in Appendix C and will not count against the maximum page total. Additional letters from industry groups, commodity groups, Congressional members, and similar organizations should be referenced, but not included in the application package. When referencing these letters, provide the name of the organization, date of the letter, the nature of the support, and the name and title of the person signing the letter.

(f) *Administrator Discretionary Points (maximum of 10 points).* The Administrator may choose to award up to 10 points to an eligible applicant who has never previously been awarded an SDGG grant; and whose workplan and budget seeks to help rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships and innovation. These points are not guaranteed if requested. Eligible applicants who want to be considered for discretionary points must discuss how their workplan and budget supports one or more of the five following key strategies:

Achieving e-Connectivity for Rural America;

Improving Quality of Life;

Supporting a Rural Workforce;

Harnessing Technological Innovation; and

Economic Development

2. Review and Selection Process

The State Offices will review applications to determine if they are eligible for assistance based on requirements in this Notice, and other applicable Federal regulations. If determined eligible, your application will be scored by a panel of USDA employees in accordance with the point allocation specified in this Notice. The review panel will convene to reach a consensus on the scores for each of the eligible applications. The Administrator may choose to award up to 10 Administrator priority points based on criterion (f) in section E.1. of this Notice. These points will be added to the cumulative score for a total possible score of 105. Applications will be funded in highest ranking order until the funding limitation has been reached. Applications that cannot be fully funded may be offered partial funding at the Agency's discretion. If your application is ranked and not funded, it will not be carried forward into the next competition.

F. Federal Award Administration Information

1. Federal Award Notices

If you are selected for funding, you will receive a signed notice of Federal award by postal mail, containing instructions on requirements necessary to proceed with execution and performance of the award.

If you are not selected for funding, you will be notified in writing via postal mail and informed of any review and appeal rights. Funding of successfully appealed applications will be limited to available FY 2019 funding.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 2 CFR parts 200, 215, 400, 415, 417, 418, and 421. All recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation (See 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act reporting requirements (See 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

The following additional requirements apply to grantees selected for this program:

- Agency approved Grant Agreement.
- Letter of Conditions.
- Form RD 1940–1, ''Request for Obligation of Funds.''
- Form RD 1942–46, ''Letter of Intent to Meet Conditions.''
- Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions.''
- Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions.''
- Form AD–1049, ''Certification Regarding a Drug-Free Workplace Requirement (Grants).''
- Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this Notice.
- Form RD 400–4, ''Assurance Agreement.'' By signing Form 400–4, Assurance Agreement recipients affirm that they will operate the program free from discrimination. The recipient will maintain the race and ethnic data on the board members and beneficiaries of the program. The Recipient will provide alternative forms of communication to

persons with limited English proficiency. The Agency will conduct Civil Rights Compliance Reviews on recipients to identify the collection of racial and ethnic data on Program beneficiaries. In addition, the Compliance review will ensure that equal access to the Program benefits and activities are provided for persons with disabilities and language barriers.

- SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

3. Reporting

After grant approval and through grant completion, you will be required to provide the following:

a. A SF–425, ''Federal Financial Report,'' and a project performance report will be required on a semiannual basis (due 30 working days after end of the semiannual period). The project performance reports shall include a comparison of actual accomplishments to the objectives established for that period;

b. Reasons why established objectives were not met, if applicable;

c. Reasons for any problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular objectives during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

d. Objectives and timetable established for the next reporting period.

e. Provide a final project and financial status report within 90 days after the expiration or termination of the grant.

f. Provide outcome project performance reports and final deliverables.

G. Agency Contacts

For general questions about this announcement and for program Technical Assistance, please contact the appropriate State Office as indicated in the **ADDRESSES** section of this Notice. You may also contact National Office staff: Susan Horst, SDGG Program Lead, *Susan.Horst@usda.gov,* or call 202–690–1374.

H. Other Information

Non Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *fax:* (202) 690–7442; or

(3) *email: program.intake@usda.gov.*

Bette B. Brand,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2019–06780 Filed 4–5–19; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Thursday, April 18, 2019, at 12:00 p.m. Central Time for the purpose of discussing the implementation of the Committee's briefing on fair housing issues.

DATES: The meeting will be held on Thursday, April 18, 2019, at 12:00 p.m. Central Time.

Public Call Information: Dial: 877–260–1479, Conference ID: 5907149.

FOR FURTHER INFORMATION CONTACT: Alejandro Ventura, Designated Federal Official, at *aventura@usccr.gov* or 213–894–3437.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion. This meeting is available to the public through the call in information listed above. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement to the Committee as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 230 South Dearborn St., Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Illinois Advisory Committee link. Persons interested in the work of this

Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

I. Welcome and Roll Call
II. Approval of Minutes
III. Discussion on Implementing the Briefing on Fair Housing
IV. Public Comment
V. Next Steps
VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the federal government shutdown.

Dated: April 2, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–06803 Filed 4–5–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Michigan 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 Michigan Advisory Committee (Committee) to the Commission will be held at 9 a.m. to 5 p.m. (Eastern Time) Tuesday, April 30, 2019, the purpose of meeting is for the Committee to receive testimony on voting rights and voter participation in Michigan. In particular, the Committee will examine the extent to which state voters have equal access to exercise their right to vote regardless of race, color, disability status, national origin, age, religion, and/or sex.

DATES: The meeting will be held on Tuesday, April 30, 2019, at 9 a.m. to 5 p.m. Eastern Time.

Location: Wayne State University Law School, Spencer M. Partrich Auditorium, 471 West Palmer Street, Detroit, MI 48202.

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

SUPPLEMENTARY INFORMATION: Members of the public are entitled to provide comment during two open comment periods and also submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 230 S Dearborn St., Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov*. Persons who desire additional information may contact the Regional Programs Office at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzjPAAQ*. Please click on the ''Committee Meetings'' tab. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Opening Remarks and Introductions (9:00 a.m.–9:10 a.m.)
II. Panel Presentations
  Voting Across Protected Groups (9:10 a.m.–10:05 a.m.)
  Voter Registration and Poll Administration (10:15 a.m.–11:20 a.m.)
  Open Comment (11:20 a.m.–12:00 p.m.)
  Break (11:50 a.m.–1:20 p.m.)
  Voter Accessibility (1:20 p.m.–2:40 p.m.)
  Government Perspectives (2:40 p.m.–4:40 p.m.)
  Open Comment (4:10 p.m.–4:50 p.m.)
III. Closing Remarks (4:50 p.m.–5:00 p.m.)

Dated: April 3, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–06877 Filed 4–5–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–68–2018]

Foreign-Trade Zone (FTZ) 23—Buffalo, New York; Authorization of Production Activity; Panasonic Eco Solutions Solar New York America, Subzone 23E (Crystalline Silicon Photovoltaic Cells), Buffalo, New York

On October 24, 2018, Panasonic Eco Solutions Solar New York America submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 23E, in Buffalo, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 55143–55144, November 2, 2018). On April 2, 2019, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: April 2, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–06860 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–15–2019]

Approval of Expanded Subzone Status; Tesla, Inc., Livermore, California

On February 12, 2019, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the City of San Jose, grantee of FTZ 18, requesting expanded subzone status subject to the existing activation limit of FTZ 18, on behalf of Tesla, Inc., in Livermore, California.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (84 FR 4767–4768, February 19, 2019). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to expand Subzone 18G was approved on April 2, 2019, subject to

the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 18's 2,000-acre activation limit.

Dated: April 2, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–06859 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–67–2018]

Foreign-Trade Zone (FTZ) 158—Jackson, Mississippi; Authorization of Production Activity; Calsonic Kansei North America (Automotive Parts), Canton, Mississippi

On October 25, 2018, Calsonic Kansei North America submitted a notification of proposed production activity to the FTZ Board for its facility within Site 21 of FTZ 158, in Canton, Mississippi.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 55142–55143, November 2, 2018). On April 3, 2019, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: April 3, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–06858 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–096]

Aluminum Wire and Cable From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

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

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

DATES: Applicable April 8, 2019.

FOR FURTHER INFORMATION CONTACT: Caitlin Monks, Celeste Chen, or Preston Cox, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–2670, 202–242–0890, or 202–482–5041, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on October 18, 2018.[1] On November 27, 2018, Commerce postponed the preliminary determination of this investigation, and reset the deadline to February 19, 2019.[2] Subsequently, Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[3] Accordingly, the revised deadline for the preliminary determination decision is now April 1, 2019.

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

Scope of the Investigation

The products covered by this investigation are aluminum wire and cable. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the Preamble to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice,* as well as to certain questions posed by Commerce with regard to the scope language. For a summary of the product coverage comments submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Decision Memorandum. Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* revised scope in Appendix I.

Period of Investigation

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

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit on the recipient, and that the subsidy is specific.[7] For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

In making these findings, Commerce relied, in part, on facts available.

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[1] *See Aluminum Wire and Cable from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 83 FR 52805 (October 18, 2018) (*Initiation Notice*).

[2] *See Aluminum Wire and Cable from the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation,* 83 FR 60822 (November 27, 2018).

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

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Aluminum Wire and and Cable from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[6] *See Initiation Notice.*

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

Further, because one or more respondents did not act to the best of their ability to respond to Commerce's requests for information, an adverse inference was drawn, where appropriate, in selecting from among the facts otherwise available.[8] For further information, see ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), and based on the petitioner's request,[9] we are aligning the final CVD determination in this investigation with the final determination in the companion AD investigation of aluminum wire and cable from China. Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than August 12, 2019, unless postponed.

All-Others Rate

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

In this investigation, Commerce calculated individual estimated countervailable subsidy rates for Shanghai Silin Special Equipment Co., Ltd. (Silin), and Changfeng Wire & Cable Co., Ltd. (Changfeng) that are not zero, *de minimis,* or based entirely on the facts otherwise available. Commerce calculated the all-others' rate using a simple average of the individual estimated subsidy rates calculated for the examined respondents.[10]

Preliminary Determination

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

Producer/exporter	Subsidy rate (percent)
Shanghai Silin Special Equipment Co., Ltd.[11]	15.77
Changfeng Wire & Cable Co., Ltd	11.57
Shanghai Yang Pu Qu Gong	164.16
All-Others	13.67

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

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

Verification

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

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[12] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

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

Parties are reminded that briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date.

International Trade Commission Notification

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

Notification to Interested Parties

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

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

[9] *See* Letter from the petitioners, ''Aluminum Wire and Cable from China: Petitioners' Request for Alignment of the Final Countervailing Duty and Antidumping Duty Final Determinations,'' dated March 11, 2019.

[10] With two respondents under examination, Commerce normally calculates (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010). Because complete publicly ranged sales data was not available, Commerce could not follow its normal methodology. Therefore, we used a simple average of the estimated subsidy rates calculated for the examined respondents.

[11] As discussed in the Preliminary Decision Memorandum, Commerce has assigned Silin's rate to each of the entities named as cross-owned in its affiliation questionnaire response: Jiangxi Silin International Cable Co., Ltd.

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

Dated: April 1, 2019.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of the investigation covers aluminum wire and cable, which is defined as an assembly of one or more electrical conductors made from 8000 Series Aluminum Alloys (defined in accordance with ASTM B800), Aluminum Alloy 1350 (defined in accordance with ASTM B230/B230M or B609/B609M), and/or Aluminum Alloy 6201 (defined in accordance with ASTM B398/B398M), provided that: (1) At least one of the electrical conductors is insulated; (2) each insulated electrical conductor has a voltage rating greater than 80 volts and not exceeding 1000 volts; and (3) at least one electrical conductor is stranded and has a size not less than 16.5 thousand circular mil (kcmil) and not greater than 1000 kcmil. The assembly may: (1) Include a grounding or neutral conductor; (2) be clad with aluminum, steel, or other base metal; or (3) include a steel support center wire, one or more connectors, a tape shield, a jacket or other covering, and/or filler materials.

Most aluminum wire and cable products conform to National Electrical Code (NEC) types THHN, THWN, THWN–2, XHHW–2, USE, USE–2, RHH, RHW, or RHW–2, and also conform to Underwriters Laboratories (UL) standards UL–44, UL–83, UL–758, UL–854, UL–1063, UL–1277, UL–1569, UL–1581, or UL–4703, but such conformity is not required for the merchandise to be included within the scope.

The scope of the investigation specifically excludes aluminum wire and cable products in lengths less than six feet, whether or not included in equipment already assembled at the time of importation.

The merchandise covered by the investigation is currently classifiable under subheading 8544.49.9000 of the Harmonized Tariff Schedule of the United States (HTSUS). Products subject to the scope may also enter under HTSUS subheading 8544.42.9090. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope Comments
IV. Scope of the Investigation
V. Injury Test
VI. Alignment
VII. Application of the CVD Law to Imports from China
VIII. Diversification of China's Economy
IX. Subsidies Valuation
X. Benchmarks and Interest Rates
XI. Use of Facts Otherwise Available and Adverse Inferences
XII. Analysis of Programs
XIII. Calculation of the All-Others Rate
XIV. ITC Notification
XV. Verification
XVI. Disclosure and Public Comment
XVII. Conclusion

[FR Doc. 2019–06856 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–891; A–412–826]

Carbon and Alloy Steel Wire Rod From the Republic of Korea and the United Kingdom: Notice of Final Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: The Department of Commerce (Commerce) is revoking, in part, the antidumping duty (AD) orders on carbon and alloy steel wire rod (wire rod) from the Republic of Korea (Korea) and the United Kingdom as to grade 1078 and higher tire cord wire rod.

DATES: Applicable May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Alice Maldonado or Jacob Garten, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone 202–482–4682 or 202–482–4633.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 2018, Commerce published the AD orders on wire rod from Korea and the United Kingdom.[1] On September 17, 2018, six members of the domestic industry, including the petitioners from the underlying investigations (Nucor Corporation, Optimus Steel LLC (formerly, Gerdau Ameristeel US Inc), Keystone Consolidates Industries, Inc., and Charter Steel) requested that Commerce initiate a changed circumstances review (CCR) to revoke, in part, the AD orders on wire rod from Korea and the United Kingdom as to grade 1078 and higher tire cord wire rod effective May 21, 2018.[2]

On November 7, 2018, Commerce initiated this CCR and published the notice of preliminary results, determining that the producers accounting for substantially all of the production of the domestic like product to which the *Orders* pertain lacked interest in the relief provided by the *Orders* with respect to grade 1078 and higher tire cord wire rod.[3] On December 21, 2018, Commerce solicited interested party comments on the appropriateness of end-use certifications as a condition of entry and solicited input from U.S. Customs and Border Protection (CBP).[4] The parties to these proceedings submitted comments on January 29, 2019, and February 19, 2019.[5] Subsequently, on March 20, 2019, we placed CBP's input on the records of these proceedings.[6] On March 25 and 27, 2019, the parties to these proceedings submitted timely comments regarding CBP's input on end-use certifications.[7]

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[1] *See Carbon and Alloy Steel Wire Rod from Italy, the Republic of Korea, Spain, the Republic of Turkey, and the United Kingdom: Antidumping Duty Orders and Amended Final Affirmative Antidumping Duty Determinations for Spain and the Republic of Turkey,* 83 FR 23417 (May 21, 2018) (*Orders*).

[2] *See* letter from domestic industry re: ''Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom: Petitioners' Request for Changed Circumstances Review and Partial Revocation Request,'' dated September 17, 2018.

[3] *See Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom: Initiation and Expedited Preliminary Results of Antidumping Duty Changed Circumstances Review,* 83 FR 55694 (November 7, 2018) (*Initiation and Preliminary Results*).

[4] *See* Commerce Letter, ''Re: Antidumping Duty Changed Circumstances Reviews of Carbon and Alloy Steel Wire Rod from the Republic of Korea (Korea) and the United Kingdom,'' dated December 21, 2018 (December 21, 2018, Solicitation of Comments Letter).

[5] *See* letter from Bekaert Corporation, Kiswire America Inc., Kiswire Inc., Kiswire Pine Bluff, and Tokusen U.S.A., Inc. re: ''Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom, Changed Circumstances Reviews: Response to Request for Comments,'' dated January 29, 2019; and letter from Nucor Corporation, Optimus Steel LLC, Keystone Consolidates Industries, Inc., and Charter Steel re: ''Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom: Comments on End-Use Certifications,'' dated February 19, 2019.

[6] *See* Memorandum to the file from Wendy J. Frankel, Director, Customs Liaison Unit, entitled, ''Changed Circumstances Reviews of Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom: Discussion with U.S. Customs and Border Protection,'' dated March 20, 2019.

[7] *See* letter from Bekaert Corporation, Kiswire America Inc., Kiswire Inc., Kiswire Pine Bluff, and Tokusen U.S.A., Inc. re: ''Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom, Changed Circumstances Reviews: Response to Request for Comments,'' dated March 25, 2019 (Interested Party Importer letter); letter from Nucor Corporation re: ''Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom: Comments CBP's Recommendations Concerning End-Use Certifications,'' dated March 27, 2019 (Nucor Letter); and letter from Optimus Steel LLC, Keystone Consolidates Industries, Inc., and Charter Steel re: ''Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom: Comments on Input from CBP Regarding End-Use Certifications,'' dated March 27, 2019 (Domestic Interested Party Letter).

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. Accordingly, the revised deadline for the final results of this changed circumstances review is now September 9, 2019.

Final Results of Changed Circumstances Review

For the reasons stated in the *Initiation and Preliminary Results,* and because we received no comments from interested parties to the contrary, Commerce continues to determine that producers accounting for substantially all of the production of the domestic like product have no further interest in the *Orders* with respect to grade 1078 and higher tire cord wire rod. As a result of this determination and pursuant to section 751(d)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.222(g), we are revoking, in part, the *Orders* as they relate to imports of grade 1078 and higher tire cord wire rod.

Regarding the requirement of end-use certifications as a condition of entry for the exclusion of tire cord wire rod of grade 1078 and higher from the AD order, we solicited comments from interested parties and input from CBP on the administrability of such certifications for consideration for the final results of these proceedings.[8] In their comments, the parties, who account for all of the interested parties to these proceedings, agree that end-use certifications for tire cord wire rod need not be filed as ''a condition'' of entry but must be required at the time of filing the Entry Summary for tire cord wire rod to be exempt from AD duties.[9]

Consequently, we are changing the scope of the orders on wire rod from Korea and the United Kingdom by adding exclusion language related to grade 1078 and higher tire cord quality wire rod and requiring that a certification of end-use be filed with CBP at the time of the filing of the Entry Summary with CBP as provided in the Attachment to this notice. Further, importers of record of tire cord wire rod are required to maintain a copy of the end-use certifications that were filed with the entry summaries to provide at the request of CBP or Commerce.

Amended Scope of the Orders

The products covered by these orders are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

Excluded from the scope of the antidumping duty orders from Korea and the United Kingdom are grade 1078 and higher tire cord quality wire rod to be used in the production of tire cord wire. Grade 1078 and higher tire cord quality wire rod refers to wire rod with not less than 0.78 percent of carbon and includes but is not limited to other high carbon grades of wire rod such as Grade 1078, 1080, 1085, 1086, 1090, and 1092.

Grade 1078 and higher tire cord quality rod is defined as: (i) Grade 1078 and higher tire cord quality wire rod measuring not more than 6.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no nondeformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.405 mm or less, and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, (5) not more than 0.6 percent silicon; and (6) not more than 0.55 percent in the aggregate, of copper, nickel, and chromium. For purposes of the grade 1078 and higher tire cord quality wire rod, an inclusion will be considered to be deformable if its ratio of length (measured along the axis-that is, the direction of rolling-of the rod) over thickness (measured on the same inclusion in a direction perpendicular to the axis of the rod) is equal to or greater than three. The size of an inclusion for purposes of the 20 microns and 35 microns limitations is the measurement of the largest dimension observed on a longitudinal section measured in a direction perpendicular to the axis of the rod.

The designation of the products as ''tire cord quality'' indicates the acceptability of the product for use in the production of tire cord applications which require that the tire cord wire rod be drawn into wire with a diameter of 0.405 mm or less. These quality designations are presumed to indicate that these products are being used in tire cord applications, and such merchandise intended for the tire cord applications is not included in the scope. Importers of tire cord quality wire rod are required to file with CBP, at the time of the Entry Summary filing with CBP, a certification of end use that certifies that the Grade 1078 and above tire cord quality wire rod will be used only in the production of tire cord wire. In instances where the importer of record is not the end-user, the importer must provide written notice of the end-use requirement and an official of the end user must also sign a copy of the certification filed with CBP at the time of Entry Summary. Importers of record of tire cord wire rod are required to maintain a copy of the end-use certifications that were filed with the entry summaries with the CBP and to provide them at the request of CBP or Commerce.

The products under these orders are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093; 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

[8] *See* December 21, 2018, Solicitation of Comments Letter.

[9] *See* Interested Party Importer letter; Nucor Letter; and Domestic Interested Party Letter.

Instructions to CBP

Because we determine that there are changed circumstances that warrant the revocation of the *Orders,* in part, we will instruct CBP to liquidate without regard to antidumping duties, all unliquidated entries of merchandise covered by this partial revocation that were entered, or withdrawn from warehouse, on or after May 21, 2018, for which an end-use certification was filed with CBP at the time of entry summary, and to refund all AD cash deposits on all such merchandise, with applicable interest.

We are issuing and publishing these final results and revocation, in part, and notice in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: April 3, 2019.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Attachment

End Use Certification

I hereby certify that:

- My name is {INSERT COMPANY OFFICIAL'S NAME HERE} and I am an official of (INSERT NAME OF IMPORTING COMPANY;
- I have direct personal knowledge of the facts regarding the importation of the (INSERT GRADE} tire cord wire rod produced in {INSERT COUNTRY} that entered under entry number(s) (INSERT ENTRY NUMBER(S)} and are covered by this certification;
- I have personal knowledge of the facts regarding the production of the imported products covered by this certification;
- I have personal knowledge of the facts regarding the end-use of the imported products covered by this certification because (initial one):
- ____m my company is the end-user of the imported product covered by this certification, Or

____m my company is not the end-user of the imported products covered by this certification, but I have contacted the end-user and advised them in writing of the end-use requirements for the imported product and an official of the end-user has signed a copy of this certification;

- This tire cord wire rod shall be used for tire cord applications, which require that the tire cord wire rod be drawn into wire with a diameter of 0.405 mm or less;
- This tire cord wire rod will not be drawn into wire with a diameter greater than 0.405 mm;
- I understand that (INSERT NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification (including a copy signed by an end-user that is not the importer) and sufficient documentation supporting this certification for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries;
- I understand that (INSERT NAME OF IMPORTING COMPANY} is required to provide this certification and supporting records, upon entry, to U.S. Customs and Border Protection (CBP);
- I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or the U.S. Department of Commerce (Commerce);
- I understand that failure to maintain the required certification and/or failure to substantiate the claims made herein will result in:

○ Suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met; and

○ the requirement that the importer post applicable antidumping duty (AD) cash deposits equal to the rates as determined by Commerce;

- I understand that agents of the importer, such as brokers, are not permitted to make this certification;
- This certification was completed at the time of entry;
- I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

IMPORTER SIGNATURE _____

NAME OF COMPANY OFFICIAL _____

TITLE _____

DATE _____

END-USER SIGNATURE (if other than importer) _____

NAME OF COMPANY OFFICIAL _____

TITLE _____

COMPANY NAME _____

DATE _____

[FR Doc. 2019–06857 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG937

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 Skate Advisory Panel 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 Tuesday, April 23, 2019 at 9 a.m.

ADDRESSES: The meeting will be held at the Fairfield Inn & Suites, 185 MacArthur Drive, New Bedford, MA 02740; telephone: (774) 634–2000.

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:

The Advisory Panel will review Plan Development Team (PDT) analyses to date, discuss the need for limited access in the skate fishery and provide guidance to the PDT for future analyses regarding qualification criteria and draft preliminary objectives/purpose and need, if needed. The Panel will receive an update on progress and potential timelines for 2019 skate priorities. 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: April 2, 2019.

Rey Israel Marquez,

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

[FR Doc. 2019–06802 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG943

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council will hold its 165th meeting in April to discuss the items contained in the agenda in the **SUPPLEMENTARY INFORMATION**.

DATES: The meetings will be held on April 23–24, 2019, from 9 a.m. to 5 p.m.

ADDRESSES: The meetings will be held at the Courtyard Marriott Isla Verde Beach Resort, 7012 Boca de Cangrejos Avenue, Isla Verde, Carolina, Puerto Rico 00907.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION:

April 23, 2019, 9 a.m.–5 p.m.

- Call to Order
- Adoption of Agenda
- Consideration of 164th Council Meeting Verbatim Transcriptions
- Executive Director's Report
- Island-Based Fishery Management Plans
  - —Review and Revise, as appropriate, Combined Draft Fishery Management Plans/NEPA Documents for Each Island Group
  - —Public Hearings Report and Discussion of Comments Received
- Final Action to Submit the Three Island-Based Fishery Management Plans to the Secretary of Commerce
- Reports from the DAPs and SSC on ''Conceptual Models in an Ecosystem-Based Fishery Management Framework'' Meetings
  - —Council Next Steps
- SSC Chair Report
- Project Events Update—Graciela Garćia-Moliner
- Saltonstall-Kennedy (S–K) Research Program: Background, Process and Transparency—Dan Namur

PUBLIC COMMENT PERIOD (5-minute presentations)

April 23, 2019, 5:15 p.m.–6 p.m.

- Administrative Issues
- Closed Session

April 23, 2019, 7:30 p.m.–9 p.m.

- Saltonstall-Kennedy (SK) Research Program Feedback Session with CFMC Members

April 24, 2019, 9 a.m.–5 p.m.

- Stony Coral Tissue Loss Disease Outbreak: Current Status of Disease and Management
- Stock Assessment Prioritization—Tauna Rankin
- Outreach and Education Report—Alida Ortiz
- USVI Recreational Fishery website Project Update
- USVI Control Date Status
- Enforcement Issues:
  - —Puerto Rico-DNER
  - —USVI–DPNR
  - —U.S. Coast Guard
  - —NMFS/NOAA
- Meetings Attended by Council Members and Staff
- Other Business
  - —Update on Spiny Lobster Data Collection by Fishers

PUBLIC COMMENT PERIOD (5-minute presentations)

- Next Meeting

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on April 23, 2019 at 9 a.m. Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated. In addition, the meeting may be extended from, or completed prior to the date established in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 766–5926, at least 5 days prior to the meeting date.

Dated: April 2, 2019.

Rey Israel Marquez,

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

[FR Doc. 2019–06804 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG940

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.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Spiny Dogfish Advisory Panel will hold a public meeting.

DATES: The meeting will be held on April 22, 2019, from 1 p.m. to 2:30 p.m.

ADDRESSES: The meeting will be held via webinar with an audio-only connection option. Details on the proposed agenda, connection information, and briefing materials will be posted at the MAFMC's website: *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for the Advisory Panel to provide 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.*

Special Accommodations

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: April 2, 2019.

Rey Israel Marquez,

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

[FR Doc. 2019–06801 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG627

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Aldo's Seawall Replacement Project in Santa Cruz, California

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the Santa Cruz Port District (Port District) for authorization to take marine mammals incidental to the Aldo's Seawall Replacement Project in Santa Cruz, California (CA). Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to take marine mammals incidental to the specified activities. NMFS is also requesting comments on a possible one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in *Request for Public Comments* at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than May 8, 2019.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.Fowler@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Amy Fowler, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable [adverse] impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On August 27, 2018, NMFS received a request from the Port District for an IHA to take marine mammals incidental to the Aldo's Seawall Replacement Project in the Santa Cruz Small Craft Harbor (harbor). The application was deemed adequate and complete on March 21, 2019. The Port District's request is for take of four species of marine mammals by Level B harassment and Level A harassment. Neither the Port District nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

The Port District is planning to replace the existing seawall located below Aldo's Restaurant along the southwest bank of the Santa Cruz Small Craft Harbor beginning in June 2019. The original seawall was constructed between 1963 and 1964 and has deteriorated to the point that Aldo's Harbor Restaurant voluntarily closed in

2016. The proposed project involves demolishing the existing restaurant structure and timber pile supported restaurant deck, modifying a dock gangway landing, removing timber piles supporting the public wharf, removing and reinstalling rip-rap to accept the new sheet pile wall, predrilling for new sheet piles, and installing a new steel sheet pile seawall with concrete pile cap and tie-backs in front of the existing seawall. Removing old timber piles and installing new steel sheet piles has the potential to harass marine mammals within the harbor and outside of the harbor in Monterey Bay.

Dates and Duration

Construction would occur between June 15 and November 1, 2019. Construction timing is restricted by salmonid migration to avoid and minimize potential impacts to steelhead trout (*Oncorhynchus mykiss*) that may occur in the harbor. Construction would occur only during daylight hours and during low tide, as feasible. The entire project is expected to take 18 weeks, with approximately 28 days of in-water work. Four timber piles would be removed over two days. Ninety sheet piles would be driven over 15 days at a rate of six piles per day. The remaining nine days of in-water work would involve pre-drilling to prepare the substrate for driving of sheet piles, and removing and reinstalling rip-rap around the seawall.

Specific Geographic Region

The harbor is located in Santa Cruz, California, off of Monterey Bay (see Figure 1 of the IHA application). The lower portion of the harbor runs primarily north-south while the upper portion (north of the Murray Street bridge) extends to the northeast (see Figures 2a and 2b in the IHA application). The harbor is less than 300 feet (ft) (91.4 meters (m)) wide at the mouth. The entrance to the harbor is marked by Walton Lighthouse, which sits atop a rock jetty extending into Monterey Bay. Aldo's Restaurant is located on the west side of the harbor. The harbor is entirely developed, consisting of docks, boat launches, a boat yard, and other facilities that provide harbor support services.

Detailed Description of Specific Activity

The existing Aldo's restaurant, concrete foundation, and timber pile supported deck will be removed. The existing timber piles supporting the deck will remain. All structure removal will occur above the water and sound levels associated with the demolition are not likely to be significantly different from noise associated with regular harbor activities, such as large boat and vehicle traffic. Existing structure removal is not expected to result in take of marine mammals, and therefore will not be discussed further in this document.

On the south side of the restaurant, a portion of the existing rip-rap will be temporarily removed and stockpiled to prevent interference with installing the new seawall, and the remaining rip-rap will be protected in place. Approximately 300–400 square ft (91–122 square m) of rip-rap will be removed. This activity would occur at low tide and no equipment would enter the water. Following installation of the new seawall, the rip-rap that was previously removed and stockpiled would be reinstalled. Removal and subsequent replacement of rip-rap is not expected to result in take of marine mammals, and therefore will not be discussed further in this document.

On the north side of the restaurant, the gangway to AA-dock and a portion of the public wharf (see Figure 2a in the IHA application) would be temporarily removed to allow sheet pile installation. Following installation of the new seawall, the existing aluminum gangway to AA-dock would be reinstalled. The portion of the existing public wharf that was removed would be reframed and replaced in-kind. Modification of the gangway and public wharf are not expected to result in take, and therefore will not be discussed further in this document.

Four 16 inch (in) (40.6 centimeter (cm)) timber piles supporting the public wharf would be permanently removed. These piles would be removed using a vibratory driver to reduce the extraction effort and the likelihood that the pile would break. The piles would be removed using land-based equipment. No new timber piles would be installed.

The existing steel sheet pile wall, tie-rods, and concrete anchors would be abandoned in place. The new steel sheet pile wall would be installed on the water side of the existing seawall, with rock placed in the void between the existing and new walls. The new seawall would extend approximately two feet further into harbor waters than the existing seawall. The new seawall will be composed of 90 0.5 m (1.6 ft) steel sheet piles, which will be driven in pairs.

Prior to installing the sheet piles, the contractor would pre-drill the substrate, drilling three 15 cm (6 in) diameter holes to the tip elevation for each pair of sheet piles. Pre-drilling would use land-based equipment, with only the auger in the water. Pre-drilling is expected to occur over five days but the actual duration of drilling activities is expected to be much shorter. NMFS has authorized take in association with certain types of drilling in other project (*e.g.,* 84 FR 4777; February 19, 2019), but those typically have much larger holes being drilled and/or othr circumstances leading to an expectation of louder sound levels than are expected here. Because of the small drilled hole size and short duration of drilling, acoustic impacts from pre-drilling are not expected to rise to the level of a take, take is not proposed to be authorized here and the effects of pre-drilling will not be discussed further in this document.

The 90 sheet piles will be driven over approximately 15 days, at a rate of six piles per day. The contractor would first use a vibratory hammer to sink the sheet piles through the soil over the bedrock (sandstone). Once the sheet piles have been sunk into the substrate, the contractor would use an impact hammer to drive the sheet piles into the substrate to a maximum depth of embedment of 2–2.5 m (7–8 ft). Based on the varying density of the bedrock and the required depth of embedment, each sheet pile would require a maximum of 300 strikes (600 strikes per pair) from the impact hammer.

TABLE 1—SUMMARY OF PILE DRIVING ACTIVITIES

Pile type	Method	Number of piles	Piles per day	Strikes per pile	Maximum daily duration (hours)
16 in timber	Vibratory removal	4	2	N/A	6
0.5 m steel sheet	Vibratory installation	90	6	N/A	6
0.5 m steel sheet	Impact installation	90	6	300	N/A

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see *Proposed Mitigation* and *Proposed Monitoring and Reporting*).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the IHA application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SAR; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species with expected potential for occurrence in the harbor and surrounding waters of Monterey Bay and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2018). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Pacific SARs. All values presented in Table 2 are the most recent available at the time of publication and are available in the 2017 SARs (Caretta *et al.,* 2018) and draft 2018 SARs (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports*).

TABLE 2—MARINE MAMMALS WITH POTENTIAL PRESENCE WITHIN THE PROPOSED PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Common bottlenose dolphin.	*Tursiops truncatus*	California Coastal	-/-; N	453 (0.06, 346, 2011)	2.7	>2.0
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Monterey Bay	-/-; N	3,715 (0.51, 2,480, 2011)	25	0
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California sea lion	*Zalophus californianus*	U.S	-/-; N	257,606 (N/A, 233,515, 2014)	14,011	>319
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina*	California	-/-; N	30,968 (N/A, 27,348, 2012)	1,641	43

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.* CV is coefficient of variation; Nmin is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

All species that could potentially occur in the proposed project areas are included in Table 2. As described below, all four species (with four managed stocks) temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have proposed authorizing it. In addition, the southern sea otter (*Enhydra lutris nereis*) may be found in the harbor. However, southern sea otters are managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

Harbor Seal

Harbor seals are residential year-round within the harbor, primarily utilizing harbor docks as nighttime haulout locations. The greatest numbers of hauled-out seals have been observed in the harbor at B, F, and FF docks, as well as the floating docks near the small boat launch (between docks F and FF) and the boat yard docks (T) (see Figures 2a and 2b in the IHA application). Most seals leave the harbor shortly after dawn, but some remain and forage within the harbor. The greatest concentrations of foraging seals are typically just south of the Murray Street Bridge by the Live Bait dock (Dock S) (see Figure 2a in the IHA application). During the molting season, seals have been observed remaining at their nighttime haulouts several hours after dawn. Molting season in Santa Cruz is estimated to occur between late April and July (Seal Conservancy 2017; Vanderhoof and Allen 2005). During 2018 surveys, molting was observed from June through July 10. The harbor is not a known rookery for harbor seals; the closest known rookeries are Elkhorn Slough, Lover's Point State Marine

Reserve, and Point Lobos (25–50 kilometers (km) (15.5–31 miles (mi)) south and southeast of the harbor).

California Sea Lion

Adult male California sea lions are resident in Monterey Bay outside of breeding season, and juvenile males are present in Monterey Bay year-round. California sea lions are visitors to the harbor, occasionally using the harbor for foraging and the docks and other harbor features for haulouts. Larger numbers of California sea lions may be present in the harbor waters when fish runs occur within the harbor. Weather, currents, seasonal upwelling conditions, and other oceanographic factors periodically bring anchovies, sardines, and other prey species into the harbor, drawing larger numbers of birds and pinnipeds. California sea lions are primarily observed using the docks of the lower harbor (south of the Murray Street bridge, see Figure 2a in the IHA application). The closest rookeries are Ano Nuevo Island (35 km (21.7 mi) northwest) and the Farallon Islands (120 km (74.6 mi) northwest) (Marine Mammal Center 2018; Wheeler 2001; Keith *et al.,* 1984).

Bottlenose Dolphin

A resident population of over 50 coastal bottlenose dolphins occurs in Monterey Bay (Hwang *et al.,* 2014). Sixty-eight uniquely marked individuals were observed during surveys in the early 1990s (Feinholz 1996). This population preferentially uses the northern part of Monterey Bay but some of the photo-identified dolphins have been observed as far south as the Southern California Bight (Hwang *et al.,* 2014). Bottlenose dolphins are not known to occur within the harbor itself, but may be present in the nearshore waters immediately outside the mouth of the harbor.

Harbor Porpoise

Resident harbor porpoises are known to occur in the coastal waters of Monterey Bay. The bathymetry of the northern Monterey Bay results in a relatively high density of harbor porpoises in the nearshore areas (Jacobsen *et al.,* 2017; Jacobsen *et al.,* 2015). Porpoises in the northern part of Monterey Bay represent approximately 15 percent of the stock (Forney *et al.,* 2014). Harbor porpoises are the most common nearshore cetacean in Monterey Bay and although they have not been observed within the harbor, they have been observed outside the harbor (Forney pers. comm. 2018).

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 dB threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. The functional groups and the associated frequencies are indicated below (note that these frequency ranges correspond to the range for the composite group, with the entire range not necessarily reflecting the capabilities of every species within that group):

- Low-frequency cetaceans (mysticetes): Generalized hearing is estimated to occur between approximately 7 Hz and 35 kHz;
- Mid-frequency cetaceans (larger toothed whales, beaked whales, and most delphinids): Generalized hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High-frequency cetaceans (porpoises, river dolphins, and members of the genera Kogia and Cephalorhynchus; including two members of the genus Lagenorhynchus, on the basis of recent echolocation data and genetic data): Generalized hearing is estimated to occur between approximately 275 Hz and 160 kHz.
- Pinnipeds in water; Phocidae (true seals): Generalized hearing is estimated to occur between approximately 50 Hz to 86 kHz;
- Pinnipeds in water; Otariidae (eared seals): Generalized hearing is estimated to occur between 60 Hz and 39 kHz.

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. Four marine mammal species (two cetacean and two pinniped (one otariid and one phocid) species) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 2. Of the cetacean species that may be present, one is classified as a mid-frequency cetacean (*i.e.,* all delphinid and ziphiid species and the sperm whale), and one is classified as a high-frequency cetacean (*i.e.,* harbor porpoise and Kogia spp.).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The *Estimated Take* section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The *Negligible Impact Analysis and Determination* section considers the content of this section, the *Estimated Take* section, and the *Proposed Mitigation* section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far. The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction activities associated with the project would include impact pile driving, vibratory pile driving, and vibratory pile removal. The sounds produced by these activities fall into one of two general sound types: Impulsive and non-impulsive. Impulsive sounds (*e.g.,* explosions, gunshots, sonic booms, impact pile driving) are typically transient, brief (less than 1 second), broadband, and consist of high peak sound pressure with rapid rise time and rapid decay (ANSI 1986; NIOSH 1998; ANSI 2005; NMFS 2018). Non-impulsive sounds (*e.g.* aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems) can be broadband, narrowband or tonal, brief or prolonged (continuous or intermittent), and typically do not have the high peak sound pressure with raid rise/decay time that impulsive sounds do (ANSI 1995; NIOSH 1998; NMFS 2018). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward 1997 in Southall *et al.* 2007).

Two types of pile hammers would be used on this project: impact and vibratory. Impact hammers operate by repeatedly dropping a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into the sediment. Vibratory hammers produce significantly less sound than impact hammers. Peak SPLs may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.* 2009). Rise time is slower, reducing the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards 2002; Carlson *et al.* 2005).

The likely or possible impacts of the Port District's proposed activity on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical presence of the equipment and personnel; however, any impacts to marine mammals are expected to primarily be acoustic in nature. Acoustic stressors include effects of heavy equipment operation during pile installation and removal and drilling.

Acoustic Impacts

The introduction of anthropogenic noise into the aquatic environment from pile driving and removal is the primary means by which marine mammals may be harassed from the Port District's specified activity. In general, animals exposed to natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.* 2007). In general, exposure to pile driving and drilling noise has the potential to result in auditory threshold shifts and behavioral reactions (*e.g.,* avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). Exposure to anthropogenic noise can also lead to non-observable physiological responses such an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily functions such as communication and predator and prey detection. The effects of pile driving and drilling noise on marine mammals are dependent on several factors, including, but not limited to, sound type (*e.g.,* impulsive vs. non-impulsive), the species, age and sex class (*e.g.,* adult male vs. mom with calf), duration of exposure, the distance between the pile and the animal, received levels, behavior at time of exposure, and previous history with exposure (Wartzok *et al.* 2004; Southall *et al.* 2007). Here we discuss physical auditory effects (threshold shifts) followed by behavioral effects and potential impacts on habitat.

NMFS defines a noise-induced threshold shift (TS) as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS 2018). The amount of threshold shift is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (*e.g.,* impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.,* spectral content), the hearing and vocalization frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.,* how animal uses sound within the frequency band of the signal; *e.g.,* Kastelein *et al.* 2014), and the overlap between the animal and the source (*e.g.,* spatial, temporal, and spectral).

Permanent Threshold Shift (PTS)—NMFS defines PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS 2018). Available data from humans and other terrestrial mammals indicate that a 40 dB threshold shift approximates PTS onset (see Ward *et al.* 1958, 1959; Ward 1960; Kryter *et al.* 1966; Miller 1974; Ahroon *et al.* 1996; Henderson *et al.* 2008). PTS levels for marine mammals are estimates, as with the exception of a single study unintentionally inducing PTS in a harbor seal (Kastak *et al.* 2008), there are no empirical data measuring PTS in marine mammals largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing PTS are not typically pursued or authorized (NMFS 2018).

Temporary Threshold Shift (TTS)—A temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS 2018). Based on data from cetacean TTS measurements (see Southall *et al.* 2007), a TTS of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Schlundt *et al.* 2000; Finneran *et al.* 2000, 2002). As described in Finneran (2015), marine

mammal studies have shown the amount of TTS increases with cumulative sound exposure level (SEL_{cum}) in an accelerating fashion: At low exposures with lower SEL_{cum}, the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher higher SEL_{cum}, the growth curves become steeper and approach linear relationships with the noise SEL.

Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.* 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin (*Tursiops truncatus*), beluga whale (*Delphinapterus leucas*), harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiaeorientalis*)) and five species of pinnipeds exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (Finneran 2015). TTS was not observed in trained spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to impulsive noise at levels matching previous predictions of TTS onset (Reichmuth *et al.* 2016). In general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran 2015). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. No data are available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007), Finneran and Jenkins (2012), Finneran (2015), and Table 5 in NMFS (2018). Installing piles requires a combination of impact pile driving and vibratory pile driving. For the project, these activities would not occur at the same time and there would likely be pauses in activities producing the sound during each day. Given these pauses and that many marine mammals are likely moving through the action area and not remaining for extended periods of time, the potential for TS declines.

Behavioral Harassment—Exposure to noise from pile driving and removal and drilling also has the potential to behaviorally disturb marine mammals. Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder 2007; Weilgart 2007; NRC 2005).

Disturbance may result in changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located. Pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff 2006). Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.* 1995; Wartzok *et al.* 2003; Southall *et al.* 2007; Weilgart 2007; Archer *et al.* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. Please see Appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.* 2001; Nowacek *et al.* 2004; Madsen *et al.* 2006; Yazvenko *et al.* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

In 2016, the Alaska Department of Transportation and Public Facilities (ADOT&PF) documented observations of marine mammals during construction activities (*i.e.,* pile driving and down-hole drilling) at the Kodiak Ferry Dock (see 80 FR 60636 for Final IHA **Federal Register** notice). In the marine mammal monitoring report for that project (ABR 2016), 1,281 Steller sea lions were observed within the behavioral disturbance zone during pile driving or drilling (*i.e.,* documented as Level B harassment take). Of these, 19 individuals demonstrated an alert behavior, 7 were fleeing, and 19 swam away from the project site. All other animals (98 percent) were engaged in activities such as milling, foraging, or fighting and did not change their behavior. In addition, two sea lions approached within 20 meters of active vibratory pile driving activities. Three harbor seals were observed within the disturbance zone during pile driving activities; none of them displayed disturbance behaviors. Fifteen killer whales and three harbor porpoise were also observed within the Level B harassment zone during pile driving. The killer whales were travelling or milling while all harbor porpoises were travelling. No signs of disturbance were noted for either of these species. Given

the similarities in activities and habitat and the fact the same species are involved, we expect similar behavioral responses of marine mammals to the specified activity. That is, disturbance, if any, is likely to be temporary and localized (*e.g.,* small area movements). Monitoring reports from other recent pile driving projects have observed similar behaviors.

Masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.* 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* pile driving, shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions. Masking of natural sounds can result when human activities produce high levels of background sound at frequencies important to marine mammals. Conversely, if the background level of underwater sound is high (*e.g.* on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked. The harbor houses hundreds of small craft vessels that transit through the harbor waters on a regular basis; therefore, background sound levels in the harbor are already elevated.

Airborne Acoustic Effects—Pinnipeds that occur near the project site could be exposed to airborne sounds associated with pile driving and removal that have the potential to cause behavioral harassment, depending on their distance from pile driving activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels exceeding the acoustic thresholds. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with their heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled-out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source. However, these animals would previously have been 'taken' because of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Marine Mammal Habitat Effects

The Port District's construction activities within the harbor could have localized, temporary impacts on marine mammal habitat by increasing in-water sound pressure levels and slightly decreasing water quality. Construction activities are of short duration and would likely have temporary impacts on marine mammal habitat through increases in underwater sound. Increased noise levels may affect acoustic habitat (see masking discussion above) and adversely affect marine mammal prey in the vicinity of the project area (see discussion below). During impact pile driving, elevated levels of underwater noise would ensonify the harbor where both fish and mammals may occur and could affect foraging success.

In-water pile driving and pile removal would also cause short-term effects on water quality due to increased turbidity. Local currents are anticipated to disburse suspended sediments produced by project activities at moderate to rapid rates depending on tidal stage. The Port District would employ standard construction best management practices, thereby reducing any impacts. Therefore, the impact from increased turbidity levels is expected to be discountable.

In-Water Construction Effects on Potential Foraging Habitat

The area likely impacted by the project is relatively small compared to the available habitat in Monterey Bay and does not include any BIAs or ESA-designated critical habitat. Foraging efforts within the harbor are minimal, and the narrow mouth of the harbor would restrict sound transmission into Monterey Bay to a narrow band of sound in the southeastern direction. Pile installation/removal and drilling may temporarily increase turbidity resulting from suspended sediments. Any increases would be temporary, localized, and minimal. The Port District must comply with state water quality standards during these operations by limiting the extent of turbidity to the immediate project area. In general, turbidity associated with pile installation is localized to about a 25-foot radius around the pile (Everitt *et al.* 1980). Cetaceans are not expected to enter the harbor and be close enough to the project pile driving areas to experience effects of turbidity, and any pinnipeds would likely be transiting the area and could avoid localized areas of turbidity. Therefore, the impact from increased turbidity levels is expected to be discountable to marine mammals. Furthermore, pile driving and removal at the project site would not obstruct movements or migration of marine mammals.

Avoidance by potential prey (*i.e.,* fish) of the immediate area due to the temporary loss of this foraging habitat is also possible. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity in Monterey Bay.

The duration of the construction activities is relatively short, with pile driving and removal activities expected to take only 17 days. Each day, construction would occur for only a few hours during the day. Impacts to habitat and prey are expected to be temporary and minimal based on the short duration of activities.

In-Water Construction Effects on Potential Prey (Fish)

Construction activities would produce continuous (*i.e.,* vibratory pile driving) and pulsed (*i.e.* impact driving) sounds. Fish react to sounds that are especially strong and/or intermittent low-frequency sounds. Short duration, sharp

sounds can cause overt or subtle changes in fish behavior and local distribution. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, although several are based on studies in support of large, multiyear bridge construction projects (*e.g.,* Scholik and Yan 2001, 2002; Popper and Hastings 2009). Sound pulses at received levels of 160 dB may cause subtle changes in fish behavior. SPLs of 180 dB may cause noticeable changes in behavior (Pearson *et al.* 1992; Skalski *et al.* 1992). SPLs of sufficient strength have been known to cause injury to fish and fish mortality.

The most likely impact to fish from pile driving and drilling activities at the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. In general, impacts to marine mammal prey species are expected to be minor and temporary due to the short timeframe for the project.

Construction activities, in the form of increased turbidity, have the potential to adversely affect fish in the project area. Increased turbidity is expected to occur in the immediate vicinity (on the order of 10 feet or less) of construction activities. However, suspended sediments and particulates are expected to dissipate quickly within a single tidal cycle. Given the limited area affected and high tidal dilution rates any effects on fish are expected to be minor or negligible. In addition, best management practices would be in effect, which would limit the extent of turbidity to the immediate project area.

In summary, given the short daily duration of sound associated with individual pile driving and drilling events and the relatively small areas being affected, pile driving and drilling activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat, or populations of fish species. Thus, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the vibratory and impact pile hammers has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for high frequency cetaceans and phocids, because predicted auditory injury zones are larger than for mid-frequency species and otariids. However, due to the shape of the harbor and the small overall ensonified area (see Figure 3 in IHA application), auditory injury in high frequency cetaceans is not expected nor proposed to be authorized. Auditory injury may occur in phocids within the inner harbor area. The proposed mitigation and monitoring measures are expected to minimize the severity of such taking to the extent practicable.

As described previously, no mortality is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimate.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 μPa (rms) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive intermittent (*e.g.,* impact pile driving) sources.

The Port District's proposed activity includes the use of continuous (vibratory pile driving and removal) and impulsive (impact pile driving) sources, and therefore the 120 and 160 dB re 1 μPa (rms) thresholds are applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The Port District's proposed activity includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving and removal) sources.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighted function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* impact pile driving, vibratory pile driving and removal). The entire lower harbor (see Figure 2a in the IHA application) and a small, narrow band extending southeast from the mouth of the harbor into Monterey Bay (see Figure 3 in the IHA application) may be ensonified by project activities. Vessel traffic within the harbor and out in Monterey Bay may contribute to elevated background noise levels which may mask sounds produced by the project.

The distances to the Level A and Level B harassment thresholds were calculated based on source levels from similar pile driving activities in California and Washington. The Port District utilized in-water measurements generated by the Greenbusch Group (2018) from the Seattle Pier 62 project (83 FR 39709) to establish proxy sound source levels for vibratory removal of the 16-inch timber piles. The results determined unweighted rms ranging from 140 dB to 169 dB. NMFS analyzed source measurements at different distances for all 63 individual timber piles that were removed at Pier 62 and normalized the values to 10 m. The results showed that the median is 152 dB SPLrms. This value was used as the source level for vibratory removal of 16-inch timber piles (Table 4). For vibratory and impact installation of steel sheet piles, the Port District utilized reference source levels of vibratory and impact driving of 24-inch (0.6 m) steel sheet piles from CalTrans *Technical Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish* (Buehler *et al.,* 2015). Vibratory driving of 24-inch (0.6 m) AZ steel sheet piles was found to have a range of source levels between 160 and 165 dB (rms) at 10 m, but the typical source level was 160 dB rms (Table 4). The proposed project involves slightly smaller 0.5 m steel sheet piles, but the CalTrans source levels are the best available proxy.

TABLE 4—SOURCE LEVELS FOR PILE DRIVING ACTIVITIES

Activity	SPL_{PK} (dB)	SPL_{RMS} (dB)	SEL (dB)	Source
Vibratory timber pile removal	n/a	152	n/a	Greenbusch Group 2018.
Vibratory sheet pile installation	175	160	160	Buehler *et al.,* 2015.
Impact sheet pile installation	205	190	180	Buehler *et al.,* 2015.

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B * Log_{10} (R_1/R_2),$$

Where:

TL = transmission loss in dB

B = transmission loss coefficient; for practical spreading equals 15

R_1 = the distance of the modeled SPL from the driven pile, and

R_2 = the distance from the driven pile of the initial measurement

A practical spreading value of fifteen is often used under conditions, such as at the harbor, where water increases with depth as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions. Practical spreading loss is assumed here.

Using the practical spreading loss model, the Port District determined the distance where the noise will fall below the behavioral effects threshold for both continuous (vibratory pile driving and removal) and intermittent (impact pile driving) sources (120 and 160 dB dB re 1 μPa (rms), respectively). These distances are shown in Table 6 below.

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources (such as pile driving), NMFS User Spreadsheet predicts the closest distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would not incur PTS. Inputs used in the User Spreadsheet, and the resulting isopleths are reported below.

TABLE 5—USER SPREADSHEET INPUT PARAMETERS USED FOR CALCULATING HARASSMENT ISOPLETHS

Parameter	Impact pile driving	Vibratory pile driving (sheet pile)	Vibratory pile removal (timber pile)
Spreadsheet Tab Used	(E.1) Impact pile driving	(A.1) Vibratory pile driving	(A.1) Vibratory pile driving.
Source Level	180 dB SEL	160 dB RMS	152 dB RMS.
Weighting Factor Adjustment (kHz).	2	2.5	2.5.
Number of strikes per pile	300	N/A	N/A.
Number of piles per day	6	N/A	N/A.
Activity Duration (hours) within 24-hour period.	N/A	6	6.
Propagation (xLogR)	15LogR	15LogR	15LogR.
Distance of source level measurement (meters).	10	10	10.

TABLE 6—CALCULATED DISTANCES TO LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS DURING PILE INSTALLATION AND REMOVAL

Source	Level A harassment zone (meters)				Level B Harassment Zone (meters)
	Mid-frequency cetacean	High-frequency cetacean	Phocid pinniped	Otariid pinniped	
Impact pile driving	33	1,111	499	36	1,000
Vibratory pile driving (sheet pile)	2	29	12	1	4,642
Vibratory pile removal (timber pile)	< 1	8	3	< 1	1,359

While the calculated distances to the Level A and Level B harassment isopleths are up to 4,642 m, the project occurs within a nearly completely enclosed harbor, with only a narrow mouth leading out into the larger Monterey Bay. The harbor is approximately 152 m wide at the project site, and the furthest extent sound could travel in a straight line within the harbor is approximately 610 m (see Figures 2a and 2b in the IHA application). Depending on the pile location, sound may travel out the mouth of the harbor, but only in a small narrow band extending to the southeast (see Figure 3 in the IHA application). Therefore, while the calculated distances to thresholds are large, the actual ensonified area is significantly constrained by land.

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

Harbor seals and California sea lions are regular occupants of the harbor. Monitors from EcoSystems West conducted surveys of harbor docks in May and June 2018 to determine the number of pinnipeds expected to occur during the project. As stated previously, harbor seals are known to use the harbor docks and other structures for nighttime haulouts. Most surveys occurred at dawn to count the number of pinnipeds that may be present at the beginning of each day of construction. Additional daytime monitoring occurred in July and August 2018 during harbor maintenance activities. These daytime surveys included counts of pinnipeds hauled out and in the water. The maximum number of hauled out harbor seals was 23 while up to three seals were observed in the water during the day. Up to four California sea lions were observed using the harbor during the day. Harbor porpoises and bottlenose dolphins do not typically occur within the harbor, but may transit through the narrow band of ensonified area that extends to the southeast of the harbor entrance (see Figure 3 in the IHA application).

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

Level B Harassment—Level B takes of harbor seals and California sea lions were estimated by multiplying the highest number of animals observed within the harbor (23 harbor seals and four California sea lions) by the days of activity (17 days). Level B harassment

take of harbor porpoises and bottlenose dolphins was estimated using mean group size and the likelihood that a group of animals may enter the ensonified area during the project. Mean group size of harbor porpoises traveling through northern Monterey Bay was assumed to be 1.75 animals (Forney *et al.,* 2014) and we assume that a group of porpoises may pass through the ensonified band every other day during construction (eight days total). Mean group size of bottlenose dolphins was assumed to be eight animals (Weller *et al.,* 2016) and we assume that a group of dolphins may pass through the ensonified band every other day during construction (eight days).

Level A Harassment —Level A harassment takes of harbor seals were estimated by multiplying the highest number of seals observed in the water during the day (three seals) by the number of days of impact pile driving (15 days). Level A harassment is only expected and proposed to be authorized for harbor seals during impact pile driving, due to the relatively small Level A harassment isopleths for other species and other activities. Mitigation measures (described in detail below) are expected to eliminate any potential for Level A harassment of California sea lions within the harbor. While the Level A harassment zone for harbor porpoises is greater than that of harbor seals, harbor porpoises are not expected to occur within the narrow band of sound that may exceed the harassment threshold for sufficient duration to experience Level A harassment (see Figures 1 and 3 in the IHA application). Take of harbor porpoises by Level A harassment has not been requested and is not proposed to be authorized.

TABLE 7—ESTIMATED TAKE BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK, RESULTING FROM PROPOSED PORT DISTRICT PROJECT ACTIVITIES

Species	Stock	Level B takes per day	Level A takes per day	Days of activity	Total level B take	Total level A take	Total proposed take	Proposed take as percentage of stock
Harbor seal	California	23	3	17[a]	391	45	436	1.41
California sea lion	U.S	4	0	17	68	0	68	0.03
Bottlenose dolphin	California Coastal	8	0	8[b]	64	0	64	14.1
Harbor porpoise	Monterey Bay	2	0	8[b]	16	0	16	0.43

[a] Days of activity for Level A take calculations is only 15 days of impact pile driving.
[b] Harbor porpoises and bottlenose dolphins are expected to occur within the ensonified area every other day during construction activities.

Proposed Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Mitigation for Marine Mammals and Their Habitat

In addition to the measures described later in this section, the Port District will employ the following standard mitigation measures:

- Conduct briefings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all pile driving activity, and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;
- For in-water heavy machinery work other than pile driving (*e.g.,* pre-drilling, etc.), if a marine mammal comes within 10 m, operations shall cease and equipment use reduced to minimum level required to maintain safe working conditions. This type of work could include the following activities: (1) Pre-drilling; or (2) positioning of the pile on the substrate via a land-based crane;
- Work may only occur during daylight hours, when visual monitoring of marine mammals can be conducted;
- For those marine mammals for which Level B harassment take has not been requested, in-water pile installation/removal and drilling will shut down immediately if such species are observed within or on a path towards the monitoring zone (*i.e.,* Level B harassment zone); and
- If take reaches the authorized limit for an authorized species, pile installation will be stopped as these species approach the Level B harassment zone to avoid additional take.

The following measures are also included in the mitigation requirements:

Establishment of Shutdown Zone for Level A Harassment—For all pile driving and removal activities, the Port District must establish a shutdown zone. The purpose of a shutdown zone is generally to define an area within which shutdown of an activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). During all pile driving activities, a minimum shutdown zone of 25 m would be enforced (Table 8). A 40 m shutdown zone would be used for California sea lions during impact pile driving to prevent Level A harassment exposure (Table 8). Harbor porpoises and bottlenose dolphins are not

expected to occur within the harbor, so instead of a standard shutdown distance, the Port District will be required to shutdown impact pile driving activities if these species are observed entering the harbor (Table 8). A Protected Species Observer (PSO) will be stationed within the harbor such that they have a view of the immediate area around the pile driving as well as the areas north (toward the back of the harbor) and south (toward the harbor entrance) of the project site.

Establishment of Monitoring Zones for Level B Harassment—The calculated distances to the Level B harassment thresholds may exceed the distance within the harbor that sound may travel in a linear direction. The harbor is approximately 152 m wide at the project site, and the furthest extent sound could travel in a straight line within the harbor is approximately 610 m (see Figures 2a and 2b in the IHA application). Sound may transmit in a narrow band into Monterey Bay through the mouth of the harbor but the overall ensonified area is relatively small. As stated above, a PSO will be stationed within the harbor. Rather than a set distance-based monitoring zone, the PSOs will monitor the entire observable harbor area (Table 8).

TABLE 8—SHUTDOWN AND MONITORING ZONES BY PROJECT ACTIVITY

Activity	Shutdown zone (m)	Monitoring zone
Vibratory removal of timber piles	All species: 25	Entire observable harbor area.
Impact installation of steel sheet piles	Harbor seal: 25	
	California sea lion: 40	
	Harbor porpoise and bottlenose dolphin: At mouth of harbor.	
Vibratory installation of steel sheet piles	All species: 25.	
All other in-water activities (*e.g.,* pre-drilling)	10.	

Soft Start—The use of soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors would be required to provide an initial set of strikes from the hammer at reduced energy, with each strike followed by a 30-second waiting period. This procedure would be conducted a total of three times before impact pile driving begins. Soft start would be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of thirty minutes or longer. Soft start is not required during vibratory pile driving and removal activities.

Pre-Activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal or drilling of 30 minutes or longer occurs, PSOs will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. If the Level B harassment zone has been observed for 30 minutes and non-permitted species are not present within the zone, soft start procedures can commence and work can continue even if visibility becomes impaired within the Level B monitoring zone. When a marine mammal permitted for Level B harassment take is present in the Level B harassment zone, activities may begin and Level B harassment take will be recorded. As stated above, if the entire Level B harassment zone is not visible at the start of construction, piling or drilling activities can begin. If work ceases for more than 30 minutes, the pre-activity monitoring of both the Level B harassment and shutdown zone will commence.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Marine Mammal Visual Monitoring

Monitoring shall be conducted by NMFS-approved observers. A trained

observer shall be placed from the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator. Observer training must be provided prior to project start, and shall include instruction on species identification (sufficient to distinguish the species in the project area), description and categorization of observed behaviors and interpretation of behaviors that may be construed as being reactions to the specified activity, proper completion of data forms, and other basic components of biological monitoring, including tracking of observed animals or groups of animals such that repeat sound exposures may be attributed to individuals (to the extent possible).

Monitoring would be conducted 30 minutes before, during, and 30 minutes after pile driving/removal and drilling activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving/removal and drilling activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

One PSO would be stationed at a location within the harbor that allows full monitoring of the area immediately around the piles being driven, as well as a view toward the back of the harbor and toward the harbor entrance. The PSO would scan the waters using binoculars, and/or spotting scopes if necessary, and would use a handheld GPS or range-finder device to verify the distance to each sighting from the project site. All PSOs would be trained in marine mammal identification and behaviors and are required to have no other project-related tasks while conducting monitoring. In addition, monitoring will be conducted by qualified observers, who will be placed at the best vantage point(s) practicable to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator. The Port District would adhere to the following observer qualifications:

(i) Independent observers (*i.e.,* not construction personnel) are required;

(ii) At least one observer must have prior experience working as an observer;

(iii) Other observers may substitute education (degree in biological science or related field) or training for experience;

(iv) Where a team of three or more observers are required, one observer shall be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer; and

(v) The Port District shall submit observer CVs for approval by NMFS.

Additional standard observer qualifications include:

- Ability to conduct field observations and collect data according to assigned protocols. Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior; and
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

A draft marine mammal monitoring report would be submitted to NMFS within 90 days after the completion of pile driving and removal and drilling activities. It will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Date and time that monitored activity begins or ends;
- Construction activities occurring during each observation period;
- Weather parameters (*e.g.,* percent cover, visibility);
- Water conditions (*e.g.,* sea state, tide state);
- Species, numbers, and, if possible, sex and age class of marine mammals;
- Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity;
- Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;
- Locations of all marine mammal observations; and
- Other human activity in the area.

If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury, serious injury or mortality, the Port District would immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator. The report would include the following information:

- Description of the incident;
- Environmental conditions (*e.g.,* Beaufort sea state, visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities would not resume until NMFS is able to review the circumstances of the prohibited take. NMFS would work with the Port District to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Port District would not be able to resume their activities until notified by NMFS via letter, email, or telephone.

In the event that the Port District discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition as described in the next paragraph), the Port District would immediately report the incident to the Office of Protected Resources, NMFS, and the NMFS West Coast Stranding Hotline and/or by email to the West Coast Regional Stranding Coordinator. The report would include the same information identified in the paragraph above. Activities would be able to continue while NMFS reviews the circumstances of the incident. NMFS would work with the Port District to determine whether modifications in the activities are appropriate.

In the event that the Port District discovers an injured or dead marine mammal and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate

to advanced decomposition, or scavenger damage), the Port District would report the incident to the Office of Protected Resources, NMFS, and the NMFS West Coast Stranding Hotline and/or by email to the West Coast Regional Stranding Coordinator, within 24 hours of the discovery. The Port District would provide photographs, video footage (if available), or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Pile driving and removal activities associated with the seawall replacement project as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level A harassment and Level B harassment from underwater sounds generated from pile installation and removal. Potential takes could occur if individuals of these species are present in the ensonified zone when these activities are underway.

The takes from Level A and Level B harassment would be due to potential behavioral disturbance, TTS, and PTS. No mortality is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. Level A harassment is only anticipated for harbor seals. The potential for harassment is minimized through the construction method and implementation of the planned mitigation measures (see *Proposed Mitigation* section above).

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff 2006; HDR, Inc. 2012; Lerma 2014; ABR 2016). Most likely, individuals will simply move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving. The pile driving activities analyzed here are similar to, or less impactful than, numerous other construction activities conducted in northern California, which have taken place with no known long-term adverse consequences from behavioral harassment. Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activity is occurring. While vibratory driving associated with the proposed project may produce sound at distances of several kilometers from the project site through the mouth of the harbor, thus intruding on some habitat, the project site itself is located in a busy harbor and the majority of sound fields produced by the specified activities are contained within the harbor. Therefore, we expect that animals annoyed by project sound would simply avoid the area and use more-preferred habitats.

In addition to the expected effects resulting from authorized Level B harassment, we anticipate that harbor seals may sustain some limited Level A harassment in the form of auditory injury. However, animals in these locations that experience PTS would likely only receive slight PTS, *i.e.,* minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by pile driving, *i.e.,* the low-frequency region below 2 kHz, not severe hearing impairment or impairment in the regions of greatest hearing sensitivity. If hearing impairment occurs, it is most likely that the affected animal would lose a few decibels in its hearing sensitivity, which in most cases is not likely to meaningfully affect its ability to forage and communicate with conspecifics. As described above, we expect that marine mammals would be likely to move away from a sound source that represents an aversive stimulus, especially at levels that would be expected to result in PTS, given sufficient notice through use of soft start.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat. The project activities would not modify existing marine mammal habitat for a significant amount of time. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized;
- The Level A harassment exposures are anticipated to result only in slight PTS, within the lower frequencies associated with pile driving;
- The anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior that would not result in fitness impacts to individuals;
- The specified activity and ensonified area is very small relative to the overall habitat ranges of all species and does not include habitat areas of special significance (BIAs or ESA-designated critical habitat); and
- The presumed efficacy of the proposed mitigation measures in reducing the effects of the specified activity to the level of least practicable adverse impact.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation

measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Table 7 presents the number of animals that could be exposed to received noise levels that could cause Level A and Level B harassment for the proposed activities. Our analysis shows that less than 15 percent of each affected stock could be taken by harassment. The numbers of animals proposed to be taken for these stocks would be considered small relative to the relevant stock's abundances even if each estimated taking occurred to a new individual—an unlikely scenario.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to the Port District for the Aldo's Seawall Replacement Project in Santa Cruz, CA from June 1, 2019 through May 31, 2020, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the IHA itself is available for review in conjunction with this notice at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this Notice of Proposed IHA for the proposed pile driving project. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a second one-year IHA without additional notice when (1) another year of identical or nearly identical activities as described in the Specified Activities section is planned or (2) the activities would not be completed by the time the IHA expires and a second IHA would allow for completion of the activities beyond that described in the Dates and Duration section, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to expiration of the current IHA;
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted beyond the initial dates either are identical to the previously analyzed activities or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, take estimates, or mitigation and monitoring requirements; and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized;

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and appropriate, and the original findings remain valid.

Dated: April 3, 2019.

Catherine Marzin,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–06885 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG944

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.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold four public stakeholder meetings, including one webinar meeting, to solicit comments on the development of the Council's 2020–24 Strategic Plan.

DATES: The meetings will be held between Wednesday, April 24, 2019 and Tuesday, May 21, 2019. For specific dates and times, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The public stakeholder meetings will be held in Narragansett, Rhode Island; Toms River, New Jersey; and Fort Monroe, Virginia. In addition, one meeting will be held via internet webinar. For specific locations, see **SUPPLEMENTARY INFORMATION**. Details on the proposed agenda, connection information, and briefing materials will be posted at the MAFMC's website: *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Council will seek stakeholder input on the development of its 2020–24 Strategic Plan through a series of public meetings. At the meetings, the public will have the opportunity to review preliminary results of a recent stakeholder survey, provide feedback on the Council's performance relative to the 2014–2018 strategic plan, and

provide recommendations for priority issues to be addressed in the 2020–24 plan.

The meeting schedule is as follows:

1. *Wednesday, April 24, 2019 at 6 p.m.;* University of Rhode Island Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, RI 02882.

2. *Monday, May 6, 2019 at 5:30 p.m.;* Ocean County Administrative Building Room 119, 101 Hooper Ave., Toms River, NJ 08753.

3. *Tuesday, May 7, 2019 at 5:30 p.m.;* Webinar meeting, with connection information to be posted at *www.mafmc.org* prior to the meeting.

4. *Tuesday, May 21, 2019 at 5:30 p.m.;* Virginia Marine Resources Commission, 380 Fenwick Road, Bldg. 96, Fort Monroe, VA 23651.

Background documents will be posted at the Council's website (*www.mafmc.org*) prior to the meetings.

Special Accommodations

The meetings are 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 the meeting date.

Dated: April 3, 2019.

Rey Israel Marquez,

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

[FR Doc. 2019–06890 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG938

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 Skate 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 Thursday, April 25, 2019 at 9 a.m.

ADDRESSES: The meeting will be held at the Fairfield Inn & Suites, 185 MacArthur Drive, New Bedford, MA 02740; telephone: (774) 634–2000.

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: The Committee will review Plan Development Team (PDT) analyses to date, discuss the need for limited access in the skate fishery and provide guidance to the PDT for future analyses regarding qualification criteria and draft preliminary objectives/purpose and need, if needed. The Committee will also receive an update on progress and potential timelines for 2019 skate priorities. 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: April 3, 2019.

Rey Israel Marquez,

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

[FR Doc. 2019–06893 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG933

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 61 Assessment Webinar IV for Gulf of Mexico red grouper.

SUMMARY: The SEDAR 61 stock assessment process for Gulf of Mexico red grouper will consist of an in-person workshop, and a series of data and assessment webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 61 Assessment Webinar IV will be held May 1, 2019, from 10 a.m. until 12 p.m. Eastern Time.

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

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; Email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the

Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Assessment Webinar are as follows:

1. Using datasets and initial assessment analysis recommended from the in-person workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

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

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each webinar.

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

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

Dated: April 3, 2019.

Rey Israel Marquez,

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

[FR Doc. 2019–06892 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG853

Marine Mammals; File No. 21476

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Lars Bejder, Ph.D., University of Hawaii at Manoa, 46–007 Lilipuna Road, Kaneohe, Hawaii 96744, has applied in due form for a permit to conduct scientific research on cetaceans.

DATES: Written, telefaxed, or email comments must be received on or before May 8, 2019.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 21476 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a five-year research permit to study cetaceans to: (1) Understand fundamental biology, ecology, abundance, and habitat use; (2) analyze and develop quantitative methods to evaluate social structures and the fine scale behavior and energetics between individuals; and (3) facilitate impact assessment and mitigation procedures to lessen impact of human activities on cetaceans. Up to 32 species of marine mammals may be targeted including the following ESA listed species: blue (*Balaenoptera musculus*), bowhead (*Balaena mysticetus*), fin (*B. physalus*), Hawaiian insular false killer (*Pseudorca crassidens*), humpback (*Megaptera novaeangliae*), sei (*B. borealis*), sperm (*Physeter macrocephalus*), and Western North Pacific gray (*Eschrichtius robustus*) whales. Research may occur year-round in U.S. and international waters of the Pacific Ocean near Hawaii, Alaska, and U.S. territories. Research will include unmanned aerial surveys and vessel surveys for counts, photography, video recording, and photogrammetry. Vessel surveys may also include underwater photography and video recording, passive acoustic recording, biological sampling (skin and blubber biopsy, sloughed skin, exhaled air, and feces), and suction-cup tagging. See the application for complete numbers of animals requested by species and procedure.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: April 3, 2019.

Amy Sloan,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–06871 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG942

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 convening a two-day meeting of a sub-panel of its Scientific & Statistical Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). The sub-panel will review the scientific validity of information and analyses of groundfish monitoring issues. The sub-panel's report will be considered by the Council in evaluating management alternatives for improving the monitoring of catch under the Northeast Multispecies Fishery Management Plan, if appropriate.

DATES: This meeting will be held on Wednesday, April 24, 2019, beginning at 10 a.m. and Thursday, April 25, 2019 at 8:30 a.m.

ADDRESSES: The meeting will be held at the Hotel Providence, 139 Mathewson Street, Providence, RI; phone: (401) 861–8000.

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

Wednesday, April 24, 2019

The sub-panel will receive documents and presentations containing information and analyses of groundfish monitoring issues and evaluate the scientific validity of the information and any recommendation provided. Other business will be discussed as needed.

Thursday, April 25, 2019

The sub-panel will meet in closed session to develop a written report for the Council.

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 these meetings. 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. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. 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: April 3, 2019.

Rey Israel Marquez,

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

[FR Doc. 2019–06889 Filed 4–5–19; 8:45 am]

BILLING CODE 3510–22–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 to and deletions from the Procurement List.

SUMMARY: This action adds services 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:* May 8, 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 2/1/2019 and 2/22/2019, 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 services and impact of the additions on the current or most recent contractors, the Committee has determined that the 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 services to the Government.
2. The action will 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 proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type: Facilities Management and Related Services*Mandatory for:* US Army, Eastern
ARNG Aviation Training Site, Fort Indiantown Gap, Annville, PA
Mandatory Source of Supply: Opportunity Center, Incorporated, Wilmington, DE
Contracting Activity: DEPT OF THE ARMY, W7NX USPFO ACTIVITY PA ARNG
Service Type: Janitorial Service
Mandatory for: U.S. Navy, NEX Food Court, Norfolk Naval Air Station, Norfolk, VA
Mandatory Source of Supply: Sara's Mentoring Center, Inc., Virginia Beach, VA
Contracting Activity: DEPT OF THE NAVY, Navy Exchange Service Command

Deletions

On 2/1/2019, 2/15/2019, 2/22/2019 and 3/1/2019, 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 products and 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 products and 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 products and services deleted from the Procurement List.

End of Certification

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

Products

NSNs—Product Names:
8010–00–616–9143—Enamel, Lacquer
8010–00–910–8154—Enamel, Lacquer
8010–01–167–1139—Enamel, Lacquer
Mandatory Source of Supply: The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: FAS HEARTLAND REGIONAL ADMINISTRATO, KANSAS CITY, MO

NSN—Product Name:
7930–01–512–7171—Disinfectant, Deodorizer, Neutral, Biobased, Floral/Citrus Fragrance,1 Gal
Mandatory Source of Supply: The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

NSNs—Product Names:
7520–01–542–5941—Pen, Ball Point, Econogard, Retractable, Cushion Grip, White Barrel, Black Ink, Medium Point
7520–01–542–5953—Pen, Ball Point, Econogard, Retractable, Cushion Grip, White Barrel, Black Ink, Fine Point
Mandatory Source of Supply: Industries of the Blind, Inc., Greensboro, NC

NSN—Product Name:
7510–01–483–9402—Log Book, Voice Mail, White, 50 pages
Mandatory Source of Supply: The Arkansas Lighthouse for the Blind, Little Rock, AR
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

NSN—Product Name:
1005–00–659–1031—Cover, Spare Barrel
Mandatory Source of Supply: The Douglas Center, Skokie, IL
Contracting Activity: DLA LAND AND MARITIME, COLUMBUS, OH

NSNs—Product Names:
5340–00–410–2972—Clamp, Loop, CRES, Teflon-Asbestos, ½″ Loop × ½″ Wide
5340–00–410–2974—Clamp, Loop, CRES, Teflon-Asbestos, ⅝″ Loop × ½″ Wide
5340–00–420–1749—Clamp, Loop, CRES, Teflon-Asbestos, 1–31/500″ Loop × ½″ Wide
Mandatory Source of Supply: Skookum Educational Programs, Bremerton, WA
6510–00–935–5823—Bandage, Elastic, 6″ × 4.5 Yards
Mandatory Source of Supply: None
8340–00–223–7849—Pole Section, Tent
Mandatory Source of Supply: Development Workshop, Inc., Idaho Falls, ID
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Services

Service Type: Switchboard Operation
Mandatory for: Veterans Affairs Medical Center, Nashville, TN
Service Type: Temporary Medical Record Filing
Mandatory for: Alvin C. York VA Medical Center, Murfreesboro, TN
Mandatory for: VA Medical Center, Nashville, TN
Mandatory Source of Supply: Ed Lindsey Industries f/t Blind, Inc., Nashville, TN
Service Type: Custodial Services
Mandatory for: Edward Hines Jr. VA Hospital: Hines Campus, Hines, IL
Mandatory Source of Supply: Jewish Vocational Service and Employment Center, Chicago, IL
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC
Service Type: JWOD Staffing Services
Mandatory Source of Supply: Ed Lindsey Industries f/t Blind, Inc., Nashville, TN, Arizona Industries for the Blind, Phoenix, AZ
Mandatory for Contracting Activity: General Services Administration, Nationwide
Service Type: Janitorial/Custodial
Mandatory for: U.S. Federal Building: 815 Airport Way, U.S. Department of Justice, INS, Seattle, WA
Mandatory Source of Supply: Northwest Center, Seattle, WA
Contracting Activity: FEDERAL PRISON SYSTEM, TERMINAL ISLAND, FCI
Service Type: Administrative Services
Mandatory for: GSA, Pacific Rim Region PBS: 450 Golden Gate Avenue, San Francisco, CA
Mandatory Source of Supply: Toolworks, Inc., San Francisco, CA
Mandatory for: Federal Supply Service, Kansas City, MO
Mandatory Source of Supply: JobOne, Independence, MO
Service Type: Operation of GSA Access Store
Mandatory for: U.S. Federal Building and Courthouse: 450 Golden Gate Avenue, Phillip Burton, San Francisco, CA
Mandatory Source of Supply: Pacific Coast Community Services, Richmond, CA
Service Type: Furniture Rehabilitation
Mandatory for: GSA, National Furniture Center, Arlington, VA
Mandatory Source of Supply: J.M. Murray Center, Inc., Cortland, NY
Service Type: Janitorial/Custodial
Mandatory for: Denver Federal Center: Building 85, Denver, CO
Mandatory Source of Supply: North Metro Community Services for Developmentally Disabled, Westminster, CO
Mandatory for: Food and Drug Administration Building, Minneapolis, MN
Mandatory Source of Supply: Tasks Unlimited, Inc., Minneapolis, MN
Mandatory for: U.S. Federal Building and Post Office, Merced, CA
Mandatory Source of Supply: None
Service Type: Recycling Service
Mandatory for: Federal Center/Battle Creek: Buildings 1, 1A, 1B, 2, 2A, and 2C, Battle Creek, MI
Mandatory Source of Supply: Navigations, Incorporated, Battle Creek, MI
Contracting Activity: GENERAL SERVICES ADMINISTRATION
Service Type: Administrative Services
Mandatory for: Delaware Valley Office: GSA Region3, Trenton NJ
Mandatory Source of Supply: Elwyn, Aston, PA
Contracting Activity: PUBLIC BUILDINGS SERVICE, GSA/PBS/R03 NORTH SERVICE CENTER
Service Type: Shelf Stocking, Custodial & Warehousing
Mandatory for: Fort Gillem, GA
Mandatory Source of Supply: Brevard Achievement Center, Inc., Rockledge, FL
Mandatory for: Dahlgren Naval Surface Warfare Center, Dahlgren, VA
Mandatory Source of Supply: Rappahannock Goodwill Industries, Inc., Fredericksburg, VA
Service Type: Shelf Stocking & Custodial
Mandatory for: Great Lakes Naval Training Center, Galley 535, 928 and 1128, Great Lakes, IL
Mandatory Source of Supply: None
Mandatory for: Fort Monroe, VA
Mandatory Source of Supply: VersAbility Resources, Inc., Hampton, VA
Mandatory for: Meridian Naval Air Station, Meridian, MS
Mandatory Source of Supply: Alabama Goodwill Industries, Inc., Birmingham, AL
Mandatory for: Travis Air Force Base, CA
Mandatory Source of Supply: PRIDE Industries, Roseville, CA
Mandatory for: Homestead Air Reserve Base, FL
Mandatory Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL
Contracting Activity: DEFENSE COMMISSARY AGENCY
Service Type: Computer Facilities Management Services
Mandatory for: Federal Center, Defense Reutilization & Marketing Service (DRMS)—POB: 74 North Washington—ADP Op, Battle Creek, MI
Mandatory Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA DISPOSITION SERVICES
Service Type: Sewing
Mandatory for: Redstone Arsenal, Huntsville, AL
Mandatory Source of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL

Service Type: Administrative Services
Mandatory for: Fort Sam Houston: Directorate of Public Works, Fort Sam Houston, TX
Mandatory Source of Supply: Training, Rehabilitation, & Development Institute, Inc., San Antonio, TX
Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: #1—9 Chisolm Street #2—1050 Remound Road, Charleston, SC
Mandatory Source of Supply: Dorchester County Board of Disabilities and Special Needs, Summerville, SC
Contracting Activity: DEPT OF THE ARMY, W40M RHCO–ATLANTIC USAHCA
Service Type: Janitorial/Custodial
Mandatory for: Naval Reserve Readiness CenterSeattle, WA
Mandatory Source of Supply: None
Contracting Activity: DEPT OF THE NAVY, U S FLEET FORCES COMMAND
Service Type: Food Service
Mandatory for: Illinois National Guard, Lincoln's Challenge Academy: 205 W Dodge, Building 303, Rantoul, IL
Mandatory Source of Supply: Challenge Unlimited, Inc., Alton, IL
Contracting Activity: DEPT OF DEFENSE, DOD/OFF OF SECRETARY OF DEF (EXC MIL DEPTS)
Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center—Windsor Locks, West Hartford, CT
Mandatory for: U.S. Army Reserve Center—BG J.W. Middleton, West Hartford, CT
Mandatory for: U.S. Army Reserve Center, West Hartford, CT
Mandatory Source of Supply: Allied Community Services, Inc., Enfield, CT
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–FT DIX (RC–E)

Patricia Briscoe,

Deputy Director, Business Operations, Pricing and Information Management.

[FR Doc. 2019–06805 Filed 4–5–19; 8:45 am]

BILLING CODE 6353–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2019–0016]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Real Estate Settlement Procedures Act (Regulation X) 12 CFR 1024.''

DATES: Written comments are encouraged and must be received on or before June 7, 2019 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: PRA_Comments@cfpb.gov.* Include Docket No. CFPB–2019–0016 in the subject line of the message.
- *Mail:* Comment Intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment Intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to Darrin King, PRA Officer, at (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Real Estate Settlement Procedures Act (Regulation X) 12 CFR 1024.

OMB Control Number: 3170–0016.

Type of Review: Extension without change of an existing information collection.

Affected Public: Businesses and other for-profit entities.

Estimated Number of Respondents: 12,506.

Estimated Total Annual Burden Hours: 1,203,301.

Abstract: The Real Estate Settlement Procedures Act of 1974 (RESPA), 12 U.S.C. 2601 *et seq.,* as amended, requires lenders, mortgage brokers, or servicers of certain home loans to provide borrowers with pertinent and timely disclosures regarding the nature and costs of the real estate settlement process, as well as servicing, including escrowing. The RESPA also prohibits specific practices, such as kickbacks, and places limitations upon the use of escrow accounts, among other things.

The Dodd-Frank Act amended RESPA by, among other things, requiring a single, integrated disclosure for mortgage loan transactions, mandating new disclosures and protections concerning force-placed hazard insurance, revising requirements for home buying information booklets, reducing response times to borrower inquiries, and settling time limits on refunds of escrow account balances at payoff. 12 U.S.C. 2603, 2604, and 2605.

Regulation X, 12 CFR 1024, which implements RESPA. Regulation X contains information collections in the form of third party disclosures and recordkeeping requirements. The third party disclosures in this collection are required by statute and regulations. [Borrowers use the disclosures required by RESPA and Regulation X to understand the nature and costs of the real estate settlement process and servicing, including escrowing The information collections discussed in this supporting statement are required in Regulation X, but to the extent that compliance with requirements in Regulation Z (12 CFR 1026) provides an exemption from compliance with similar requirements in Regulation X, the information collection burden is accounted for in OMB Control Number 3170–0015.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: April 2, 2019.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2019–06789 Filed 4–5–19; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2019–0005]

Agency Information Collection Activities; Proposed Collection; Comment Request; Anchor It! Campaign Survey

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Commission (CPSC) is announcing an opportunity for public comment on a new proposed collection of information by the agency. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** for each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on a proposed survey that will evaluate consumer awareness or recognition of CPSC's ''Anchor It!'' campaign.

DATES: Submit written or electronic comments on the collection of information by June 7, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2019–0005, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. CPSC does not accept comments submitted by electronic mail (email), except through *www.regulations.gov.* CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions in the following way: Mail/hand delivery/courier to: Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number, CPSC–2019–0005, into the ''Search'' box, and follow the prompts. A copy of the draft proposed survey is available at: *http://www.regulations.gov* under Docket No. CPSC–2019–0005, Supporting and Related Material.

FOR FURTHER INFORMATION CONTACT: Bretford Griffin, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504–7037, or by email to: *BGriffin@cpsc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency proposed surveys. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. Accordingly, CPSC is publishing notice of the proposed collection of information set forth in this document.

A. Anchor It! Campaign Proposed Survey

CPSC is authorized under section 5(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2054(a), to conduct studies and investigations relating to the causes and prevention of deaths, accidents, injuries, illnesses, other health impairments, and economic losses associated with consumer products. Section 5(b) of the CPSA, 15 U.S.C. 2054(b), further provides that CPSC may conduct research, studies, and investigations on the safety of consumer products or test consumer products and develop product safety test methods and testing devices.

In October 2018, CPSC issued a report ''Product Instability or Tip-Over Injuries and Fatalities Associated with Televisions, Furniture, and Appliances'' (2018 Report), which showed that emergency departments across the United States treated an estimated 27,300 television- or furniture stability-related injuries annually in 2015–2017 (8,200 involved televisions or both televisions and furniture and 19,100 involved only furniture).[1] The 2018 Report also reviewed death incidents from 2000 through 2017, and found 507 fatalities (342 involved televisions or both televisions and furniture and 165 involved only furniture.) The 2018 Report showed that children account for the vast majority of both fatalities (83%), as well as the majority of estimated non-fatal emergency department-treated injuries (50%) caused by TV/furniture instability. Of child fatalities, 72 percent involved TV tip-over, and 24 percent furniture tip-over.

To address the hazard associated with TV/furniture tip-overs, as early as 2015, CPSC implemented an information and education campaign called, ''Anchor It!'' that stressed the importance of safely and securely mounting TVs and furniture to walls with a goal of reducing the number of injuries and deaths due to TV/furniture tip-over.[2] CPSC seeks, through the proposed survey, to evaluate consumer awareness or recognition of the ''Anchor It!'' campaign, consumer comprehension of the risks and remedies of TV/furniture tip over and anchoring, and consumer behavior and attitude change from the ''Anchor It!'' campaign.

The proposed survey will collect data from a sample of approximately 600 parent and non-parent caregivers of children ages 0–5 years to assess their current behaviors about anchoring furniture and/or televisions in homes, their attitudes and beliefs about anchoring, their knowledge of the CPSC and the ''Anchor It!'' campaign, and their intentions about anchoring in the future. The proposed survey consists of a highly varied national sample. The proposed survey data will enable CPSC to assess individuals' existing knowledge of anchoring furniture and televisions, and inform recommendations on how to modify the ''Anchor It!'' campaign to better target and educate parents and non-parent caregivers. Findings that arise from the proposed survey may also be used by CPSC in designing future studies.

CPSC has entered into a contract with Fors Marsh Group (FMG) to conduct the proposed survey and collect the data. The National Opinion Research Center (NORC) will program and administer the final survey over the internet. NORC will contact participants electronically via email. The proposed survey will be administered using a secure online platform and the results from the proposed survey will be accessible only

[1] *https://www.cpsc.gov/s3fs-public/Product%20Instability%20or%20Tip%20Over%20Report%20Oct%202018_STAMPED.pdf?J6AwbQ.ZwNQKkWQknOKUDi4ur0i.6D73.*

[2] *https://www.cpsc.gov/Safety-Education/Safety-Education-Centers/Tipover-Information-Center/.*

to authorized personnel. Following data collection, FMG will summarize the results and provide a final report along with the dataset to CPSC staff.

B. Burden Hours

The proposed survey will take approximately 20 minutes to complete. We estimate the number of respondents to be 600. We estimate the total annual burden hours for respondents to be 200 hours. The monetized hourly cost is $36.22, as defined by the average total hourly cost to employers for employee compensation for employees across all occupations as of June 2018, reported by the Bureau of Labor Statistics. The total cost burden is estimated to be $7,244 (200 hours × $36.22). The total cost to the federal government for the contract to design and conduct the proposed survey is $210,112.

C. Request for Comments

CPSC invites comments on these topics:

- Whether the proposed collection of information is necessary for the proper performance of CPSC's functions, including whether the information will have practical utility;
- The accuracy of CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2019–06840 Filed 4–5–19; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0117]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; EDFacts Data Collection School Years 2019–20, 2020–21, and 2021–22 (With 2018–19 Continuation)

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 May 8, 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–0117. 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 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: EDFacts Data Collection School Years 2019–20, 2020–21, and 2021–22 (with 2018–19 continuation).

OMB Control Number: 1850–0925.

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

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

Total Estimated Number of Annual Responses: 61.

Total Estimated Number of Annual Burden Hours: 126,880.

Abstract: EDFacts is a U.S. Department of Education (ED) initiative, conducted by the National Center for Education Statistics (NCES), to collect, analyze, report on, and promote the use of high-quality, pre-kindergarten through grade 12 (pre-K–12) performance data for use in education planning, policymaking, and management and budget decision making to improve outcomes for students. By centralizing data provided by state education agencies about state level data, local education agencies, and schools, NCES uses the EDFacts data to report on students, schools, staff, services, and education outcomes at the state, district, and school levels. The centralized approach provides ED users with the ability to efficiently analyze and report on submitted data and has reduced the reporting burden for state and local data producers through the use of streamlined data collection, analysis, and reporting tools. EDFacts collects information on behalf of ED grant and program offices for approximately 150 data groups for all 50 states, Washington, DC, Puerto Rico, and seven outlying areas and freely associated states (American Samoa, Federated States of Micronesia, Guam, Marshall Islands, Commonwealth of the Northern Mariana Islands, Republic of Palau, and the U.S. Virgin Islands), the Department of Defense Education Activity (DoDEA), and the Bureau of Indian Education (BIE). This request is to collect EDFacts data for the 2019–20, 2020–21, and 2021–22 school years. This collection package received public comments during a 60-day public comment period, which led to a number of revisions reflected in this request's documents, and is now being made available for the final, 30-day public comment period, after which further

revisions may be made accordingly. Due to overlap in the timing of data collection activities between consecutive years of the EDFacts collection, we are carrying over in this submission the approved SY 2018–19 data collection, which is scheduled to end in February 2020.

Dated: April 3, 2019.

Stephanie Valentine,

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

[FR Doc. 2019–06829 Filed 4–5–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0005]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Evaluation of Preschool Special Education Practices Efficacy Study

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before May 8, 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–0005. 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 Yumiko Sekino, 202–374–0936.

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

Title of Collection: Evaluation of Preschool Special Education Practices Efficacy Study.

OMB Control Number: 1850–0916.

Type of Review: A reinstatement of a previously approved information collection.

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

Total Estimated Number of Annual Responses: 1,739.

Total Estimated Number of Annual Burden Hours: 455.

Abstract: This package requests clearance for data collection activities to support an efficacy study of an instructional framework designed to address the needs of all preschool children in inclusive classrooms. The efficacy study is part of the Evaluation of Preschool Special Education Practices (EPSEP), which is assessing the feasibility of a large-scale effectiveness study of an intervention for preschool children in inclusive classrooms. The main objective of the efficacy study is to test whether the Instructionally Enhanced Pyramid Model (IEPM) can be implemented with fidelity in inclusive preschool classrooms. IEPM is comprised of three established individual interventions for children with disabilities integrated together into a single comprehensive intervention for use with all children in inclusive preschool classrooms. The secondary objective is to provide initial evidence about IEPM's impacts on classroom and child outcomes. This efficacy study provides an important test of whether strategies for delivering content in a manner that meets the needs of each child with a disability can be integrated with an existing framework of teaching practices for inclusive preschool classes, thus helping all children participate and make progress in the general preschool curriculum. These strategies, which are called targeted instructional supports, have been tested separately but have not been tested as part of this framework.

The efficacy study will include data collection to conduct both implementation and impact analyses. The implementation analysis will use observation data to describe the fidelity of training and implementation. It also will draw on coaching logs and coach interviews to describe program implementation. In addition, responses to a teacher survey and teacher focus groups will provide information on teachers' backgrounds, professional experiences, and perspectives on IEPM implementation. The impact analysis will use data from observations of classroom inclusion quality and engagement, a child observation, a direct child assessment, and teacher reports on child outcomes. The implementation and impact analyses also will use district administrative records to offer additional contextual and background information on the preschool program, its teachers, and enrolled children. These various data collection activities will be carried out between summer 2019 and summer 2021 during the two years that schools in the intervention group will implement IEPM (2019–2020 and 2020–2021 school years).

Dated: April 3, 2019.

Stephanie Valentine,

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

[FR Doc. 2019–06830 Filed 4–5–19; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0720; FRL–9989–67]

Registration Review; Draft Human Health and/or Ecological Risk Assessments for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and/or ecological risk assessments for the registration review of 2,4-DB, aliphatic solvents, chlorine gas, dimethyl disulfide (DMDS), iodine and iodophors, methomyl, methyl bromide, naphthalene, phenmedipham, thiodicarb, tralopyril, and triclosan.

DATES: Comments must be received on or before June 7, 2019.

ADDRESSES: Submit your comments, to the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general questions on the registration review program, contact: Dana Friedman, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–8827; email address: *friedman.dana@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the Table in Unit IV.

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

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

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

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed comprehensive draft human health and/or ecological risk assessments for all pesticides listed in the Table in Unit IV. After reviewing comments received during the public comment period, EPA may issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments and may request public input on risk mitigation before completing a proposed registration review decision for the pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's human health and/or ecological risk assessments for the pesticides shown in the following table and opens a 60-day public comment period on the risk assessments.

TABLE—DRAFT RISK ASSESSMENTS BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
2,4-DB, Case 0196	EPA–HQ–OPP–2013–0661	Samantha Thomas, *thomas.samantha@epa.gov,* (703) 347–0514.
Aliphatic solvents, Case 3004	EPA–HQ–OPP–2016–0039	Veronica Dutch, *dutch.veronica@epa.gov,* (703) 308–8585.
Chlorine Gas, Case 4022	EPA–HQ–OPP–2010–0242	Daniel Halpert, *halpert.daniel@epa.gov,* (703) 347–0133.
Dimethyl Disulfide (DMDS), Case 7454	EPA–HQ–OPP–2013–0488	Katherine St. Clair, *stclair.katherine@epa.gov,* (703) 347–8778.
Iodine and Iodophors, Case 3080	EPA–HQ–OPP–2013–0767	Michael McCarroll, *mccarroll.michael@epa.gov,* (703) 347–0147.
Methomyl, Case 0028	EPA–HQ–OPP–2010–0751	Matthew Manupella, *manupella.matthew@epa.gov,* (703) 347–0411.
Methyl Bromide, Case 0335	EPA–HQ–OPP–2013–0269	Leigh Rimmer, *rimmer.leigh@epa.gov,* (703) 347–0553.
Naphthalene, Case 0022	EPA–HQ–OPP–2016–0113	Christian Bongard, *bongard.christian@epa.gov,* (703) 347–0337.
Phenmedipham, Case 0277	EPA–HQ–OPP–2014–0546	Lauren Bailey, *bailey.lauren@epa.gov,* (703) 347–0374.
Thiodicarb, Case 2675	EPA–HQ–OPP–2009–0432	Matthew Manupella, *manupella.matthew@epa.gov,* (703) 347–0411.
Tralopyril, Case 5114	EPA–HQ–OPP–2013–0217	Erin Dandridge, *dandridge.erin@epa.gov,* (703) 347–0185.
Triclosan, Case 2340	EPA–HQ–OPP–2012–0811	Megan Snyderman, *snyderman.megan@epa.gov,* (703) 347–0671.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human health and/or ecological risk assessments for the pesticides listed in the Table in Unit IV. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to a draft human health and/or ecological risk assessment. EPA may then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments.

Information submission requirements. Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 4, 2019.

Charles Smith,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2019–06818 Filed 4–5–19; 8:45 am]

BILLING CODE 6560–50–P

EXPORT–IMPORT BANK

[Public Notice: 2019–6010]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. The Application for Exporter Short Term Single Buyer Insurance form will be used by entities involved in the export of U.S. goods and services, to provide EXIM with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements. Export-Import Bank customers will be able to submit this form on paper or electronically.

DATES: Comments must be received on or before June 7, 2019 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB 92–64) or by email to *Mia.Johnson@exim.gov,* or by mail to Mia L. Johnson, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. The application can be reviewed at: *https://www.exim.gov/sites/default/files/pub/pending/eib92-64.pdf.*

SUPPLEMENTARY INFORMATION: *Title and Form Number:* EIB 92–64 Application for Exporter Short Term Single Buyer Insurance

OMB Number: 3048–0018.

Type of Review: Renewal.

Need and Use: The information requested enables the applicant to provide EXIM with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 310.

Estimated Time per Respondent: 1.5 hours.

Annual Burden Hours: 465 hours.

Frequency of Reporting of Use: As needed.

Government Costs:

Reviewing time per year: 465 hours.

Average Wages per Hour: $42.50.
Average Cost per Year: $19,762.5 (time*wages).
Benefits and Overhead: 20%.
Total Government Cost: $23,715.

Bassam Doughman,
IT Specialist.
[FR Doc. 2019–06800 Filed 4–5–19; 8:45 am]
BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice 2019–6009]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB Review and Comments Request

SUMMARY: The Export-Import Bank of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995. EXIM enables U.S. exporters to compete fairly in foreign markets on the basis of price and product by neutralizing the effect of export credit insurance and guarantees offered by foreign governments and by absorbing credit risks that the private section will not accept. This collection of information is necessary to determine eligibility of the applicant for EXIM support.

DATES: Comments should be received on or before June 7, 2019 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB 95–10) or by email to *Mia.Johnson@exim.gov* or by mail to Mia L. Johnson, Export Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. The application can be viewed at *http://www.exim.gov/sites/default/files/pub/pending/eib95-10all.pdf.*

SUPPLEMENTARY INFORMATION:
Titles and Form Number: EIB 95–10 Application for Long Term Loan or Guarantee.
OMB Number: 3048–0013.
Type of Review: Renewal.
Need and Use: The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to the Export Import Bank under its long term guarantee and direct loan programs.
Affected Public: This form affects entities involved in the export of U.S. goods and services.
Annual Number of Respondents: 84.
Estimated Time per Respondent: 1.75 hours.
Annual Burden Hours: 147 hours.
Frequency of Reporting or Use: As needed.
Government Expenses:
Reviewing Time per Year: 147 hours.
Average Wages per Hour: $42.50.
Average Cost per Year: $6,248 (time*wages).
Benefits and Overhead: 20%.
Total Government Cost: $7,498.

Bassam Doughman,
IT Specialist.
[FR Doc. 2019–06799 Filed 4–5–19; 8:45 am]
BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice 2019–6008]

Agency Information Collection Activities: Comment Request

SUMMARY: The Export-Import Banks of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. This collection of information is necessary to determine eligibility of the underlying export transaction for EXIM insurance coverage.

DATES: Comments must be received on or before June 7, 2019 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB 92–41) or by email to *Mia.Johnson@exim.gov* or by mail to Mia L. Johnson, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. The information collection tool can be reviewed at: *https://www.exim.gov/sites/default/files/pub/pending/eib92-41.pdf.*

SUPPLEMENTARY INFORMATION:
Title and Form Number: EIB 92–41 Application for Financial Institution Short-Term, Single-Buyer Insurance.
OMB Number: 3048–0019.
Type of Review: Renewal.
Need and Use: The Application for Financial Institution Short-term Single-Buyer Insurance form will be used by financial institution applicants to provide EXIM with the information necessary to determine if the subject transaction is eligible for EXIM insurance coverage.
Affected Public: This form affects entities involved in the export of U.S. goods and services.
Annual Number of Respondents: 215.
Estimated Time per Respondent: 1.6 hours.
Annual Burden Hours: 344.
Frequency of Reporting of Use: Annual.
Government Expenses:
Reviewing Time per Year: 1,290 hours.
Average Wages per Hour: $42.50.
Average Cost per Year: $54,825 (time*wages).
Benefits and Overhead: 20%.
Total Government Cost: $65,790.

Bassam Doughman,
IT Specialist.
[FR Doc. 2019–06798 Filed 4–5–19; 8:45 am]
BILLING CODE 6690–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, April 11, 2019 at 10:00 a.m.

PLACE: 1050 First Street NE, Washington, DC (12th Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:
Correction and Approval of Minutes for March 28, 2019
Draft Advisory Opinion 2018–12: Defending Digital Campaigns, Inc.
Draft Advisory Opinion 2018–13: OsiaNetwork LLC
Draft Advisory Opinion 2019–04: Prytany LLC
Draft Advisory Opinion 2019–06: Leigh Brown
Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

Dayna C. Brown,
Secretary and Clerk of the Commission.
[FR Doc. 2019–07031 Filed 4–4–19; 4:15 pm]
BILLING CODE 6715–01–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 email 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 *tradeanalysis@fmc.gov.*

Agreement No.: 012460–003.

Agreement Name: COSCO Shipping/PIL/WHL Vessel Sharing and Slot Charter Agreement.

Parties: COSCO Shipping Lines Co., Ltd.; Pacific International Lines (PTE) Ltd.; and Wan Hai Lines (Sinapore) Pte. Ltd. and Wan Hai Lines Ltd. (acting as a single party).

Filing Party: Eric Jeffrey; Nixon Peabody.

Synopsis: The Amendment updates the shared strings and slot exchanges among the Parties.

Proposed Effective Date: 3/29/2019.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/1948.

Agreement No.: 201293.

Agreement Name: Georgia—South Carolina Marine Terminal Operator Cooperative Working Agreement.

Parties: SSA Atlantic, LLC; Ceres Marine Terminals Inc.; and Ports America Florida, Inc.

Filing Party: Matthew Thomas; Blank Rome LLP.

Synopsis: The Agreement authorizes SSA Atlantic, LLC, Ceres Marine Terminals Inc., and Ports America Florida, Inc. to form a new limited liability company to provide services in the ports of Savannah, Georgia and Charleston, South Carolina.

Proposed Effective Date: 5/13/2019.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/21355.

Dated: April 2, 2019.

Rachel Dickon,

Secretary.

[FR Doc. 2019–06783 Filed 4–5–19; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (''Act'') (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 23, 2019.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Joseph C. Coday, Springfield, Missouri, as trustee of the Joseph C. Coday Trust and the Irrevocable Trust Agreement of Jean C. Coday, Jane K. Coday, Mansfield, Missouri, as trustee of the Revocable Trust of Jane K. Coday and the Irrevocable Trust of Jean C. Coday, and Stephen J. Coday, Olathe, Kansas, all individually, and as part of a family control group;* to retain ownership of voting shares of Banc 60, Inc., Mansfield, Missouri, and thereby retain shares of Homepride Bank, Mansfield, Missouri.

Board of Governors of the Federal Reserve System, April 3, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–06865 Filed 4–5–19; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the Reporting Requirements Associated with Supervision and Regulation Assessments of Fees (Regulation TT); (FR TT; [1] OMB No. 7100–0369).

DATES: Comments must be submitted on or before June 7, 2019.

ADDRESSES: You may submit comments, identified by *FR TT,* by any of the following methods:

- *Agency website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available on the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device

[1] The internal Agency Tracking Number previously assigned by the Board to this information collection was Reg TT. The Board is changing the internal Agency Tracking Number for the purpose of consistency.

for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, With Revision, the Following Information Collection

Report title: Reporting Requirements Associated with Supervision and Regulation Assessments of Fees (Regulation TT).

Agency form number: FR TT.

OMB control number: 7100–0369.

Frequency: On occasion.

Respondents: Bank holding companies (BHCs) and savings and loan holding companies (SLHCs).

Estimated number of respondents: 3.

Estimated average hours per response: 40.

Estimated annual burden hours: 120.

General description of report: The Board's Regulation TT [2] implements section 11(s) of the Federal Reserve Act (FRA),[3] which directs the Board to collect assessments, fees, or other charges (collectively, ''assessments'') from BHCs and SLHCs that meet a statutory size threshold and from all nonbank financial companies designated for Board supervision by the Financial Stability Oversight Council (FSOC) (collectively, assessed companies) in an amount equal to the total expenses the Board estimates are necessary or appropriate to carry out its supervisory and regulatory responsibilities with respect to such companies. Pursuant to Regulation TT, the Board issues an annual notice of assessment to each assessed company. Assessed companies may file a written appeal with the Board regarding the assessment.[4]

Proposed revisions: Section 401(c) of the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA) raised the size threshold in section 11(s) of the FRA for assessments for BHCs and SLHCs from $50 billion to $100 billion in total consolidated assets. Therefore, BHCs and SLHCs with total consolidated assets of at least $50 billion but less than $100 billion are no longer subject to section 11(s) assessments.[5] Accordingly, the Board proposes to revise this collection of information so that it no longer applies to such BHCs and SLHCs.

Legal authorization and confidentiality: The FR TT is authorized pursuant to section 11(i) of the FRA (12 U.S.C. 248(i)), which provides that the Board shall make all rules and regulations necessary to enable the Board to effectively perform the duties, functions, or services specified in the FRA. The FR TT is voluntary.

An assessed company may request confidential treatment of its appeal if it believes that disclosure of specific commercial or financial information in the statement would likely result in substantial harm to its competitive position. The determination that such information is confidential and not subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552), would need to made on a case-by-case basis, consistent with FOIA exemption 4 (5 U.S.C. 552(b)(4)).

[2] 12 CFR part 246.

[3] 12 U.S.C. 248(s). Section 11(s) of the Federal Reserve Act was added by section 318 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

[4] 12 CFR 246.5(b).

[5] The Board intends to publish a final rule to implement section 401(c) of EGRRCPA, which also requires the Board to adjust the amount charged to assessed companies to reflect any changes in supervisory and regulatory responsibilities resulting from EGRRCPA, in the near future.

Board of Governors of the Federal Reserve System, April 2, 2019.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2019–06796 Filed 4–5–19; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Recordkeeping and Disclosure Requirements Associated with Regulation II (Debit Card Interchange Fees and Routing) (FR II; OMB No. 7100–0349).

DATES: Comments must be submitted on or before June 7, 2019.

ADDRESSES: You may submit comments, identified by *FR II,* by any of the following methods:

- *Agency website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available on the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You

may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Recordkeeping and Disclosure Requirements Associated with Regulation II (Debit Card Interchange Fees and Routing).

Agency form number: FR II.

OMB control number: 7100–0349.

Frequency: On occasion.

Respondents: State member banks, national banks, insured nonmember banks, savings associations, and federally-chartered credit unions.

Estimated number of respondents: Implement policies and procedures, 1 respondent; Review and update policies and procedures, 541 respondents; Annual notification and change in status, 541 respondents.

Estimated average hours per response: Implement policies and procedures, 160 hours; Review and update policies and procedures, 40 hours; Annual notification and change in status, 1 hour.

Estimated annual burden hours: Implement policies and procedures, 160 hours; Review and update policies and procedures, 21,640 hours; Annual notification and change in status, 541 hours.

General description of report: Regulation II, Debit Card Interchange Fees and Routing (12 CFR part 235), implements, among other things, standards for assessing whether interchange transaction fees for electronic debit transactions are reasonable and proportional to the cost incurred by the issuer with respect to the transaction, as required by section 920(a) of the Electronic Fund Transfer Act (EFTA) (15 U.S.C. 1693o–2(a)).

Regulation II limits the interchange transaction fee that covered issuers can charge for debit card transactions. Under the rule a covered debit card issuer is allowed to receive or charge an amount of no more than 1 cent per transaction for the costs associated with preventing fraudulent electronic debit transactions (''fraud-prevention adjustment''), if the issuer complies with the standards and requirements set forth in the rule. In addition, issuers must retain records demonstrating their compliance with the requirements in Regulation II for at least five years after the end of the calendar year in which the electronic debit transaction occurred, any person or issuer subject to an investigation or enforcement proceeding involving Regulation II must retain records pertaining to the matter until the final disposition of the matter, unless an earlier time is allowed by court or agency order. The PRA classifies reporting, recordkeeping, or disclosure requirements of a regulation as an information collection.

Legal authorization and confidentiality: Section 920(a)(3) of the EFTA (15 U.S.C. 1693o–2(a)(3)), as added by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, authorizes the Board to (1) prescribe regulations regarding interchange transaction fees that an issuer may charge with respect to electronic debit transactions, and to establish standards to assess whether the amount of any such fee is reasonable and proportional; and (2) require any issuer or payment card network to provide the Board such information as deemed necessary. Section 920(a)(5) of the EFTA (15 U.S.C. 1693o–2(a)(5)), further provides that the Board may allow for an adjustment to the interchange transaction fee amount received or charged by an issuer if ''(1) such adjustment is reasonably necessary to make allowance for costs incurred by the issuer in preventing fraud in relation to electronic debit card transactions involving that issuer; and (2) the issuer complies with the fraud-related standards established by the Board.'' Section 920(a)(5) also provides detailed requirements pertaining to the fraud-related standards to be established by the Board and authorizes the Board to promulgate such standards by rule. In addition, the EFTA (15 U.S.C. 1693o(a) and 1693o–2(d)) authorizes enforcement of compliance with the requirements implemented under the EFTA by the Board for entities that the Board has enforcement authority over under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), which covers member banks (other than national banks), branches and agencies of foreign banks (other than federal

branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 *et seq.* and 611 *et seq.*).

Regulation II's fraud-prevention recordkeeping requirements (12 CFR 235.4(b)) and disclosure requirements (12 CFR 235.4(c) and (d)) are required in order for an issuer to obtain a benefit (*i.e.,* to be eligible to receive or charge the fraud-prevention adjustment). Regulation II's general recordkeeping requirements for issuers (12 CFR 235.8(c)) are mandatory. The records and notifications required under sections 235.4(b)–(d) and 235.8(c) of Regulation II are generally not submitted to the Board or the other federal financial regulatory agencies. Accordingly, normally no confidentiality issues arise under the Freedom of Information Act (''FOIA'') (5 U.S.C. 552). In the event such records or notifications are obtained by the Board through the examination or enforcement process, such information may be kept confidential under exemption 8 of the FOIA, which protects information contained in or related to the examination or supervision of a financial institution (5 U.S.C. 552(b)(8)).

Board of Governors of the Federal Reserve System, April 2, 2019.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2019–06797 Filed 4–5–19; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 3, 2019.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *A.N.B. Holding Company, Ltd., Terrell, Texas;* to acquire voting shares up to 36.5 percent, of The ANB Corporation, Terrell, Texas, and thereby indirectly acquire shares of The American National Bank of Texas, Terrell, Texas; Lakeside Bancshares, Inc., Rockwall, Texas; and Lakeside National Bank, Rockwall, Texas.

Board of Governors of the Federal Reserve System, April 3, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–06866 Filed 4–5–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0053; Docket No. 2019–0003; Sequence No. 6]

Information Collection; Permits, Authorities, or Franchises

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension of a previously existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning permits, authorities, or franchises for regulated transportation.

DATES: Submit comments on or before June 7, 2019.

ADDRESSES: The FAR Council invites interested persons to submit comments on this collection by either of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0053, Permits, Authorities, or Franchises.

Instructions: All items submitted must cite Information Collection 9000–0053, Permits, Authorities, or Franchises. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail). This information collection is pending at the FAR Council. The Council will submit it to OMB within 60 days from the date of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, 202–208–4949, or email *michaelo.jackson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Solicitation of Public Comment

Written comments and suggestions from the public should address one or more of the following four points:

(1) Evaluate 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) 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.

B. Purpose

The FAR requires insertion of clause 52.247–2, Permits, Authorities, or Franchises, when regulated transportation is involved. The clause requires the contractor to indicate whether it has the proper authorization from the Federal Highway Administration (or other cognizant regulatory body) to move material. The contractor may be required to provide copies of the authorization before moving material under the contract. The clause also requires the contractor, at its expense, to obtain and maintain any permits, franchises, licenses, and other authorities issued by State and local governments. The Government may request to review the documents to ensure that the contractor has complied with all regulatory requirements.

C. Annual Reporting Burden

Respondents: 8,256.
Responses per Respondent: 1.
Annual Responses: 8,256.
Hours per Response: 0.5.
Total Burden Hours: 4,128.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 9000–0053, Permits, Authorities, or Franchises, in all correspondence.

Dated: March 21, 2019.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2019–06817 Filed 4–5–19; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Docket No. ATSDR–2019–0001]

Availability of Draft Toxicological Profile for Glyphosate

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR), within the Department of Health and Human Services (HHS), announces the opening of a docket to obtain comments on the Draft Toxicological Profile for Glyphosate. On February 12, 2015 ATSDR announced that it was preparing to develop their Set 28 Draft Toxicological Profiles, including Glyphosate, for public comment release (80 FR 7870). All toxicological profiles issued as ''Drafts for Public Comment'' represent ATSDR's best efforts to provide important toxicological information on priority hazardous substances. ATSDR is seeking public comments and additional information or reports on studies about the health effects of glyphosate for review and potential inclusion in the profile. ATSDR considers key studies for these substances during the profile development process. This document solicits any relevant, additional studies. ATSDR will evaluate the quality and relevance of such data or studies for possible inclusion into the profile.

DATES: Written comments must be received on or before July 8, 2019.

ADDRESSES: You may submit comments, identified by docket number ATSDR–2019–0001, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Division of Toxicology and Human Health Sciences, Agency for Toxic Substances and Disease Registry, 1600 Clifton Rd. NE, MS F–57, Atlanta, GA 30329. Attn: Docket No. ATSDR–2019–0001.

Instructions: All submissions must include the agency name and Docket Number. All relevant comments received will be posted without change to *http://regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Susan Ingber, Agency for Toxic Substances and Disease Registry, Division of Toxicology and Human Health Sciences, 1600 Clifton Rd. NE, MS F–57, Atlanta, GA 30329, Email: *ATSDRToxProfileFRNs@cdc.gov*; Phone: 1–800–232–4636.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data.

Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. ATSDR will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. ATSDR will carefully consider all comments submitted in preparation of the final Toxicological Profile and may revise the profile as appropriate.

Legislative Background

The Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9601 *et seq.*] amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund) [42 U.S.C. 9601 *et seq.*] by establishing certain requirements for ATSDR and the U.S. Environmental Protection Agency (EPA) regarding hazardous substances that are most commonly found at facilities on the CERCLA National Priorities List (NPL). Among these statutory requirements is a mandate for the Administrator of ATSDR to prepare toxicological profiles for each substance included on the priority list of hazardous substances [also called the Substance Priority List (SPL)]. This list identifies 275 hazardous substances that ATSDR and EPA have determined pose the most significant potential threat to human health. The SPL is available online at *www.atsdr.cdc.gov/spl.*

In addition, CERCLA provides ATSDR with the authority to prepare toxicological profiles for substances not found on the SPL. CERCLA authorizes ATSDR to establish and maintain an inventory of literature, research, and studies on the health effects of toxic substances (CERCLA Section 104(i)(1)(B)); to respond to requests for health consultations (CERCLA Section 104(i)(4)); and to support the site-specific response actions conducted by the agency.

Availability

The Draft Toxicological Profile for Glyphosate is available online at *http://www.atsdr.cdc.gov/ToxProfiles* and at

www.regulations.gov, Docket No. ATSDR–2019–0001.

Pamela I. Protzel Berman,

Director, Office of Policy, Partnerships and Planning, Agency for Toxic Substances and Disease Registry.

[FR Doc. 2019–06832 Filed 4–5–19; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–19–19AEN; Docket No. CDC–2019–0027]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Stakeholder Interviews for the Evaluation of the World Trade Center Health Program (WTCHP) for Impact Assessment and Strategic Planning for Translational Research. This project will hold a series of semi-structured interviews with members of different stakeholder groups to explore their perspectives on the translational research mission of the WTCHP, including the use of research to improve care for members and impact on key program outcomes.

DATES: CDC must receive written comments on or before June 7, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2019–0027 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

Stakeholder Interviews for the Evaluation of the World Trade Center Health Program for Impact Assessment and Strategic Planning for Translational Research—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The World Trade Center Health Program (WTCHP) was established by the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111–347 (hereafter referred to as ''the Zadroga Act''). Under subtitle C, the Zadroga Act requires the establishment of a research program on health conditions resulting from the 9/11 terrorist attacks. The Research-to-Care (RTC) model is the strategic framework employed by the WTCHP to prioritize, conduct, and assess research that informs excellence in clinical care for the population of responders and survivors affected by the 9/11 attack in New York City.

The RTC model assumes the collective involvement of WTCHP stakeholders, including members, researchers, clinicians, and program administrators. It accounts for a variety of inputs that can affect the progress and impact of WTCHP research. These inputs include people and organizations (*e.g.,* program members, providers, clinical centers of excellence, extramural researchers, and program staff), resources (*e.g.,* technology, data centers, the NYC 9/11 Health Registry) and regulatory rules (principally the Zadroga Act). The program supports activities such as research prioritization, conduct of research, delivery of medical care, and iterative assessments of the translation of research to improvements in health care services and chronic disease management. These activities aim to produce tangible outputs such as research findings on WTC-related conditions, healthcare protocols, peer-reviewed publications, quality assessment reports, and member and provider education products. Finally, the model anticipates short-, intermediate-, and long-term measurement of outcomes and serves as a communication tool for program planning and evaluation.

In 2016, NIOSH contracted with the RAND Corporation to evaluate the WTCHP RTC model including the research investments to date and the effectiveness with which the Program translates its research to different stakeholder groups. This work will ultimately provide guidance for the WTCHP on strategic directions, as well as produce knowledge about the translation of research into improved outcomes for individuals and populations exposed to disasters such as

the 9/11 attacks. As a part of this evaluation, we will hold a series of interviews with representatives of different stakeholder groups to explore their perspectives on translational research in the context of the WTCHP. These interviews are necessary to gather information on the translation of WTCHP-supported research into better care for members, the impact of this research, and stakeholders' views on future directions for the program. Interview responses will be incorporated into RAND's overall assessment of the WTCHP program's research portfolio and will inform recommendations for future research investments and strategic direction. We will conduct 20 semi-structured, in-depth interviews by telephone that will last approximately 1 hour each.

The interview will address specific topics including stakeholder views on key findings from a large systematic review of WTC-related research conducted in a separate part of this evaluation, adherence of WTCHP-supported research to key principles of translational research, and opportunities for future directions for the WTCHP.

OMB approval is requested for one year. The total estimated burden is 17 hours. Participation is voluntary, and there are no costs to the respondent other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Principal Investigators of WTCHP-Funded Research.	Interview Discussion Guide and Brief Demographic Survey.	4	1	1	4
Leadership from WTC Clinical Centers of Excellence.	Interview Discussion Guide and Brief Demographic Survey.	3	1	1	3
WTC Health Registry staff	Interview Discussion Guide and Brief Demographic Survey.	1	1	1	1
Clinicians Caring for WTCHP Members.	Interview Discussion Guide and Brief Demographic Survey.	2	1	1	2
WTCHP Responders and Survivors (State/local govt).	Interview Discussion Guide and Brief Demographic Survey.	3	1	1	3
WTCHP Responders and Survivors (private citizens).	Interview Discussion Guide and Brief Demographic Survey.	4	1	1	4
Total					17

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–06814 Filed 4–5–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–19–19ACI; Docket No. CDC–2019–0023]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Sealant Efficiency Assessment for Locals and States. This data will be collected from local school sealant programs to generate efficiency performance measures, which will allow CDC to identify feasible benchmarks and best practices contributing to school sealant program efficiency.

DATES: CDC must receive written comments on or before June 7, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2019–0023 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Sealant Efficiency Assessment for States and Locals Data Collection—Existing collection in use without an OMB Control Number—National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

By age 19, 67% of U.S. adolescents living in poverty have experienced tooth decay and 27% have at least one decayed tooth needing treatment. School sealant programs (SSP) provide dental sealants, which protect against 80% of cavities for two years, and continue to protect against 50% of cavities for up to four years.

Little is known about school sealant program delivery logistics, resource costs, or the quantity of resources used per unit of service or per averted cavity. The previously mentioned economic model on the cost-effectiveness of SSPs could find no recent studies on SSP cost in the U.S. and relied on the findings from four studies, all published before 2001. A systematic review of economic evaluations of SSPs conducted further found wide variation in reported cost per child, ranging from $33 to $163. Information on the cost and efficiency of SSPs could help these programs become more efficient and provide more services per dollar in their budget.

CDC requests information from states regarding children's cavity risk, one-year sealant retention rate, sealant program services delivered, and school sealant program cost and quantity of resources used at each school event. This data will allow CDC and states to monitor the performance and efficiency of their SSPs, which will improve and extend program delivery to more children.

At the beginning of each school year, SSPs electronically enter a list of schools they plan to serve (Add Schools), information about their program delivery logistics (Program Options), and per unit resource costs (Cost Options). Data from the previous funding period suggest that one SSP typically serves 20 schools. At each school event, SSPs enter information about resource use, children's risk for tooth decay, and delivered services (Add Event). Information collected at each school can be entered electronically onsite or collected on paper form, and entered electronically at a later date. At the end of the school year, SSPs enter administrative costs (*e.g.,* office supplies, rent, computers) electronically, and within 9 to 15 months after first visiting the school, they enter information about sealant retention. Effectiveness of resin-based sealants is directly tied to retention, in that a retained sealant is 100% effective at preventing cavities. Because of this, many SSPs sample a few children for retention when they visit the school the next year to deliver services to new students.

CDC proposes to conduct a benchmarking analysis to identify the set of efficient SSPs and factors/practices associated with efficiency. Findings from the CDC benchmarking analyses will be submitted for publication in peer-reviewed journals and presented at the National Oral Health Conference. Findings will also be shared with the Association of State and Territorial Dental Directors (ASTDD), the oral health divisions in HRSA and CMS, and the National Institutes of Dental and Craniofacial Research. This information will inform entities considering implementing SSPs; assist local SSPs and state oral health departments to monitor efficiency and impact; identify best practices; and document if and how SSPs are a good investment of public health dollars.

CDC requests OMB clearance for three years. The total estimated annualized burden hours is 1,388. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State Sealant Administrator	Add Program and Add User	18	1	45/60	14
SSP Local Administrator	Add User and Add School	162	1	43/60	116
	Program Options and Cost Options	162	1	46/60	124
	Add Event	162	20	21/60	1,134
Total					1,388

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–06816 Filed 4–5–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–19–19AEG; Docket No. CDC–2019–0025]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Verona Integron-Encoded Metallo-β-Lactamase (VIM)-Producing Carbapenem-Resistant Pseudomonas aeruginosa Infections Associated with Invasive Medical Procedures in Tijuana, Mexico. This project is being developed to identify infections among individuals in the U.S. who had surgery at Facility 1 in Tijuana, Mexico in order to prevent the spread of resistance in the U.S.

DATES: CDC must receive written comments on or before June 7, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2019–0025 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Verona Integron-Encoded Metallo-β-Lactamase (VIM)-Producing Carbapenem-Resistant Pseudomonas aeruginosa Infections Associated with Invasive Medical Procedures in Tijuana, Mexico—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is investigating an outbreak of highly resistant *Pseudomonas aeruginosa* infections associated with bariatric surgery at a hospital in Tijuana, Mexico. Approximately 750 Americans from 45 states have had surgery at this facility since August 1, 2018. Among these individuals, approximately 200 had surgery since January 1, 2019, and are still at risk for developing infection and/or having infections that are still being treated in the U.S. healthcare system. CDC recently received the contact information for these exposed individuals to enable public health response. To help prevent spread of this resistant organism in U.S. hospitals, and to ensure that individuals who develop infection get prompt and appropriate treatment, a public health response was initiated to contact individuals exposed to Facility 1 in order to assess whether they developed infections and whether they have been hospitalized since their surgery in Mexico.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Individuals exposed for Facility 1 since January 1, 2019.	Verona Integron-Encoded Metallo-β-Lactamase (VIM)-Producing Carbapenem-Resistant *Pseudomonas aeruginosa* Infections Associated with Invasive Medical Procedures in Tijuana, Mexico: Survey.	197	1	20/60	66
Total					66

Jeffrey M. Zirger,
Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–06813 Filed 4–5–19; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–19–0009; Docket No. CDC–2019–0014]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''National Disease Surveillance Program—I. Case Reports'' to collect disease-specific surveillance reports of four rare, uncommon, or infrequent diseases.

DATES: CDC must receive written comments on or before June 7, 2019.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2019–0014 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

National Disease Surveillance Program—I. Case Reports—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Surveillance of the incidence and distribution of disease has been an important function of the US Public Health Service (PHS) since an 1878 Act of Congress authorized the PHS to collect morbidity reports. After the Malaria Control in War Areas Program had fulfilled its original 1942 objective of reducing malaria transmission, its basic tenets were carried forward and broadened by the formation of the Communicable Disease Center (CDC) in 1946. CDC was conceived of as a well-equipped, broadly staffed agency used to translate facts about analysis of morbidity and mortality statistics on communicable diseases and through field investigations.

It was soon recognized that control measures (such as the DDT spraying for malaria) did not alleviate the threat of disease reintroduction. In 1950, the Malaria Surveillance Program began and in 1952, the National Surveillance Program started. Both programs were based on the premise that diseases cannot be diagnosed, prevented, or controlled until existing knowledge is expanded and new ideas developed and implemented. The original scope of the National Surveillance Program included the study of malaria, murine typhus, smallpox, psittacosis, diphtheria, leprosy, and sylvatic plague. Over the years, the mandate of CDC has broadened in preventive health activities and the surveillance systems maintained have expanded. This program is authorized under the Public Health Service Act, Section 301 and 306 (42 U.S.C. 241 and 242K).

This ICR covers surveillance activities for these four, rare diseases:

1. Creutzfeldt-Jakob Disease (CJD)
2. Reye Syndrome
3. Kawasaki syndrome
4. Acute Flaccid Myelitis

Changes are being requested only to the Kawasaki Syndrome form. The CDC KD form has been used as part of a passive national surveillance system to collect additional case information, including data on cardiac complications and treatment. In recent years, new treatments and/or treatment combinations have been implemented at some institutions; this information is not collected on the current form. Also, more specific information regarding the results of coronary artery testing would be beneficial for assessing disease severity and treatment effectiveness. To incorporate these additions to the form without increasing the estimated burden, some current questions on the form, specifically those collecting information on the presence or absence of certain complications, will be removed. The form will be targeted to sentinel KD research centers across the US, reducing the number of respondents compared to previous years.

Annual burden is estimated to decrease by 53 hours since the last approval (June, 2019). There is no cost

to respondents other than the time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Epidemiologists	CJD	10	2	20/60	7
	Kawasaki Syndrome	25	10	15/60	63
	Reye Syndrome	50	1	20/60	17
	Acute Flaccid Myelitis	100	1	30/60	50
Total					137

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2019–06815 Filed 4–5–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2019–0029; NIOSH–327]

Mesothelioma Registry Feasibility; Request for Information

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Request for information.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH), within the Centers for Disease Control and Prevention (CDC), announces the opening of a docket to obtain information on the feasibility of a registry designed to track mesothelioma cases in the United States, as well as recommendations on enrollment, data collection, confidentiality, and registry maintenance. The purpose of such a registry would be to collect information that could be used to develop and improve standards of care and to identify gaps in mesothelioma prevention and treatment.

DATES: Comments must be received by July 8, 2019.

ADDRESSES: Comments may be submitted electronically, through the Federal eRulemaking Portal: *http://www.regulations.gov,* or by sending a hard copy to the NIOSH Docket Office, Robert A. Taft Laboratories, MS–C34, 1090 Tusculum Avenue, Cincinnati, OH 45226. All written submissions received must include the agency name (Centers for Disease Control and Prevention, HHS) and docket number (CDC–2019–0029; NIOSH–327) for this action. All relevant comments, including any personal information provided, will be posted without change to *http://www.regulations.gov.*

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

SUPPLEMENTARY INFORMATION: The fiscal year 2019 appropriations act charged NIOSH with initiating a feasibility study for a National Mesothelioma Registry.[1] Mesothelioma is a rare cancer of the body's lining tissue, most commonly the lining of the chest and lungs (pleura) and the lining of the abdomen (peritoneum). The most common risk factor for mesothelioma is prior asbestos exposure. Mesothelioma treatments are limited and survival is generally poor. NIOSH is the Federal agency that develops new knowledge in the field of occupational safety and health and transfers that knowledge into practice. NIOSH has a strong interest in preventing mesothelioma and helping people with the disease, since the most common known cause is exposure to asbestos, a dangerous occupational hazard for many workers.

Cancer is a reportable disease in every state. Data about new cases of mesothelioma are reported to state or local cancer registries, annually submitted to CDC or the National Cancer Institute (NCI), and then compiled by CDC in the U.S. Cancer Statistics database.[2] However, existing cancer registries collect only limited information about potential risk factors and issues occurring over time, such as treatment complications. In addition to the limitations on the scope of existing surveillance systems, it may take 6 months or more from the time of diagnosis until mesothelioma cases are initially reported to a cancer registry, and then another 1–2 years to be reported in U.S. Cancer Statistics. Because about half of those diagnosed with mesothelioma die within 1 year, to be of benefit to registrants, a registry would need to develop a case-finding methodology to enroll registrants as soon as possible after diagnosis to allow timely access to contemporary state-of-the-art therapy and clinical trials. It has been reported that many mesothelioma patients do not receive this level of care.[3] Ideally, the case-finding methodology would be national in scope and identify most people diagnosed with mesothelioma, thus allowing researchers to use this current data to determine incidence and prevalence, demographics, and risk factors, as required by the 2019 appropriations act. A National Mesothelioma Registry could address the limitations of existing registries by reducing case reporting delays, collecting detailed information regarding risk and prognostic factors, and by engaging with researchers to better enable them to identify gaps in the current understanding of mesothelioma prevention and treatment and improve the standard of care for current and future patients.

In order to study the feasibility of establishing a National Mesothelioma Registry, NIOSH requests information

[1] *Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019,* HR 6157 (enacted). *See also Department Of Defense for the Fiscal Year Ending September 30, 2019, and for Other Purposes,* House of Representatives Conference Report No. 115–952 (2018). The conference report accompanies HR 6157 and explicitly directs NIOSH to "initiate a feasibility study for a patient registry, which would include developing case finding methodology to determine incidence and prevalence, demographics, and risk factors."

[2] U.S. Cancer Statistics: the Official Federal Cancer Statistics. *https://www.cdc.gov/cancer/uscs/index.htm.*

[3] Waller DA [2018], *The Management of Malignant Pleural Mesothelioma in the USA 2004–13—A Decade of Lost Opportunity?* J Thorac Dis 10(Suppl 9):S1044–S1046.

from the public on the potential usefulness of a registry and potential approaches to establishing and operating it. Accordingly, NIOSH seeks input and advice from all interested parties in response to the following questions:

1. Would a registry be an effective tool in improving mesothelioma patient care? If yes, please describe how a registry could be used to improve current care.

2. Would a registry be an effective tool in facilitating clinical mesothelioma research? If yes, please describe how a registry could be used to facilitate clinical mesothelioma research.

3. Would a registry be an effective tool in facilitating basic or epidemiological mesothelioma research? If yes, please describe how a registry could be used to facilitate basic or epidemiological research.

4. What are the best potential approaches to recruiting and enrolling mesothelioma patients in a registry as soon as possible after diagnosis? What barriers can be anticipated? How can these barriers be overcome?

5. What information should be collected by a mesothelioma registry? How would that information be useful for improving patient care or facilitating clinical, basic, or epidemiological research?

6. What services should a registry provide to mesothelioma patients, clinicians, researchers, and other interested stakeholders?

7. Who should have access to information gathered by a mesothelioma registry?

8. How could a mesothelioma registry protect the confidentiality of information about registry participants yet still be used for patient care and research? Please describe how personally identifiable information should be protected.

9. Are there particular types of organizations that would be best suited to host or manage a National Mesothelioma Registry? If so, please explain the advantages and disadvantages of the recommended types of organizations.

10. What types of resources would be needed to establish and maintain or participate in a National Mesothelioma Registry, including for clinical sites that diagnose patients, cancer registries and state public health departments, a central data center, and potentially other participants involved in recruiting and enrolling patients, gathering and storing information, providing various services, and following patients over time?

11. Is there other information that NIOSH should consider in assessing the potential usefulness, feasibility, and potential approaches to establishing and operating a National Mesothelioma Registry? If yes, please describe.

Dated: April 2, 2019.

Frank J. Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

[FR Doc. 2019–06784 Filed 4–5–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–R–64 and CMS–10699]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by June 7, 2019.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–R–64 Indirect Medical Education and Direct Graduate Medical Education

CMS–10699 Information Collection Requirements Associated with Drug Pricing Transparency and Supporting Regulations in 42 CFR 403.1202

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before

submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Indirect Medical Education and Direct Graduate Medical Education; *Use:* Section 1886(d)(5)(B) of the Social Security Act requires additional payments to be made under the Medicare Prospective Payment System (PPS) for the indirect medical educational costs a hospital incurs in connection with interns and residents (IRs) in approved teaching programs. In addition, Title 42, Part 413, sections 75 through 83 implement section 1886(d) of the Act by establishing the methodology for Medicare payment for the costs of direct graduate medical educational activities. These payments, which are adjustments (add-ons) to other payments made to a hospital under PPS, are largely determined by the number of full-time equivalent (FTE) IRs that work at a hospital during its cost reporting period. In Federal fiscal year (FY) 2018, the estimated Medicare program payments for indirect medical education (IME) costs was $6.4 billion. Medicare program payment for direct graduate medical education (GME) is also based upon the number of FTE–IRs that work at a hospital. In FY 2018, the estimated Medicare program payments for GME costs was $3.1 billion. Since it is important to accurately count the number of IRs FTEs working at each hospital, original approval was obtained from the Office of Management and Budget (OMB) in 1985 to collect the IR information required in 42 CFR 412.105(f) and timeframes for filing. All Medicare health plans are required to use these standardized notices. *Form Number:* CMS–R–64 (OMB control number: 0938–0456); *Frequency:* Yearly; *Affected Public:* Private Sector (Business or other for-profits, Not-for-profit institutions); *Number of Respondents:* 1,245; *Total Annual Responses:* 1,245; *Total Annual Hours:* 2,490. (For policy questions regarding this collection contact Owen Osaghae at 410–786–7550.)

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Information Collection Requirements Associated with Drug Pricing Transparency and Supporting Regulations in 42 CFR 403.1202; *Use:* The Department of Health and Human Services proposed a rule (78 FR 52789) to revise the Federal Health Insurance Programs for the Aged and Disabled by amending regulations for the Medicare and Medicaid program, to require direct-to-consumer (DTC) television advertisements of prescription drugs and biological products for which payment is available through or under Medicare or Medicaid to include the Wholesale Acquisition Cost (WAC, or list price) of that drug or biological product. This rule is intended to improve the efficient administration of the Medicare and Medicaid programs by ensuring that beneficiaries are provided with relevant information about the costs of prescription drugs and biological products so they can make informed decisions that minimize not only their out-of-pocket costs, but also expenditures borne by Medicare and Medicaid, both of which are significant problems. It is necessary for manufacturers to display the list price in direct-to-consumer television advertisements of prescription drugs and biological products to provide relevant information to beneficiaries to allow them to work with their prescribers to select the best overall treatment. *Form Number:* CMS–10699 (OMB control number: 0938–New); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profits); *Number of Respondents:* 25; *Total Annual Responses:* 1,200; *Total Annual Hours:* 300. (For policy questions regarding this collection contact Cheri Rice at 410 786–6499.)

Dated: April 3, 2019.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2019–06884 Filed 4–5–19; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Building Evidence on Employment Strategies for Low-Income Families (BEES) (New Collection)

AGENCY: Office of Planning, Research, and Evaluation; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) is proposing a data collection activity as part of the Building Evidence on Employment Strategies for Low-Income Families (BEES). The purpose of BEES is to evaluate the effectiveness of a broad range of innovative programs designed to boost employment and earnings among low-income Americans. Within this general focus area, ACF has a particular interest in programs that serve adults whose employment prospects have been affected by substance use disorder (SUD), opioid use disorder (OUD), mental health conditions, and justice involvement. ACF expects that a subset of programs to be evaluated will serve these specific target populations. To meet these objectives, this study will include impact and implementation evaluations for up to 21 sites, as well as descriptive work focused on other sites that have a focus on clients with opioid use and other substance abuse disorders. When possible, a randomized control trial research design will be used for the impact evaluations. The purpose of the current submission is to request approval for data collection needed for the BEES study.

DATES: *Comments due within 30 days of publication.* 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.

ADDRESSES: Written comments and recommendations for the proposed information 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.

Copies of the proposed collection may be obtained by emailing *OPREinfo collection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The BEES impact studies call for multiple data collection points with study participants. Data will be collected from study participants through the following methods: (1) Baseline information form completed by study participants at study entry, (2) study participants will also be asked to periodically update their contact information, (3) interview administered to participants in non-behavioral health sites 6 months after study entry to learn

about program participation, (4) interview administered to participants in behavioral health sites approximately 12 months after study entry to learn about employment and related outcomes, (5) individual interviews with up to 6 participants in each site and their case managers. These data will be used to assess the extent to which the programs being evaluated improve participants' employment, earnings, income, behavioral health, and well-being. They will also be used to assess the extent to which individuals in the study receive employment services.

The research team will also collect data from researchers, policy experts, state and local administrators, and program staff to identify potential sites. These data will be collected primarily by telephonic staff interviews using discussion guides.

For the implementation studies, the research team will collect data from program staff to assess program implementation. Information will be collected in consistent ways across sites and, to the extent feasible, will use the same measures and data collection procedures. Data collected from program staff during the study will include the following: (1) Site visit data including staff interviews, (2) interviews with case managers as part of the participant case studies mentioned above, and (3) program staff surveys. These data will be used to measure program implementation and fidelity, factors affecting service delivery, program staff characteristics, and staff time allocation. All impact study sites will include an implementation study. In addition, there will be several descriptive studies of other sites that use some of the implementation instruments to better understand programs serving clients with opioid use and other substance abuse disorders.

Future information collection requests and related **Federal Register** Notices will describe future data collection efforts for this project.

Respondents: The respondents in this study will include 18,600 participants enrolled in the study, 888 program staff, 10 national policy experts and researchers, and 55 state and local administrators.

ANNUAL BURDEN ESTIMATES

[3 year clearance]

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Baseline information form for participants	18,600	6,200	1	0.25	1,550
Contact update request form	5,520	1,840	1	0.1	184
6-month follow-up participant interview	1,680	560	1	0.25	140
12-month follow-up participant interview	3,840	1,280	1	0.5	640
Participant case study interview guide	126	42	1	1.5	63
Discussion guide for national policy experts and researchers	10	3	1	1	3
Discussion guide for state and local administrators	55	18	1	2	36
Discussion guide for program staff at potential sites	72	24	1	2.75	66
Program managers, staff, and partner interview guide	270	90	1.5	1.5	203
Program staff case study interview guide	126	42	1	1	42
Program staff survey	420	140	1	0.5	70

Estimated Total Annual Burden Hours: 2,997.

Authority: Section 413 of the Social Security Act, as amended by the FY 2017 Consolidated Appropriations Act, 2017 (Pub. L. 115–31).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2019–06898 Filed 4–5–19; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–1043]

Pharmaceutical Science and Clinical Pharmacology Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Pharmaceutical Science and Clinical Pharmacology Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on May 7, 2019, from 9 a.m. to 4 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2019–N–1043. The docket will close on May 6, 2019. Submit either electronic or written comments on this public meeting by May 6, 2019. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 6, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 6, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before April 29, 2019, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–N–1043 for ''Pharmaceutical Science and Clinical Pharmacology Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jay R. Fajiculay, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *ACPS-CP@fda.hhs.gov;* or the FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will discuss the following topics: (1) Approaches to evaluate the effect of renal impairment on drug exposure, and (2) best practice considerations for translating pharmacokinetic (PK) information into dose individualization instructions. Regarding topic 1, many registration trials exclude patients with advanced kidney disease, and product labeling dosing instructions for these patients are commonly derived from our understanding of the change in the PK in individuals with varying degrees of renal function. The most common current approach to determine dosing instructions for patients with varying degrees of renal function begins with a stand-alone renal impairment study, either full design or reduced design. In addition to stand-alone renal impairment studies, drug development programs often use the findings from population PK (POPPK) analyses, which leverage the PK information across all the studies available in a drug development program. An alternative approach to consider is for drug development programs to predict the impact of renal impairment on the PK of the drug, either based on the understanding of the PK of a new molecular entity or using physiologic based PK (PBPK) models, without a stand-alone renal impairment study. Patients with impaired renal function can then be included in later stage clinical trials, with prospective dose adjustment incorporated if deemed necessary based the predictions. The dosing should be confirmed based on analysis of PK samples from the late stage trials (sparse PK, POPPK analysis). Regarding topic 2, dose individualization is typically achieved by applying the concept of 'exposure-matching' under the assumption that such a maneuver will result in a benefit-risk similar to that observed in the registration trials. The committee will discuss the application of 'exposure matching,' including the necessary assumptions and any limitations.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the

Docket (see **ADDRESSES**) on or before April 29, 2019, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 22, 2019. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 23, 2019.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Jay Fajiculay (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 3, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–06900 Filed 4–5–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–0982]

Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Oncologic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on May 14, 2019, from 8 a.m. to 5 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm*.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2019–N–0982. The docket will close on May 13, 2019. Submit either electronic or written comments on this public meeting by May 13, 2019. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 13, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before April 30, 2019, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2019–N–0982 for ''Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS

CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jennifer Shepherd, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *ODAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: During the morning session, the committee will discuss new drug application (NDA) 211810 for pexidartinib capsule, submitted by Daiichi Sankyo, Inc. The proposed indication (use) for this product is for the treatment of adult patients with symptomatic tenosynovial giant cell tumor, also referred to as giant cell tumor of the tendon sheath or pigmented villonodular synovitis, which is associated with severe morbidity or functional limitations, and which is not amenable to improvement with surgery.

During the afternoon session, the committee will discuss NDA 212166 for quizartinib tablets, submitted by Daiichi Sankyo, Inc. The proposed indication (use) for this product is for the treatment of adults with relapsed or refractory acute myeloid leukemia, which is FLT3–ITD positive, as detected by an FDA-approved test.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the docket (see **ADDRESSES**) on or before April 30, 2019, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 10:30 a.m. to 11 a.m. and 3:30 p.m. to 4 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 22, 2019. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 23, 2019.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Jennifer Shepherd (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 3, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–06896 Filed 4–5–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Assessing Care and Health Outcomes Among Ryan White HIV/AIDS Program (RWHAP) Clients Who Do Not Receive RWHAP-Funded Outpatient Ambulatory Health Services (OAHS), OMB No. 0906–xxxx–New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than June 7, 2019.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance

Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Assessing Care and Health Outcomes Among Ryan White HIV/AIDS Program Clients Who Do Not Receive RWHAP-Funded Outpatient Ambulatory Health Services, OMB No. 0906–xxxx–New.

Abstract: RWHAP is administered by HRSA's HIV/ADS Bureau. RWHAP funds and coordinates with cities, states, and local clinics and community-based organizations to deliver HIV care, treatment, and support to low-income people living with HIV (PLWH). Nearly two-thirds of RWHAP clients live at or below 100 percent of the federal poverty level and about three-quarters are racial or ethnic minorities. Since 1990, the RWHAP has developed a comprehensive system of nearly 2,000 safety net provider organizations that deliver high quality health care and support services to more than 500,000 PLWH, more than 50 percent of all diagnosed PLWH in the United States. Recipients and subrecipients funded to provide direct services must submit client-level data annually to HRSA as part of their RWHAP Services Report (RSR). The RSR (0906–0039) contains a single record for each RWHAP-eligible client who received a service during the calendar year. Providers report demographic and service use data for all their clients. However, they report clinical data (including lab results) only for those who received RWHAP-funded OAHS.

HRSA is embarking on a 24-month study called Assessing Care and Health Outcomes Among RWHAP Clients Who Do Not Receive RWHAP-Funded OAHS. The purpose of the study is to learn about the quality of care and health outcomes among the one-third of clients for whom HRSA does not collect clinical information—that is, for the 164,000 clients who do not receive directly funded OAHS under the RWHAP. HRSA will use the findings to (1) assess HIV care and health outcomes among its non-OAHS clients, (2) determine if and where these clients receive OAHS, (3) identify any unmet HIV care and treatment needs faced by this population, and (4) develop strategies to better coordinate services between RWHAP-funded and nonfunded providers. To meet these objectives, HRSA proposes to conduct 30 site visits. Each site visit will include one RWHAP-funded provider that is not directly funded to deliver OAHS and, if necessary for accessing the medical records of their non-OAHS clients, up to two non-RWHAP medical providers. During each site visit, HRSA will collect qualitative and quantitative information via (1) semistructured interviews with program managers, clinicians, and frontline service providers, as well as with non-OAHS clients and (2) medical chart reviews for clients who do not receive directly funded OAHS under the RWHAP.

Need and Proposed Use of the Information: The interviews with provider staff and clients will provide qualitative information on HIV-related medical service use, process, and health outcomes; barriers to care; unmet needs; provider referral relationships; and opportunities to improve care and outcomes among clients who do not receive directly funded OAHS under the RWHAP. The medical chart reviews will provide quantitative information on medical visits, prescription medications, and clinical outcomes for a representative sample of non-OAHS clients. HRSA will use the data to estimate three main outcomes for the study population: (1) Retention in care, (2) initiation of antiretroviral therapy, and (3) viral suppression. This information will supplement data available from the RSR on OAHS clients and enable HRSA for the first time to measure the quality of care and health outcomes for its entire client population, an important step toward ending the HIV epidemic in the United States.

Likely Respondents: HRSA plans to conduct individual interviews with two groups of informants: (1) Program managers, case managers or other frontline service providers, and medical directors or clinicians; and (2) RWHAP clients. HRSA also plans to review and abstract key data elements from non-OAHS client medical records from providers.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Program manager	30	1	30	1.00	30
Case manager	30	1	30	1.00	30
Medical director	40	1	40	1.00	40
Client	120	1	120	0.50	60
Chart abstraction	30	50	1,500	0.08	120
	250	.....	1,720	.....	280

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques

or other forms of information technology to minimize the information collection burden.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2019–06767 Filed 4–5–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Evidence-Based Telehealth Network Program Measures, OMB No. 0906–xxxx–New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than June 7, 2019.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Evidence-Based Telehealth Network Program Measures, OMB No. 0906–xxxx–New

Abstract: This ICR is for a new approval of measures for HRSA's Federal Office of Rural Health Policy's Office of Advancement of Telehealth programs. Specifically, grants administered in accordance with the following legislative statutes (i) Section 330I(d)(1) of the Public Health Service Act (42 U.S.C. 254c14(d)(1)), as amended and (ii) Section 711(b) of the Social Security Act (42 U.S.C. 912(b)), as amended. The purpose of these programs are to provide grants that demonstrate how telehealth programs and networks can improve access to quality health care services in rural, frontier, and underserved communities. These grants will work to: (a) expand access to, coordinate, and improve the quality of health care services; (b) improve and expand the training of health care providers; and (c) expand and improve the quality of health information available to health care providers, patients and their families for decision-making. In addition, these grants will help HRSA assess the effectiveness of evidence based practices with the use of telehealth for patients, providers, and payers.

Need and Proposed Use of the Information: The measures will enable HRSA to capture awardee-level and aggregate data that illustrate the impact and scope of federal funding along with assessing these efforts. The measures cover the principal topic areas of interest to HRSA including: (a) population demographics, (b) access to health care, (c) cost savings and cost-effectiveness, and (d) clinical outcomes.

Likely Respondents: The respondents will be award recipients of the Evidence Based Telehealth Network Program and Telehealth Network Grant Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent (annually)	Total responses	Average burden per response (in hours)	Total burden hours
Evidence-Based Telehealth Network Program Report	50	12	600	31.0	18,600
Telehealth Performance Measurement Report	50	1	50	5.0	250
Telehealth Evidence Collection Report	36	12	432	37.5	16,200
Total	50*		1,082		35,050

*There are 50 unique respondents. All respondents will be responding to the first two forms and a subset will be responding to the third form.

HRSA specifically requests comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2019–06768 Filed 4–5–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request: Information Collection Request Title: Health Center Program Forms, OMB No. 0915–0285—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than June 7, 2019.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer, at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Health Center Program Forms; OMB No. 0915–0285—Revision.

Abstract: The Health Center Program, administered by HRSA, is authorized under section 330 of the Public Health Service (PHS) Act, most recently amended by section 50901(b) of the Bipartisan Budget Act of 2018, Public Law 115–123. Health centers are community-based and patient-directed organizations that deliver affordable, accessible, quality, and cost-effective primary health care services to patients regardless of their ability to pay. Nearly 1,400 health centers operate approximately 12,000 service delivery sites that provide primary health care to more than 27 million people in every U.S. state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and the Pacific Basin. HRSA utilizes forms for new and existing health centers and other entities to apply for various grant and non-grant opportunities, renew grant and non-grant designations, report progress, and change their scopes of project.

Need and Proposed Use of the Information: Health Center Program-specific forms are necessary for Health Center Program award processes and oversight. These forms provide HRSA staff and objective review committee panels with information essential for application evaluation, funding recommendation and approval, designation, and monitoring. These forms also provide HRSA staff with information essential for evaluating compliance with Health Center Program legislative and regulatory requirements.

HRSA intends to make the following changes to its forms:

- Modify the following forms to streamline and clarify data currently being collected: 1A, 1C, 2, 3, 3A, 4, 5A, 5C, 6A, 8, 12, Health Center Controlled Networks (HCCN) Progress Report, Program Specific Forms Instructions, Project Narrative Update (Budget Period Progress Report [BPR]), Project Work Plan, and the Summary Page.
- Rename Substance Abuse Progress Report to Health Center Program Progress Report.
- Add the following forms necessary for funding applications and program monitoring: Capital Semi-Annual Progress Report, HCCN Participating Health Center List, Loan Guarantee Application, Patient Target Question Verification, Project Plan, and Substance Use Disorder and Mental Health Services (SUD–MH) Supplemental Funding Progress Report.
- Remove the following forms to further streamline information collected by HRSA and reduce burden: Alterations and Renovations Project Cover Page, Form 9: Need for Assistance, Form 10: Annual Emergency Preparedness Report, HCCN Work Plan, Outreach and Enrollment Supplemental, and Zika Progress Report.

Likely Respondents: Health Center Program award recipients (those funded under section 330 of the PHS Act) and Health Center Program look-alikes, state and national technical assistance organizations, and other organizations seeking funding.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Capital Semi-Annual Progress Report (New)	996	1	996	1.00	996
Checklist for Adding a New Service	450	1	450	1.00	450
Checklist for Adding a New Service Delivery Site	1,480	1	1,480	1.50	2,220
Checklist for Adding a New Target Population	100	1	100	0.50	50
Checklist for Deleting an Existing Service	500	1	500	1.00	500

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Checklist for Deleting an Existing Service Delivery Site	500	1	500	1.00	500
Clinical Performance Measures	1,058	1	1,058	3.50	3,703
Equipment List	1,375	1	1,375	1.00	1,375
Expanded Services Project Narrative)	1,058	1	1,058	1.00	1,058
Federal Object Class Categories	735	1	735	0.25	184
Financial Performance Measures	1,058	1	1,058	1.00	1,058
Form 1A: General Information Worksheet	1,058	1	1,058	1.00	1,058
Form 1B: BPHC Funding Request Summary	1,000	1	1,000	0.75	750
Form 1C: Documents on File	1,058	1	1,058	0.50	529
Form 2: Staffing Profile	1,058	1	1,058	1.00	1,058
Form 3: Income Analysis	1,058	1	1,058	2.50	2,645
Form 3A: Look-Alike Budget Information	50	1	50	1.00	50
Form 4: Community Characteristics	1,058	1	1,058	1.00	1,058
Form 5A: Services Provided	1,058	1	1,058	1.00	1,058
Form 5B: Service Sites	1,508	1	1,508	0.75	1,131
Form 5C: Other Activities/Locations	1,058	1	1,058	0.50	529
Form 6A: Current Board Member Characteristics	1,058	1	1,058	0.50	529
Form 6B: Request for Waiver of Governance Requirements	1,058	1	1,058	1.00	1,058
Form 8: Health Center Agreements	1,058	1	1,058	0.75	794
Form 12: Organization Contacts	1,058	1	1,058	0.50	529
Funding Sources	735	1	735	0.50	368
HCCN Participating Health Center List (NEW)	90	1	90	1.00	90
HCCN Progress Report	90	1	90	25.00	2,250
Health Center Program Progress Report (previously Substance Abuse Progress Report)	735	1	735	1.00	735
Loan Guarantee Application (NEW)	20	1	20	1.00	20
Operational Plan Instructions	500	1	500	3.00	1,500
Other Requirements for Sites	600	1	600	0.50	300
Patient Target Question Verification (NEW)	1,058	1	1,058	1.00	1,058
Program Specific Form Instructions	1,500	1	1,500	1.00	1,500
Project Cover Page	735	1	735	1.00	735
Project Narrative Update (BPR)	883	1	883	4.00	3,532
Project Plan (NEW)	1,300	1	1,300	1.00	1,300
Project Qualification Criteria	735	1	735	1.00	735
Project Work Plan	135	1	135	5.00	675
Proposal Cover Page	735	1	735	1.00	735
SUD–MH Supplemental Funding Progress Report (NEW)	1,375	1	1,375	1.00	1,375
Summary Page	1,008	1	1,008	0.25	252
Supplemental Information	500	1	500	1.00	500
Total Hours	35,790		35,790		42,530

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2019–06766 Filed 4–5–19; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0039]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0061

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0061, Commercial Fishing Industry Vessel Safety Regulations; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0039] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532,

or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2019–0039], and must be received by June 7, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Commercial Fishing Industry Vessel Safety Regulations.

OMB Control Number: 1625–0061.

Summary: This information collection is intended to improve safety on board vessels in the commercial fishing industry. The requirements apply to those vessels and to seamen on them.

Need: Under the authority of 46 U.S.C. 6104, the U.S. Coast Guard has promulgated regulations in 46 CFR part 28 to reduce the unacceptably high level of fatalities and accidents in the commercial fishing industry. The rules allowing the collection also provide means of verifying compliance and enhancing safe operation of fishing vessels.

Forms: None.

Respondents: Owners, agents, individuals-in-charge of commercial fishing vessels, and insurance underwriters.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 6,617 hours to 4,832 hours a year due to a decrease in the estimated annual number of response.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 2, 2019.

James D. Roppel,

Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2019–06773 Filed 4–5–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0246]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0122

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0122, Cargo Securing Manuals; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0246] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection;

and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2019–0246], and must be received by June 7, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Cargo Securing Manuals.

OMB Control Number: 1625–0122.

Summary: The information is used by the Coast Guard to review/approve new or updated cargo securing manuals, and to determine the proper response to a notification of a hazardous condition, including lost or jettisoned cargo.

Need: Sections 2103 and 3306 of Title 46 U.S.C. authorizes the Coast Guard to establish these regulations. Title 33 CFR 97 prescribes the Cargo Securing Manual regulations.

Forms: None.

Respondents: Owners, operators and masters of certain cargo vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 4,210 hours to 226 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 2, 2019.

James D. Roppel,

Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2019–06775 Filed 4–5–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0248]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0027

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0027, Vessel Documentation; without change. Our ICR describe the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0248] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2019–0248], and must be received by June 7, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://*

www.regulations.gov. If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Vessel Documentation.

OMB Control Number: 1625–0027.

Summary: This information collected will be used to establish the eligibility of a vessel to: (a) Be documented as a ''vessel of the United States,'' (b) engage in a particular trade, and/or (c) become the object of a preferred ship's mortgage. The information collected concerns citizenship of owner/applicant and build, tonnage and markings of a vessel.

Need: Title 46 U.S.C. Chapters 121, 123, 125 and 313 requires the documentation of vessels. A Certificate of Documentation is required for the operation of a vessel in certain trades, serves as evidence of vessel nationality and permits a vessel to be subject to preferred mortgages.

Forms:

- CG–1258, Application for Initial, Exchange, or Replacement of Certificate of Documentation; Redocumentation with optional attachments
- CG–1261, Builder's Certification and First Transfer of Title
- CG–1270, Certificate of Documentation
- CG–1280, Vessel Renewal Notification Application for Renewal
- CG–1340, Bill of Sale
- CG–1356, Bill of Sale by Government Entity Pursuant to Court Order of Administrative Degree of Forfeiture
- CG–4593, Application, Consent, and Approval for Withdrawal of Application for Documentation or Exchange of Certificate of Documentation
- CG–5542, Optional Application for Filing
- CG–7042, Authorization for Credit Card Transaction
- CG–7043, Abstract of Title/Certified COD Request

Respondents: Owners/builders of yachts and commercial vessels of at least 5 net tons.

Frequency: Annually.

Hour Burden Estimate: The estimated burden has decreased from 77,619 hours to 50,844 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 2, 2019.

James D. Roppel,

Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2019–06776 Filed 4–5–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0247]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0041

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0041, Various International Agreement Pollution Prevention Certificates and Documents, and Equivalency Certificates; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0247] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this

request, [USCG–2019–0247], and must be received by June 7, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Various International Agreement Pollution Prevention Certificates and Documents, and Equivalency Certificates.

OMB Control Number: 1625–0041.

Summary: Required by the adoption of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and other international treaties, these certificates and documents are evidence of compliance for U.S. vessels on international voyages. Without the proper certificates or documents, a U.S. vessel could be detained in a foreign port.

Need: Compliance with treaty requirements aids in the prevention of pollution from ships.

Forms:

- CG–5352, International Oil Pollution Prevention Certificate
- CG–5352A, Form A Supplement to the International Oil Pollution Prevention Certificate (IOPP Certificate)
- CG–5352B, Form B Supplement to the International Oil Pollution Prevention Certificate (IOPP Certificate)
- CG–6047, International Sewage Pollution Prevention Equivalency Certificate
- CG–6047A, Statement of Voluntary Compliance for Sewage Pollution Prevention
- CG–6056, International Air Pollution Prevention Certificate
- CG–6056A, Supplement to International Air Pollution Prevention Certificate
- CG–6056B, Statement of Voluntary Compliance for Annex VI of MARPOL 73/78
- CG–6056C, Supplement to Statement of Voluntary Compliance for Annex VI of MARPOL 73/78
- CG–6057, Statement of Voluntary Compliance
- CG–6059, International Anti-Fouling Systems Certificate
- CG–6059A, Record of Anti-Fouling Systems
- CG–6060, International Energy Efficiency (IEE) Certificate
- CG–6060A, Supplement to the International Energy Efficiency Certificate (IEE Certificate)
- CG–9191, International Ballast Water Management Certificate (Statement of Voluntary Compliance)

Respondents: Owners, operators, or masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 73,900 hours to 2,993 hours a year, primarily due to a decrease in the estimated annual number of responses. This ICR also account for the new Ballast Water Management Statement of Voluntary Compliance (form CG–9191).

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 2, 2019.

James D. Roppel,

Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2019–06774 Filed 4–5–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0245]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0117

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0117, Towing Vessels—Title 46 CFR Subchapter M; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0245] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with

the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2019–0245], and must be received by June 7, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Towing Vessels—Title 46 CFR Subchapter M.

OMB Control Number: 1625–0117.

Summary: The Coast Guard uses the information to document that towing vessels meet inspection requirements of 46 CFR Subchapter M. The information aids in the administration and enforcement of the towing vessel inspection program.

Need: Under the authority of 46 U.S.C. 3306, the Coast Guard prescribed regulations for the design, construction, alteration, repair and operation of towing vessels. The Coast Guard uses the information in this collection to ensure compliance with the requirements.

Forms: None.

Respondents: Owners and operators of towing vessels, and third party organizations.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 181,669 hours to 151,219 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 2, 2019.

James D. Roppel,

Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2019–06769 Filed 4–5–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0251]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0038

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0038, Plan Approval and Records for Tank Vessels, Passenger Vessels, Cargo and Miscellaneous Vessels, Mobile Offshore Drilling Units, Nautical School Vessels and Oceanographic Research Vessels—46 CFR Subchapters D, H, I, I–A, R and U; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0251] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the

ICR and the docket number of this request, [USCG–2019–0251], and must be received by June 7, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Plan Approval and Records for Tank Vessels, Passenger Vessels, Cargo and Miscellaneous Vessels, Mobile Offshore Drilling Units, Nautical School Vessels and Oceanographic Research Vessels—46 CFR Subchapters D, H, I, I–A, R and U.

OMB Control Number: 1625–0038.

Summary: This collection requires the shipyard, designer or manufacturer for the construction of a vessel to submit plans, technical information and operating manuals to the Coast Guard.

Need: Under 46 U.S.C. 3301 and 3306, the Coast Guard is responsible for enforcing regulations promoting the safety of life and property in marine transportation. The Coast Guard uses this information to ensure that a vessel meets the applicable standards for construction, arrangement and equipment under 46 CFR Subchapters D, H, I, I–A, R and U.

Forms: None.

Respondents: Shipyards, designers, and manufacturers of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 6,671 hours to 3,673 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 2, 2019.

James D. Roppel,

Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2019–06770 Filed 4–5–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0250]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0023

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0023, Barge Fleeting Facility Records; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0250] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2019–0250], and must be received by June 7, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Barge Fleeting Facility Records.

OMB Control Number: 1625–0023.

Summary: The regulations require the person in charge of certain barge fleeting facilities to keep records of twice daily inspections of barge mooring and movements of barges and hazardous cargo in and out of a facility.

Need: Title 33 CFR 165.803 requirements are intended to prevent barges from breaking away from a fleeting facility and drifting downstream out of control in the congested Lower Mississippi River waterway system.

Forms: None.

Respondents: Operators of barge fleeting facilities.

Frequency: Daily.

Hour Burden Estimate: The estimated burden has decreased from 11,076 hours to 7,542 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 2, 2019.

James D. Roppel,

Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2019–06778 Filed 4–5–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0253]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0042

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0042, Requirements for Lightering of Oil and Hazardous Material Cargoes, and Advance Notice of Transfer; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0253] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2019–0253], and must be received by June 7, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Requirements for Lightering of Oil and Hazardous Material Cargoes, and Advance Notice of Transfer.

OMB Control Number: 1625–0042.

Summary: The information for this report allows the U.S. Coast Guard to provide timely response to an emergency and minimize the environmental damage from an oil or hazardous material spill. The information also allows the Coast Guard to control the location and procedures for lightering activities. It also provides advance notice of transfers at certain facilities.

Need: Section 3715 of Title 46 U.S.C. authorizes the Coast Guard to establish lightering regulations. Title 33 CFR 156.200 to 156.330 and 156.400 to 156.430 prescribes the Coast Guard regulations for lightering, including pre-arrival notice, reporting of incidents and operating conditions. Section 1225 of 33 U.S.C. authorizes the Coast Guard to prescribe advance notice of transfer regulations. Title 33 CFR 156.118 prescribe the regulations.

Forms: CG–4020, 4 Hour Advance Notice of Transfer.

Why is Coast Guard Proposing a New Form: The Coast Guard proposes the use of a new form CG–4020—4 Hour Advance Notice of Transfer, because we believe that the form will improve communications and enhance information exchange accuracy. The optional form provides a facility representative with a simple means of complying with the existing advance notice of transfer requirements in 33 CFR 156.118.

Respondents: Owners, masters and agents of lightering vessels, and facility representatives.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 372 hours to 985 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 2, 2019.

James D. Roppel,

U.S. Coast Guard, Chief, Office of Information Management.

[FR Doc. 2019–06772 Filed 4–5–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0249]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0052

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0052, Nondestructive Testing of Certain Cargo Tanks on Unmanned Barges; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0249] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2019–0249], and must be received by June 7, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Nondestructive Testing of Certain Cargo Tanks on Unmanned Barges.

OMB Control Number: 1625–0052.

Summary: The Coast Guard uses the results of nondestructive testing to evaluate the suitability of older pressure-vessel-type cargo tanks of unmanned barges to remain in service. Such a tank, on an unmanned barge, 30 years old or older is subjected to nondestructive testing once every ten years.

Need: Under Title 46 U.S.C. 3703, the Coast Guard is responsible for ensuring safe shipment of liquid dangerous

cargoes and has promulgated regulations for certain barges to ensure the meeting of safety standards.

Forms: None.

Respondents: Owners of tank barges.

Frequency: Every 10 years.

Hour Burden Estimate: The estimated burden has decreased from 130 hours to 104 hours a year, due to a decrease in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 2, 2019.

James D. Roppel,

Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2019–06777 Filed 4–5–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2019–0252]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0009

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0009, Oil Record Book for Ships; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 7, 2019.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2019–0252] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2019–0252], and must be received by June 7, 2019.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Oil Record Book for Ships.

OMB Control Number: 1625–0009.

Summary: The Act to Prevent Pollution from Ships (APPS) and the International Convention for Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78), requires that information about oil cargo or fuel operations be entered into an Oil Record Book (CG–4602A). The requirement is contained in 33 CFR 151.25.

Need: This information is used to verify sightings of actual violations of the APPS to determine the level of compliance with MARPOL 73/78 and as a means of reinforcing the discharge provisions.

Forms: CG–4602A, Oil Record Book.

Respondents: Operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 28,536 hours to 15,741 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: April 2, 2019.

James D. Roppel,

Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2019–06771 Filed 4–5–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0085]

Agency Information Collection Activities: Administrative Rulings

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than June 7, 2019) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0085 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/*.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Administrative Rulings.

OMB Number: 1651–0085.

Abstract: The collection of information in 19 CFR part 177 is necessary in order to enable Customs and Border Protection (CBP) to respond to requests by importers and other interested persons for the issuance of administrative rulings. These rulings pertain to the interpretation of applicable laws related to prospective and current transactions involving classification, marking, and country of origin. The collection of information in Part 177 of the CBP Regulations is also necessary to enable CBP to make proper decisions regarding the issuance of binding rulings that modify or revoke prior CBP binding rulings. This collection of information is authorized by 19 U.S.C. 66, 1202, (General Note 3(i), Harmonized Tariff Schedule of the United States). The application to obtain an administrative ruling is accessible at: *https://apps.cbp.gov/erulings.*

Action: CBP proposes to extend the expiration date of this information collection with no increase or decrease in the overall estimated burden hours. However there was a reduction in the Appeals respondent group and an increase in the Administrative Rulings respondent group due to updated agency estimates, in addition there was a decrease in the estimated time per response for the Appeals respondent group. There is no change to the information being collected

Type of Review: Extension (without change).

Affected Public: Businesses.

Rulings

Estimated Number of Respondents: 3,500.

Estimated Number of Responses per Respondent: 1.

Estimated Total Responses: 3,500.

Estimated Time per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 35,000.

Appeals

Estimated Number of Respondents: 100.

Estimated Number of Responses per Respondent: 1.

Estimated Total Responses: 100.

Estimated Time per Respondent: 30 hours.

Estimated Total Annual Burden Hours: 3,000.

Dated: April 3, 2019.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2019–06833 Filed 4–5–19; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–11]

30-Day Notice of Proposed Information Collection: Home Mortgage Disclosure Act (HMDA) Loan/Application Register

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* May 8, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New

Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on August 3, 2018 at 83 FR 38161.

A. Overview of Information Collection

Title of Information Collection: Request for Termination of Multifamily Mortgage Insurance.

OMB Approval Number: 2502–0539.

Type of Request: Reinstatement with change of a previously approved collection.

Form Number: FR HUMDA–LAR.

Description of the need for the information and proposed use: The HMDA Loan/Application Register collects information from mortgage lenders on application for, and originations and purchases of, mortgage and home improvement loans. No depository mortgage lending institutions are required to use the information generated as a running log throughout the calendar year and send the information to HUD by March 1 of the following calendar year.

Respondents: Business and Other for profit.

Estimated Number of Respondents: 891.

Estimated Number of Responses: 2,996.78.

Frequency of Response: 3.3634.

Average Hours per Response: 577.36.

Total Estimated Burdens: 1,730,220.90.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including using appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35

Dated: March 28, 2019.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2019–06861 Filed 4–5–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–09]

30-Day Notice of Proposed Information Collection: Request for Acceptance of Changes in Approved Drawings and Specifications

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* May 8, 2019.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on October 12, 2018 at 83 FR 51694.

A. Overview of Information Collection

Title of Information Collection: Request for Acceptance of Changes in Approved Drawings and Specifications.

OMB Approval Number: 2502–0117.

Type of Request: Revision of a currently approved collection.

Form Number: HUD 92577.

Description of the need for the information and proposed use: Contractors request approval for changes to accepted drawings and specifications of rehabilitation properties as required by homebuyers or determined by the contractor to address previously unknown health and safety issues. Contractors submit the forms to lenders, who review them and submit them to HUD for approval.

Respondents (*i.e.* affected public): Business.

Estimated Number of Respondents: 15,871.

Estimated Number of Responses: 15,871.

Frequency of Response: On Occasion.

Average Hours per Response: 0.50003.

Total Estimated Burdens: 7,936.

B. Solicitation of Public Comment

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35

Dated: March 28, 2019.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2019–06862 Filed 4–5–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6142–N–01]

Credit Watch Termination Initiative Termination of Direct Endorsement (DE) Approval

AGENCY: Office of the Assistant Secretary for Housing–Federal Housing

Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: This notice advises of the cause and effect of termination of Direct Endorsement (DE) approval taken by HUD's Federal Housing Administration (FHA) against HUD-approved mortgagees through the FHA Credit Watch Termination Initiative. This notice includes a list of mortgagees that have had their DE Approval terminated.

FOR FURTHER INFORMATION CONTACT: Quality Assurance Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room B133–P3214, Washington, DC 20410–8000; telephone (202) 708–5997 (this is not a toll-free number). Persons with hearing or speech impairments may access that number through TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: HUD has the authority to address deficiencies in the performance of lenders' loans as provided in HUD's mortgagee approval regulations at 24 CFR 202.3. On May 17, 1999, HUD published a notice (64 FR 26769) on its procedures for terminating Origination Approval Agreements with FHA lenders and placement of FHA lenders on Credit Watch status (an evaluation period). In the notice, HUD advised that it would publish in the **Federal Register** a list of mortgagees that have had their Approval Agreements terminated. HUD Handbook 4000.1 section V.E.3.a.iii outlines current procedures for terminating Underwriting Authority of Direct Endorsement mortgagees.

Termination of Direct Endorsement Approval: HUD approval of a DE mortgagee authorizes the mortgagee to underwrite single family mortgage loans and submit them to FHA for insurance endorsement. The approval may be terminated on the basis of poor performance of FHA-insured mortgage loans underwritten by the mortgagee. The termination of a mortgagee's DE Approval is separate and apart from any action taken by HUD's Mortgagee Review Board under HUD regulations at 24 CFR part 25.

Cause: HUD regulations permit HUD to terminate the DE Approval of any mortgagee having a default and claim rate for loans endorsed within the preceding 24 months that exceeds 200 percent of the default and claim rate within the geographic area served by a HUD field office, and that exceeds the national default and claim rate.

Effect: Termination of DE Approval precludes the mortgagee from underwriting FHA-insured single-family mortgages within the HUD field office jurisdiction(s) listed in this notice. Mortgagees authorized to hold or service FHA-insured mortgages may continue to do so.

Loans that closed or were approved before the termination became effective may be submitted for insurance endorsement. Approved loans are those already underwritten and approved by a DE underwriter and cases covered by a firm commitment issued by HUD. Cases at earlier stages of processing cannot be submitted for insurance by the terminated mortgagee; however, the cases may be transferred for completion of processing and underwriting to another mortgagee with DE Approval in that geographic area. Mortgagees must continue to pay existing insurance premiums and meet all other obligations associated with insured mortgages.

A terminated mortgagee may apply for reinstatement if their DE Approval in the affected area or areas has been terminated for at least six months and the mortgagee continues to be an approved mortgagee meeting the requirements of 24 CFR 202.5, 202.6, 202.7, 202.10 and 202.12. The mortgagee's application for reinstatement must be in a format prescribed by the Secretary and signed by the mortgagee. In addition, the application must be accompanied by an independent analysis of the terminated office's operations as well as its mortgage production, specifically including the FHA-insured mortgages cited in its termination notice. This independent analysis shall identify the underlying cause for the mortgagee's high default and claim rate. The analysis must be prepared by an independent Certified Public Accountant (CPA) qualified to perform audits under Government Auditing Standards as provided by the Government Accountability Office. The mortgagee must also submit a written corrective action plan to address each of the issues identified in the CPA's report, along with evidence that the plan has been implemented. The application for reinstatement must be submitted through the Lender Electronic Assessment Portal (LEAP). The application must be accompanied by the CPA's report and the corrective action plan.

Action: The following mortgagees have had their DE Approval terminated by HUD:

Mortgagee name	Mortgagee home office address	HUD office jurisdiction	Termination effective date	Homeownership center
First Hallmark Mortgage Corporation	1 Executive Drive, Suite 130, Somerset, NJ 08873–4002.	Newark	7/19/16	Philadelphia.
CityWorth Mortgage LLC	11781 Lee Jackson, Memorial Highway, Fairfax, VA 22033.	Philadelphia	5/1/18	Philadelphia.

Dated: March 28, 2019.

Brian Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2019–06863 Filed 4–5–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2019–N010; FXGO1664091HCC0–FF09D00000–189]

North American Wetlands Conservation Council; Call for Nominations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Call for nominations.

SUMMARY: The Secretary of the Interior seeks nominations for individuals to be considered to fill one vacancy to serve as an ex officio non-voting representative on the North American Wetlands Conservation Council (Council). The Council operates under statutory procedures established under the North American Wetlands Conservation Act. Council members review and recommend grant funding for wetland protection and restoration projects in the United States, Canada, and Mexico. The Council provides

recommendations to the Migratory Bird Conservation Commission, which provides final funding approval for these projects.

DATES: Written nominations must be postmarked by April 29, 2019.

ADDRESSES: Please address and submit your nomination letters via U.S. mail or hand delivery to Mr. Jerome Ford, Assistant Director–Migratory Birds; North American Wetlands Conservation Council; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS:MB; Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Kari Duncan by email (preferred) at *kari_duncan@fws.gov,* by telephone at 703–358–1784, by U.S. mail at the address in **ADDRESSES**, or via the Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the North American Wetlands Conservation Act (16 U.S.C. 4401 *et seq.;* NAWCA), the State-private-Federal North American Wetlands Conservation Council (Council) meets to consider wetland acquisition, restoration, enhancement, and management projects for recommendation to, and final funding approval by, the Migratory Bird Conservation Commission. NAWCA provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds.

The Secretary of the Interior (Secretary) seeks nominations for individuals to be considered to fill one vacancy to serve as an ex officio non-voting representative on the Council, which operates under statutory procedures established under NAWCA. The program has two cycles per year, and eligible proposals are reviewed and ranked by the Council each cycle. For more information about the Council, visit the following website: *https://www.fws.gov/birds/grants/north-american-wetland-conservation-act/north-american-wetland-conservation-council.php.*

Council Makeup

Per 16 U.S.C. 4403, the Council consists of nine voting members (two permanent and seven appointed members), an alternate member, and ex officio members. The two permanent members are the Director of the U.S. Fish and Wildlife Service and the Secretary of the Board of the National Fish and Wildlife Foundation. The Secretary appoints all non-permanent members to the Council to 3-year staggered terms. Four Council members are to be directors of State fish and wildlife agencies representing the four migratory bird flyways, and three members are to represent different nonprofit organizations actively participating in wetland and migratory bird conservation activities. The alternate member, knowledgeable and experienced in matters relating to fish, wildlife, and wetlands conservation, performs the duties of a Council member in the event of a vacancy or absence. The Secretary is authorized and encouraged to include ex officio nonvoting members representing Canada, Mexico, other Federal agencies, nonprofit charitable organizations, and tribal organizations. In the event that an appointment lapses, members continue to serve until reappointed or replaced.

Nomination Method and Eligibility

Per 16 U.S.C. 4403(c), The Secretary is authorized and encouraged to include as ex officio non-voting members of the Council representatives of: Federal, provincial, territorial, or State government agencies of Canada and Mexico; the Environmental Protection Agency and other appropriate Federal agencies, in addition to the United States Fish and Wildlife Service; and nonprofit charitable organizations and Native American interests, including tribal organizations. Individuals must be participating actively in one or more wetlands conservation projects under NAWCA, the North American Waterfowl Management Plan, or the Tripartite Agreement. The ex officio member will be appointed to a three-year term that will expire on March 31, 2022.

Nominations should include a resume that provides contact information and a description of the nominee's qualifications that would enable the Department of the Interior to make an informed decision regarding the candidate's suitability to serve on the Council.

Dated: April 2, 2019.

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 2019–06827 Filed 4–5–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2018–N170; FXES 11140800000–190–FF 08EYRE00]

Notice of Availability for the Butte Creek Ranch Safe Harbor Agreement for the Northern Spotted Owl and Gray Wolf, Siskiyou County, California; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: This notice advises the public that members of the Hart Family 2003 Trust (applicant) have applied to the Fish and Wildlife Service for a 50-year enhancement of survival permit under the Endangered Species Act. If granted, the permit will authorize the take of both the northern spotted owl and the gray wolf that may occur incidental to land management activities in connection with ongoing livestock grazing and forest management operations that can restore, enhance, or maintain habitat for the species on the Butte Creek Ranch in Siskiyou County, California. The documents available for review and comment are the applicant's safe harbor agreement and our draft environmental action statement, supporting a categorical exclusion under the National Environmental Policy Act. We invite comments from the public and Federal, Tribal, State, and local governments.

DATES: *Submitting Comments:* To ensure consideration, we must receive written comments by 5 p.m. on May 8, 2019.

ADDRESSES: You may submit written comments by any one of the following methods.

- *U.S. Mail or Hand-Delivery:* Jenny Ericson, Field Supervisor, U.S. Fish and Wildlife Service, 1829 South Oregon Street, Yreka, CA 97520.
- *Electronic mail: fw8_yfwo_comments@fws.gov.* In the subject line of the email, include ''Butte Creek Ranch SHA.''
- *Fax:* 530–842–4517.

Obtaining Documents: You may obtain the applicant's safe harbor agreement and our draft environmental action statement by one of the following methods.

- *U.S. Mail:* See address above.
- *In Person:* Copies of the draft SHA and environmental action statement are available for public inspection during regular business hours at the Yreka Fish and Wildlife Office (address above).
- *Internet: www.fws.gov/yreka.*

FOR FURTHER INFORMATION CONTACT: Jenny Ericson, at our Yreka office (address above), by telephone at 530–841–3115, or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), have received an application from members of the Hart Family 2003 Trust (applicant) for a 50-year enhancement of survival permit (permit) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). If granted, the permit will authorize the take of both the northern spotted owl (*Strix occidentalis caurina*) and the gray wolf (*Canis lupus*) that may occur incidental to land management activities in connection with ongoing livestock grazing and forest management operations that can restore, enhance, or maintain habitat for the species on the Butte Creek Ranch in Siskiyou County, California. The documents available for review and comment are the applicant's safe harbor agreement (SHA) and our draft environmental action statement (EAS), which supports a categorical exclusion under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). We invite comments from the public and Federal, Tribal, State, and local governments.

Background

Under SHAs, participating landowners voluntarily undertake management activities on their properties to enhance, restore, or maintain habitat to benefit species listed under the ESA. SHAs, and the subsequent enhancement of survival permit issued pursuant to section 10(a)(1)(A) of the ESA, encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners that they will not be subject to increased land use restriction as a result of efforts to attract or increase the numbers or distribution of a listed species on their property. Application requirements and issuance criteria for enhancement of survival permits through SHAs are found in 50 CFR 17.22(c) and 17.32(c).

Application: Butte Creek Ranch Safe Harbor Agreement

Members of the Hart Family 2003 Trust have applied for a 50-year enhancement of survival permit under section 10(a)(1)(A) of the ESA for the Butte Creek Ranch. The permit addresses incidental take of the northern spotted owl and gray wolf that may occur during ongoing livestock grazing and forest management operations on approximately 3,468 acres of forestland owned by the applicant.

The Butte Creek Ranch is managed under an existing conservation easement (easement) that ensures preservation and protection of the property in perpetuity. Easement restrictions on management activities are incorporated into the SHA as conservation measures to benefit and contribute to the recovery of the northern spotted owl and gray wolf.

Northern spotted owls have not been detected on or adjacent to the property, although forest management activities may lead to their presence in the future. If northern spotted owls occupy the property during the permit term, covered activities are expected to result in the incidental take of a maximum of 10 juveniles and two adults during periodic timber harvest. The baseline habitat conditions for northern spotted owl on the property are estimated to be 65 acres of nesting/roosting habitat and 1,045 acres of foraging habitat. The SHA will increase the baseline for northern spotted owls by retaining habitat elements (*e.g.,* snags, large old trees) and developing and perpetually maintaining forests that are older and structurally more complex than that which currently exists. The SHA will achieve a net conservation benefit for northern spotted owl by increasing the amount of suitable habitat over the permit term and by managing the threats of barred owl and unnaturally severe wildfire. The take avoidance measures in the SHA will minimize the potential for incidental take through surveys and seasonal timing restrictions prior to any timber operations in suitable habitat.

Wolves have been documented using the Butte Creek Ranch and will likely continue to use the property in the future because the current level of human activity, including road use and construction, is not expected to increase under the SHA. The covered activities are expected to result in the incidental take of a maximum of 15 juvenile wolves over the permit term if cattle operations or forest management activities occur near an active den or rendezvous site, which may lead to abandonment of the site or of young. The monitoring of wolf activity and the wolf protection measures in the SHA will minimize the potential for incidental take. The SHA will achieve a net conservation benefit and increase the baseline for wolves by maintaining an area of limited human disturbance, improving deer and elk habitat, and using livestock husbandry practices to avoid livestock and wolf conflict. Because the property will be managed under the SHA to be a secure and relatively undisturbed location, it will provide habitat for dispersing wolves and may potentially become part of an established territory that supports a wolf pack.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Jenny Ericson,

Field Supervisor, Yreka Fish and Wildlife Office, Yreka, California.

[FR Doc. 2019–06891 Filed 4–5–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2019–N011; FXGO1664091HCC0–FF09D00000–189]

Neotropical Migratory Bird Conservation Act Advisory Group; Call for Nominations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Call for nominations.

SUMMARY: The Secretary of the Interior seeks nominations for individuals to be considered to fill one vacancy to serve as a member of the Neotropical Migratory Bird Conservation Act Advisory Group. The Advisory Group operates under statutory procedures established in the Neotropical Migratory Bird Conservation Act, which promotes long-term conservation of neotropical migratory birds and their habitats.

DATES: Written nominations must be postmarked by April 29, 2019.

ADDRESSES: Please address and submit your nomination letters via U.S. mail or hand delivery to Mr. Jerome Ford, Assistant Director—Migratory Birds; Neotropical Migratory Bird Conservation Act Advisory Group; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS:MB; Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Kari Duncan by email (preferred) at *kari_duncan@fws.gov,* by telephone at 703–358–1784, by U.S. mail at the address in **ADDRESSES**, or via the Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

The Neotropical Migratory Bird Conservation Act (NMBCA or Act; 16 U.S.C. 6101 *et seq.*), promotes long-term conservation of neotropical migratory birds and their habitats through a competitive grants program by promoting partnerships and local conservation efforts, and achieving habitat protection in 36 countries. The goals of NMBCA include perpetuating healthy bird populations, providing financial resources for bird conservation, and fostering international cooperation. Because the greatest conservation need is south of the U.S. border, the Act requires that at least 75 percent of NMBCA funding supports projects outside the United States.

Under the Act (16 U.S.C. 6106), the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds. Accordingly, since 2006, an advisory group has assisted in administration of the NMBCA.

Advisory Group Duties

The NMBCA Advisory Group provides advice to the Director of the U.S. Fish and Wildlife Service on progress toward program goals and on neotropical migratory bird conservation priorities, conducts outreach to partners to encourage collaboration and cooperative planning, communicates the need for program support, and contributes to a long-term strategic vision. Under statutory procedures established in the Act, the Advisory Group typically meets once a year to discuss the strategic direction and management of the NMBCA program.

Advisory Group Membership

As a whole, the Advisory Group shall have expertise in migratory bird conservation and management throughout the Western Hemisphere. Currently, the Advisory Group includes Directors of State fish and wildlife agencies representing the four migratory bird flyways, the Director of the U.S. Fish and Wildlife Service, the Secretary of the Board of the National Fish and Wildlife Foundation, and nonprofit organizations engaged in migratory bird conservation activities. In the event that an appointment lapses, members continue to serve until reappointed or replaced.

Nomination Method and Eligibility

The Secretary seeks nominations for individuals who have expertise in migratory bird conservation and management throughout the Western Hemisphere to be considered to fill one vacancy to serve as a member of the Advisory Group. The member will be appointed to a three-year term that will expire on March 31, 2022. Nominations should include a resume that provides contact information and a description of the nominee's qualifications that would enable the Department of the Interior to make an informed decision regarding the candidate's suitability to serve on the Advisory Group.

Dated: April 2, 2019.

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 2019–06828 Filed 4–5–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Sanyal Biotechnology, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 8, 2019. Such persons may also file a written request for a hearing on the application on or before May 8, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on January 7, 2019, Sanyal Biotechnology, LLC, 700 West Olney Road, Marioneaux Lab—Room 3159, Norfolk, Virginia 23507–1607 applied to be registered as an importer of the following basic class of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Tetrahydrocannabinols.	7370	I

The company plans to import finished dosage unit products containing marihuana extract for clinical trial studies. These cannabis extracts compounds are listed under drug code 7350. No other activity for these drug codes is authorized for this registration. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA-approved or non-approved finished dosage forms for commercial sale.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06854 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The applicant listed below has submitted an application for registration to the Drug Enforcement Administration (DEA) to become an importer of a schedule I controlled substance.

SUPPLEMENTARY INFORMATION: The company listed below applied to be registered as an importer of a basic class of controlled substance. Information on the previously published notice is listed in the table below. No comments or objections were submitted and no requests for a hearing were submitted for this notice.

Company	FR docket	Published
Almac Clinical Services Incorp (ACSI).	84 FR 3253	February 11, 2019.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed applicant to import the applicable basic class of schedule I controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security system, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer of a schedule I controlled substance to the above listed company.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06845 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The applicant listed below has submitted an application for registration to the Drug Enforcement Administration (DEA) to become an importer of schedule I controlled substances.

SUPPLEMENTARY INFORMATION: The company listed below applied to be registered as an importer of various basic classes of controlled substances. Information on the previously published notice is listed in the table below. No comments or objections were submitted and no requests for hearing were submitted for this notice.

Company	FR docket	Published
Usona Institute	83 FR 64365	December 14, 2018.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed applicant to import the applicable basic classes of schedule I controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I controlled substances to the above listed company.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06847 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrant listed below has submitted an application for registration to the Drug Enforcement Administration (DEA) to become a bulk manufacturer of various classes of schedule I controlled substances.

SUPPLEMENTARY INFORMATION: The company listed below applied to be registered as a bulk manufacturer of basic classes of schedule I controlled substances. Information on a previously published notice is listed below. No comments or objections were submitted for the notice.

Company	FR docket	Published
Usona Institute	83 FR 64364	December 14, 2018.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of this applicant to manufacture the applicable basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the DEA has granted a registration as a bulk manufacturer to the above listed company.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06848 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: SpecGx LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written

comments on or objections to the issuance of the proposed registration on or before May 8, 2019. Such persons may also file a written request for a hearing on the application on or before May 8, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearings on applications to import narcotic raw materials are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on February 1, 2019, SpecGx LLC, 3600 North Second Street, Saint Louis, Missouri 63147 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Phenylacetone	8501	II
Coca Leaves	9040	II
Opium, raw	9600	II
Poppy Straw Concentrate.	9670	II

The company plans to import the listed controlled substances to bulk manufacture into Active Pharmaceutical Ingredients (API) for distribution to its customers. In reference to drug code 7360 (marihuana), the company plans to import synthetic cannabidiol. No other activity for this drug code is authorized for this registration. Placement of these codes onto the company's registration does not translate into automatic approval of subsequent permit applications to import controlled substances. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952 (a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06852 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 19–3]

Martin A. Barrios, M.D.; Decision and Order

On October 22, 2018, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause to Martin A. Barrios, M.D. (hereinafter, Respondent), of Jackson, Kentucky. Order to Show Cause (hereinafter, OSC), at 1. The Show Cause Order proposes the revocation of Respondent's Certificate of Registration on the ground that he does ''not have authority to handle controlled substances in the State of Kentucky, the state in which . . . [he is] registered with the DEA.'' *Id.* (citing 21 U.S.C. 823(f) and 824(a)(3)).

Regarding jurisdiction, the Show Cause Order alleges that Respondent holds DEA Certificate of Registration No. FB0348563 at the registered address of 540 Jett Drive, Jackson, Kentucky 41339. OSC, at 1. This registration is alleged to authorize Respondent to dispense controlled substances in schedules II through V as a practitioner. The Show Cause Order alleges that this registration expires on July 31, 2019. *Id.*

The substantive ground for the proceeding, as alleged in the Show Cause Order, is that Respondent is ''without authority to handle controlled substances in the State of Kentucky, the state in which . . . [he is] registered . . . with the DEA.'' *Id.* at 2. Specifically, the Show Cause Order alleges that, on or about May 18, 2018, the Commonwealth of Kentucky Board of Medical Licensure (hereinafter, Kentucky Board) issued an Amended Emergency Order of Restriction prohibiting Respondent from ''prescribing, dispensing, or otherwise professionally utilizing controlled substances until the Board's hearing panel has finally resolved the Complaint after receipt of the court documents resolving the criminal charges in the [criminal] indictment . . . or until such further Order of the Board.'' *Id.*

The Show Cause Order notifies Respondent of his right to request a hearing on the allegations or to submit a written statement while waiving his right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* at 2–3 (citing 21 CFR 1301.43). The Show Cause Order also notifies Respondent of the opportunity to submit a corrective action plan. OSC, at 3 (citing 21 U.S.C. 824(c)(2)(C)).

By letter dated November 12, 2018, Respondent timely requested a hearing.[1] Hearing Request, at 1. According to the Hearing Request, Respondent's ''interest in the proceedings is to defend . . . [his] innocence.'' *Id.* Respondent's Hearing Request ''acknowledge[s] . . . the actions taken by both the Kentucky medical board and American Board of [S]urgery.'' *Id.* at 2. It states that Respondent is ''in the process of appealing the American Board of Surgery's action.'' *Id.*

The Office of Administrative Law Judges put the matter on the docket and assigned it to Administrative Law Judge Charles Wm. Dorman (hereinafter, ALJ). The ALJ issued a Briefing Schedule for Lack of State Authority Allegations dated November 16, 2018. The Government timely complied with the Briefing Schedule by filing a Motion for Summary Disposition on November 30, 2018 (hereinafter, Government Motion). Order Granting Summary Disposition and Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision dated December 20, 2018 (hereinafter, R.D.), at 2. In its motion, the Government stated that Respondent lacks authority to handle controlled substances in Kentucky, the State in which he is registered with the DEA and argued that, therefore, DEA must revoke his registration. *Id.* Respondent did not

[1] The Hearing Request was filed on November 15, 2018. Briefing Schedule for Lack of State Authority Allegations dated November 16, 2018, at 1. I, thus, find that the Government's service of the OSC was adequate.

answer the Government Motion.[2] *Id.* at 4. He did, however, ''address the order to show cause'' in his Hearing Request. Hearing Request, at 2. I reviewed and considered the Hearing Request as part of, and along with, the entire record before me.

The ALJ granted the Government Motion finding that ''there is no dispute of material fact necessitating an adversarial hearing.'' R.D., at 10. The ALJ recommended that Respondent's registration and DATA-Waiver Identification Number be revoked because ''the fact remains that Kentucky has stripped . . . [Respondent] of the ability to handle controlled substances.'' *Id.* at 8. By letter dated January 16, 2019, the ALJ certified and transmitted the record to me for final Agency action. In that letter, the ALJ advised that neither party filed exceptions and that the time period to do so had expired.

I issue this Decision and Order based on the entire record before me. 21 CFR 1301.43(e). I make the following findings of fact.

Findings of Fact

Respondent's DEA Registration

Respondent is the holder of DEA Certificate of Registration No. FB0348563, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner-DW/275, at the registered address of 540 Jett Drive, Jackson, Kentucky 41339. Government Motion, Exh. 1 (Certification of Registration History), at 1. Respondent's registration expires on July 31, 2019. *Id.*

The Status of Respondent's State License

By Amended Emergency Order of Restriction dated May 18, 2018, the Kentucky Board ordered that Respondent's license to practice medicine in the Commonwealth of Kentucky be restricted. Government Motion, Exh. 3 (Amended Emergency Order of Restriction), at 5. The restriction prohibits Respondent ''from prescribing, dispensing, or otherwise professionally utilizing controlled substances until the Board's hearing panel has finally resolved the Complaint after receipt of the court documents resolving the criminal charges in the indictment . . . or until such further Order of the Board.'' *Id.* According to the online records of the Commonwealth of Kentucky, of which I take official notice, I find that Respondent's medical license is still subject to this controlled substances restriction.[3] Commonwealth of Kentucky Board of Medical Licensure Physician Profile/Verification of License, *https://kbml.ky.gov/physician/Pages/Physician-Profile-Verification-of-Physician-License.aspx* (last visited March 18, 2019).

Accordingly, I find that Respondent currently is without authority to handle controlled substances in the Commonwealth of Kentucky, the State in which he is registered.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (hereinafter, CSA), ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, the DEA has also long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, M.D.,* 76 FR 71,371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess State authority in order to be deemed a practitioner under the CSA, the DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he practices. *See, e.g., James L. Hooper, M.D., supra,* 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.,* 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton, M.D., supra,* 43 FR at 27,617.

According to the Kentucky ''Controlled Substances'' statute, ''No person shall dispense, prescribe, distribute, or administer any controlled substance except as authorized by law.''[4] Ky. Rev. Stat. Ann. § 218A.1404(3) (Westlaw, current through the end of the 2018 regular session). Here, there is no dispute about the material fact that the Kentucky Board restricted Respondent's medical license by prohibiting him from prescribing, dispensing, or otherwise professionally utilizing controlled substances. Hearing Request, at 2 (''I first want to acknowledge the indictment in Madison County Kentucky and the actions taken by both the Kentucky medical board and American Board of [S]urgery.''). Based on this uncontroverted fact, Kentucky law, and past Agency decisions, I find that Respondent is currently without authority to dispense controlled substances under the laws of Kentucky, the State in which he is registered. *See Judson J. Somerville, M.D.,* 82 FR 21,408, 21,410 (2017) (revoking the registration of a physician whose Texas Medical License was temporarily suspended by the Texas Medical Board Disciplinary Panel, finding that the physician did not currently have authority under the laws of Texas to dispense controlled substances, and rejecting as ''of no consequence'' physician's argument that his license

[2] I agree that the Office of Administrative Law Judges properly served Respondent on all occasions. R.D., at 4–5, 11. The Certificate of Service for the Government Motion certifies that the Government served Respondent at the physical and electronic addresses he requested in his Hearing Request. Hearing Request, at 1.

[3] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Respondent may dispute my finding by filing a properly supported motion for reconsideration within 15 calendar days of the date of this Order. Any such motion shall be filed with the Office of the Administrator and a copy shall be served on the Government. In the event Respondent files a motion, the Government shall have 15 calendar days to file a response.

[4] ''Dispenser'' is a ''person who lawfully dispenses a Schedule II, III, IV, or V controlled substance to or for the use of an ultimate user.'' Ky. Rev. Stat. Ann. § 218A.010(11) (Westlaw, current through the end of the 2018 regular session).

was suspended through summary process and that he may prevail at hearing). I will therefore order that Respondent's registration be revoked.

In sum, Respondent currently lacks authority in Kentucky to handle controlled substances. He is not, therefore, eligible for a DEA registration in Kentucky. As such, I will order that Respondent's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I order that DEA Certificate of Registration No. FB0348563 issued to Martin A. Barrios, M.D., be, and it hereby is, revoked.[5] This Order is effective May 8, 2019.

Dated: March 18, 2019.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2019–06836 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 19–7]

Craig M. Weingrow, M.D.; Decision and Order

On November 7, 2018, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Craig M. Weingrow, M.D. (Respondent), of Las Vegas, Nevada. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration No. FW3352539 on the ground that he does ''not have authority to handle controlled substances in Nevada, the [S]tate in which [he is] registered.'' Order to Show Cause, at 1 (citing 21 U.S.C. 823(f), 824(a)(3)).

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Respondent is the holder of Certificate of Registration No. FW3352539, pursuant to which he is authorized to dispense controlled substances as a practitioner in schedules II through V, at the registered address of 7200 Smoke Ranch Road, Suite #120, Las Vegas, Nevada. *Id.* The Order also alleged that this registration does not expire until May 31, 2021. *Id.*

Regarding the substantive grounds for the proceeding, the Show Cause Order alleged that effective July 18, 2018, the Nevada State Board of Pharmacy (NSBP) revoked Respondent's Nevada ''Controlled Substance Registration'' and his Nevada ''Practitioner Dispensing Registration.'' *Id.* The Show Cause Order also alleged that on September 18, 2018, Respondent entered into a Settlement Agreement with the Board of Medical Examiners of the State of Nevada (NBME) ''whereby [he was] placed on probation for a period of 36 months, and during which [he is] prohibited from prescribing or dispensing controlled substances.'' *Id.* at 1–2. As a result, the Order alleged that Respondent ''currently lack[s] the authority to handle controlled substances in Nevada.'' *Id.* at 2. Based on his ''lack of authority to [dispense] controlled substances in . . . Nevada,'' the Order asserted that ''DEA must revoke'' Respondent's registration. *Id.* (citing 21 U.S.C. 823(f); 824(a)(3)).

The Show Cause Order notified Respondent of (1) his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, (2) the procedure for electing either option, and (3) the consequence for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The Order also notified Respondent of his right to submit a corrective action plan. *Id.* at 3 (citing 21 U.S.C. 824(c)(2)(C)).

On December 10, 2018, Respondent, through counsel, filed a letter requesting a hearing on the allegations and indicating that the Show Cause Order ''was received on November 13, 2018.'' Dec. 10, 2018 Letter from Respondent's Counsel to Hearing Clerk (hereinafter, Hearing Request), at 1. In his Hearing Request, Respondent specifically contends that suspension, rather than revocation, ''is an appropriate sanction in this case'' because he had not committed a crime and neither the conduct set forth in the Settlement Agreement with the NBME nor the findings of the NSBP ''warrant a revocation.'' *Id.* at 2–4.

The matter was then placed on the docket of the Office of Administrative Law Judges and assigned to Chief Administrative Law Judge John J. Mulrooney, II (hereinafter, CALJ). On December 11, 2018, the CALJ issued an Order directing the Government to file its ''evidence to support the allegation that the Respondent lacks state authority to handle controlled substances'' and ''any Government motion for summary disposition'' no later than December 28, 2018. Order Directing the Filing of Government Evidence of Lack of State Authority Allegation and Briefing Schedule, at 1. The CALJ issued a separate Order directing Respondent to file his response to any summary disposition motion no later than January 14, 2019. Order Granting Unopposed Motion for Enlargement of Time, at 1.

On December 27, 2018, the Government filed its Motion for Summary Disposition. In its Motion, the Government argued that Respondent currently lacks authority to handle controlled substances in Nevada because the NSBP revoked Respondent's Nevada Controlled Substance Registration and Nevada Practitioner Dispensing Registration effective July 18, 2018. Government's Motion for Summary Disposition (hereinafter Government's Motion or Govt. Mot.) at 1, 5. The Government also alleged that neither registration has been reinstated. *Id.* In addition, the Government alleged that the NBME placed Respondent's Nevada medical license on probation for 36 months as part of a Settlement Agreement and that, as part of this Agreement, Respondent ''has been prohibited from prescribing or dispensing controlled substances'' during this period. *Id.* On January 14, 2019, Respondent filed his ''Non-Opposition'' to the Government's Motion, stating that he no longer opposes the Government's Motion based upon his review of the Government's Motion and past DEA and federal court decisions. Respondent's Non-Opposition to Government's Motion for Summary Disposition, at 1.

After considering these pleadings, the CALJ issued an Order on January 16, 2019, recommending that I find that it is ''undisputed that the Respondent lacks the state authority to handle controlled substances.'' Order Granting the Government's Motion for Summary Disposition and Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (hereinafter ''Recommended Decision'' or ''R.D.''), at 4. As a result, the ALJ granted the Government's motion for summary disposition and recommended that I revoke Respondent's DEA registration and deny any pending applications for renewal. *Id.* at 5. Neither party filed exceptions to the ALJ's Recommended Decision.

Thereafter, the record was forwarded to my Office for Final Agency Action. Having reviewed the record, I find that Respondent is currently without authority to handle controlled substances in Nevada, the State in which he holds his registration with the Agency, and thus he is not entitled to maintain his DEA registration. I adopt the ALJ's recommendation that I revoke Respondent's registration. I make the following factual findings.

[5] This revocation Order automatically withdraws XB0348563. *See* 21 CFR 1301.28.

Findings of Fact

Respondent is the holder of DEA Certificate of Registration No. FW3352539, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner at the registered address of Weingrow Wellness & Medical Center, 7200 Smoke Ranch Road, Suite #120, Las Vegas, Nevada. GX 2 (Certification of Registration History) to Govt. Mot., at 1. This registration does not expire until May 31, 2021. *Id.*

On July 25, 2018, the NSBP issued an Order revoking Respondent's Nevada ''Controlled Substance Registration, Certificate No. CS20272, and his Practitioner Dispensing Registration, Certificate No. PD00502,'' effective July 18, 2018. GX 3 (July 25, 2018 Findings of Fact, Conclusion of Law and Order of the NSBP) to Govt. Mot., at 8. The NSBP's Order expressly prohibited Respondent from, *inter alia,* (1) ''prescrib[ing] any controlled substance for any patient;'' (2) ''dispens[ing] any controlled substance or dangerous drug;'' and (3) ''possess[ing] any controlled substance for office use or for patient use.'' *Id.* The NSBP also directed Respondent to ''immediately and lawfully dispose of any and all controlled substances in his possession and/or control, other than a controlled substance lawfully prescribed and dispensed to him for his own personal use.'' *Id.*[1] On September 10, 2018, the NBME placed Respondent's Nevada medical license in an ''[i]nactive status'' as part of a Settlement Agreement whereby Respondent agreed that his medical license would be subject to probation for 36 months and that he would be prohibited from prescribing or dispensing controlled substances during that time. *See* GX 4 (NBME-Respondent Settlement Agreement) to RFAA, at 5–6. There is no evidence in the record that the NSBP ever reinstated Respondent's Nevada controlled substance or practitioner dispensing registrations, nor is there any evidence that the NBME changed the status of Respondent's medical license from inactive status.

Accordingly, I find that Respondent currently does not possess the authority to dispense controlled substances in the State of Nevada, the State in which he is registered with the DEA, because both the NSBP and the NBME have expressly prohibited him from doing so.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (CSA), ''upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' Also, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *see also Frederick Marsh Blanton,* 43 FR 27616 (1978) (''State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.'').

This rule derives from the text of two provisions of the CSA. First, Congress defined ''the term 'practitioner' [to] mean[] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, DEA has long held that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he engages in professional practice. *See, e.g., Calvin Ramsey,* 76 FR 20034, 20036 (2011); *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988); *Blanton,* 43 FR 27616 (1978).

Here, I find that there is no dispute over the material fact that Respondent is no longer currently authorized to dispense controlled substances in Nevada, the State in which he is registered with the Agency. Accordingly, Respondent is not entitled to maintain his DEA registration. I will therefore adopt the ALJ's recommendation that I revoke Respondent's registration. R.D., at 5. I will also deny any pending application to renew or to modify his registration, or any pending application for any other DEA registration in Nevada.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration No. FW3352539, issued to Craig M. Weingrow, M.D., be, and it hereby is, revoked. I further order that any pending application of Craig M. Weingrow to renew or modify the above registration, or any pending application of Craig M. Weingrow for any other DEA registration in the State of Nevada, be, and it hereby is, denied. This Order is effective immediately.[2]

Dated: March 22, 2019.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2019–06834 Filed 4–5–19; 8:45 am]

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[1] After conducting a hearing, the NSBP based its decision to revoke Respondent's Nevada controlled substance and practitioner dispensing registrations in part on its finding that Respondent ''routinely permitted unlicensed members of his office staff . . . to falsify his signature on the prescriptions for medications dispensed by his medical office'' and ''to falsify patient initials and dates of service on patients' informed consent labels.'' *Id.* at 1 & n.1, 2. The NSBP also found that Respondent ''dispensed controlled substances and dangerous drugs by mail to patients who live out-of-town'' and ''used Federal Express to ship medications to patients.'' *Id.* Respondent also signed a statement agreeing to these fact findings. *See id.*

[2] For the same reasons which led the NSBP to revoke Respondent's controlled substances and practitioner's dispensing licenses and prescriptive authority, I conclude that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Organic Standards Solutions International, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 8, 2019. Such persons may also file a written request for a hearing on the application on or before May 8, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on June 21, 2017, Organic Standards Solutions International, LLC, 2030 Savage Road, Charleston, South Carolina 29407–2940 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols.	7370	I

The company plans to import the listed controlled substances to produce analytical reference standards for distribution to its customers. Drug codes 7350 (marihuana extract) and 7360 (marihuana) will be used for the manufacture of cannabidiol only.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06849 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrant listed below has applied for and been granted a registration by the Drug Enforcement Administration (DEA) as a bulk manufacturer of schedule II controlled substances.

SUPPLEMENTARY INFORMATION: The company listed below applied to be registered as a bulk manufacturer of schedule II controlled substances. Information on the previously published notice is listed in the table below. No comments or objections were submitted for this notice.

Company	FR docket	Published
Cambrex High Point, Inc.	83 FR 64159	December 13, 2018.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of this registrant to manufacture the applicable basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the DEA has granted a registration as a bulk manufacturer to the above listed company.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06844 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as importers of schedule I or schedule II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as importers of various basic classes of controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for a hearing were submitted for these notices.

Company	FR docket	Published
Chattem Chemicals ..	84 FR 2578	February 7, 2019.
Research Triangle Institute.	84 FR 2571	February 7, 2019.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable basic classes of schedule I or II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each of the company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I or schedule II controlled substances to the above listed companies.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06842 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: The registrant listed below has applied for and been granted a registration by the Drug Enforcement Administration (DEA) as an importer of schedule II controlled substances.

SUPPLEMENTARY INFORMATION: The company listed below applied to be registered as an importer of various

basic classes of controlled substances. Information on the previously published notice is listed in the table below. No comments or objections were submitted and no requests for hearings were submitted for this notice.

Company	FR docket	Published
Johnson Matthey Inc	83 FR 66750	December 27, 2018.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrant to import the applicable basic class of schedule 1 or II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule II controlled substances to the above listed company.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06843 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Richard Carter, M.D.; Decision and Order

On October 15, 2018, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Richard Carter, M.D. (Registrant), of Tifton, Georgia. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration No. AC2515596 on the ground that he ''ha[s] no state authority to handle controlled substances.'' Government Exhibit (GX) 2 (Order to Show Cause) to Government's Request for Final Agency Action (RFAA), at 1 (citing 21 U.S.C. 824(a)(3)). For the same reason, the Order also proposed the denial of ''any applications for renewal or modification of such registration and any applications for any other DEA registrations.'' *Id.*

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is the holder of Certificate of Registration No. AC2515596, pursuant to which he is authorized to dispense controlled substances as a practitioner in schedules II through V, at the registered address of 2617 Wilson Avenue, Tifton, Georgia. *Id.* The Order also alleged that this registration does not expire until August 31, 2020. *Id.*

Regarding the substantive grounds for the proceeding, the Show Cause Order alleged that on June 12, 2018, the Georgia Composite Medical Board (GCMB) ''issued an Order of Summary Suspension summarily suspending [Registrant's] Georgia medical license.'' *Id.* The Show Cause Order alleged that, as a result, he is ''currently without authority to handle controlled substances in the State of Georgia, the [S]tate in which [he is] registered with the DEA.'' *Id.* Based on his ''lack of authority to handle controlled substances in the State of Georgia,'' the Order asserted that ''DEA must revoke'' his registration. *Id.* at 1–2 (citing 21 U.S.C. 824(a)(3); 21 CFR 1301.37(b)).

The Show Cause Order notified Registrant of (1) his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, (2) the procedure for electing either option, and (3) the consequence for failing to elect either option. *Id.* at 2 (citing 21 CFR 1301.43). The Order also notified Registrant of his right to submit a corrective action plan. *Id.* at 2–3 (citing 21 U.S.C. 824(c)(2)(C)).

With respect to service, a Diversion Investigator (DI) in the Savannah Resident Office of DEA's Atlanta Field Division executed a Declaration on February 11, 2019, stating that on November 26, 2018, he ''physically mailed the [Show Cause Order] to Registrant's home address at 2617 Wilson Ave. N, Tifton, GA 31794, via United States Postal Service certified mail, return receipt requested.'' GX 4 (Declaration of DI) to RFAA, at 1–2. The DI also stated in his Declaration that on November 30, 2018, he received the signed return receipt for the Show Cause Order he had mailed on November 26, 2018. *Id.* at 2. The DI attached to his Declaration and authenticated a return receipt from the U.S. Postal Service bearing what appears to be Registrant's signature and indicating that the mailing was delivered to Registrant's address on November 28, 2018. *See id.;* Exhibit (Ex.) B to GX 4, at 2.[1] The DI also attached and authenticated a printout from the U.S. Postal Service's website showing that a package with a tracking number matching the one on the return receipt was delivered to Registrant's address on November 28, 2018. *See* GX 4 to RFAA, at 2; Ex. C to GX 4, at 1–2. I therefore find that the Government accomplished service on November 28, 2018.

On March 8, 2019, the Government forwarded its Request for Final Agency Action and evidentiary record to my Office. In its Request, the Government represents that more than 30 days have passed since Registrant had been served with the Show Cause Order and that ''Registrant has not requested a hearing and has not otherwise corresponded or communicated with DEA regarding the Order served on him, including the filing of any written statement in lieu of a hearing.'' RFAA, at 1–2. Based on the Government's representation and the record, I find that more than 30 days have passed since the Show Cause Order was served on Registrant, and he has neither requested a hearing nor submitted a written statement in lieu of a hearing. *See* 21 CFR 1301.43(d). Accordingly, I find that Registrant has waived his right to a hearing or to submit a written statement and issue this Decision and Order based on relevant evidence submitted by the Government and the findings below. *See id.* I make the following findings.

Findings of Fact

Registrant is the holder of DEA Certificate of Registration No. AC2515596 pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner at the registered address of Richard Carter MD PC, 2617, Tifton, Georgia. GX 1 (Certification of Registration Status) to RFAA, at 1. The ''mail to address'' is Richard Carter MD PC, 2617 Wilson Avenue, Tifton, Georgia. *Id.* This registration does not expire until August 31, 2020. *Id.*

On June 12, 2018, the GCMB issued an ''Order of Summary Suspension'' (Suspension Order) suspending Registrant's Georgia medical license based largely on the findings of the North Carolina Medical Board that Registrant ''suffered from severe alcohol use disorder'' and ''was unable to practice medicine with reasonable skill and safety to patients.'' GX 3 to RFAA,

[1] The DI stated that on November 26, 2018, he mailed a second copy of the Show Cause Order to Registrant's home address ''via first-class United States mail, postage prepaid.'' *Id.* He further stated that ''[t]he second copy of the [Show Cause Order] that [he] had mailed via first-class United States mail, postage prepaid, did not come back to the Savannah Resident Office.'' *Id.*

at 3.[2] The GCMB found that Registrant had not been examined since 2014 ''with regard to whether he suffers from a mental or physical condition that would affect his ability to practice medicine.'' *Id.* The GCMB also found that Registrant ''has not been treated for alcohol use disorder nor has a physician with expertise in addiction psychiatry determined that [Registrant] does not suffer from that condition or that [his] condition is in remission.'' *Id.* As a result of these findings, the GCMB ''SUMMARILY SUSPENDED'' Registrant's license to practice medicine in Georgia because the GCMB concluded that Registrant's ''continued practice of medicine poses a threat to the public health, safety, and welfare and imperatively requires emergency action.'' *Id.* at 4. Finally, the Suspension Order further states that Registrant's Georgia medical license ''will expire on January 31, 2019.'' *Id.* at 2.

In addition, I take official notice of the results of a search of the GCMB's license verification web page showing that, as of the date of this Decision, Registrant's Georgia medical license remains ''suspended.''[3] Accordingly, I find that Registrant currently does not possess a license to practice medicine in the State of Georgia, the State in which he is registered with the DEA—both because the GCMB suspended his Georgia medical license on June 12, 2018 and because his Georgia license expired on January 31, 2019.

[2] Specifically, the Suspension Order states that the North Carolina Medical Board (NCMB) ''summarily suspended'' Registrant's North Carolina medical license in December 2015 ''based on, in part, a determination by a healthcare provider that [Registrant] suffered from severe alcohol use disorder, that [Registrant's] condition was untreated and unmonitored, and that [Registrant] continued to practice medicine.'' *Id.* Registrant eventually ''agreed to have his [North Carolina medical] license placed on inactive status . . . effective March 18, 2016'' after the NCMB ''concluded that [Registrant] was unable to practice medicine with reasonable skill and safety to patients.'' *Id.*

[3] *See https://gcmb.mylicense.com/verification/SearchResults.aspx.* Under the Administrative Procedure Act (APA), an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Registrant is ''entitled on timely request to an opportunity to show to the contrary.'' 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Registrant the opportunity to refute the facts of which I take official notice, Registrant may file a motion for reconsideration within 15 calendar days of service of this order which shall commence on the date this order is mailed. The Government also attached an unverified copy of the GCMB's license verification page as an exhibit to its Request for Final Agency Action that also shows that Registrant's Georgia medical license is suspended. *See* GX 5 to RFAA.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (CSA), ''upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' Also, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *see also Frederick Marsh Blanton,* 43 FR 27616 (1978) (''State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.'').

This rule derives from the text of two provisions of the CSA. First, Congress defined ''the term 'practitioner' [to] mean[] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, DEA has long held that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he engages in professional practice. *See, e.g., Calvin Ramsey,* 76 FR 20034, 20036 (2011); *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988); *Blanton,* 43 FR 27616 (1978).

Moreover, because ''the controlling question'' in a proceeding brought under 21 U.S.C. 824(a)(3) is whether the holder of a practitioner's registration ''is currently authorized to handle controlled substances in the [S]tate,'' *Hooper,* 76 FR at 71371 (quoting *Anne Lazar Thorn,* 62 FR 12847, 12848 (1997)), the Agency has also long held that revocation is warranted even where a practitioner has lost his state authority by virtue of the State's use of summary process and the State has yet to provide a hearing to challenge the suspension. *Bourne Pharmacy,* 72 FR 18273, 18274 (2007); *Wingfield Drugs,* 52 FR 27070, 27071 (1987). Thus, it is of no consequence that the GCMB summarily suspended Registrant's state medical license.

What is consequential is my finding that Registrant is no longer currently authorized to dispense controlled substances in the State of Georgia, the State in which he is registered. Specifically, the GCMB's decision to suspend Registrant's medical license also means that Registrant is currently without authority to dispense controlled substances under the laws of Georgia. *See, e.g.,* Ga. Code Ann. §§ 43–34–21 (2009) (defining ''practice of medicine'' to include prescribing any form of treatment); 43–34–26(a) (2010) (requiring state license to obtain the right to practice medicine). Accordingly, Registrant is not entitled to maintain his DEA registration, and I will therefore order that his registration be revoked.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration No. AC2515596, issued to Richard Carter, M.D., be, and it hereby is, revoked. I further order that any pending application of Richard Carter to renew or modify the above registration, or any pending application of Richard Carter for any other DEA registration in the State of Georgia, be, and it hereby is, denied. This Order is effective May 8, 2019.

Dated: March 22, 2019.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2019–06835 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Unither Manufacturing LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 8, 2019. Such persons may also file a written request for a hearing on the application on or before May 8, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on February 4, 2019, Unither Manufacturing LLC, 331 Clay Road, Rochester, New York 14623–3226 applied to be registered as an importer of the following basic class of controlled substance:

Controlled substance	Drug code	Schedule
Methylphenidate ...	1724	II

The company plans to import the listed substance solely for updated analytical testing purposes for EU customer requirements. This analysis is required to allow the company to export domestically-manufactured finished dosage forms to foreign markets.

Approval of permit applications will occur only when the registrant's activity is consistent with what is authorized under to 21 U.S.C. 952(a)(2).

Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06850 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Synthcon, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before June 7, 2019.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on February 1, 2019, Synthcon, LLC, 770 Wooten Road, Unit 101, Colorado Springs, Colorado 80915 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Amphetamine	1100	II
Methamphetamine	1105	II
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC)	1238	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I

Controlled substance	Drug code	Schedule
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7)	7348	I
Tetrahydrocannabinols	7370	I
Mescaline	7381	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C-T-2)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-Phenylcyclohexylamine	7460	II
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
Phencyclidine	7471	II
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Ethyl-3-piperidyl benzilate	7482	I
N-Methyl-3-piperidyl benzilate	7484	I
N-Benzylpiperazine	7493	I
4-Methyl-alphapyrrolidinopropiophenone (4-MePPP)	7498	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D)	7508	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C-E)	7509	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C-H)	7517	I
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C-I)	7518	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C)	7519	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N)	7521	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P)	7524	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C-T-4)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B-NBOMe)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe)	7537	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Etorphine (except HCl)	9056	I
Diphenoxylate	9170	II
Ecgonine	9180	II
Heroin	9200	I
Levorphanol	9220	II
Meperidine	9230	II
Meperidine intermediate–A	9232	II
Meperidine intermediate–B	9233	II

Controlled substance	Drug code	Schedule
Meperidine intermediate–C	9234	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Normorphine	9313	I
Acetorphine	9319	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]benzamide))	9551	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I
Betacetylmethadol	9607	I
Clonitazene	9612	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimethylthiambutene	9619	I
Ketobemidone	9628	I
Levo-alphacetylmethadol	9648	II
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tilidine	9750	I
Tapentadol	9780	II
Fentanyl	9801	II
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Cyclopropyl Fentanyl	9845	I
Fentanyl related-compounds as defined in 21 CFR 1308.11&h)	9850	I

The company plans to manufacture the above-listed controlled substances as analytical reference standards for distribution to its customers. No other activities for these drug codes are authorized for this registration.

Dated: March 21, 2019.

John J. Martin,

Assistant Administrator.

[FR Doc. 2019–06846 Filed 4–5–19; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Construction Compliance Check Letters; New Information Collection Requirements; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA). The program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Federal Contract Compliance Programs (OFCCP) is soliciting comments concerning its proposal to obtain approval from the Office of Management and Budget (OMB) to implement the Construction Compliance Check Letters. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice or by accessing it at *www.regulations.gov.*

DATES: Written comments must be submitted to the office listed in the addresses section below on or before June 7, 2019.

ADDRESSES: You may submit comments by any of the following methods:

Electronic comments: The federal eRulemaking portal at *www.regulations.gov.* Follow the instructions found on that website for submitting comments.

Mail, Hand Delivery, Courier: Addressed to Harvey D. Fort, Acting Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW, Room C–3325, Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. For faster submission, we encourage commenters to transmit their comment electronically via the *www.regulations.gov* website. Comments that are mailed to the address provided above must be postmarked before the close of the comment period. All submissions must include OFCCP's name for identification. Comments submitted in response to the notice, including any personal information provided, become a matter of public record and will be posted on *www.regulations.gov.* Comments will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Harvey D. Fort, Acting Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, Room C–3325, 200 Constitution Avenue NW, Washington, DC 20210. Telephone: (202) 693–0103 (voice) or (202) 693–1337 (TTY) (these are not toll-free numbers). Copies of this notice may be obtained in alternative formats (large print, braille, audio recording) upon request by calling the numbers listed above.

SUPPLEMENTARY INFORMATION:

I. *Background:* OFCCP administers and enforces the three equal employment opportunity laws listed below.

- Executive Order 11246, as amended (E.O. 11246)
- Section 503 of the Rehabilitation Act of 1973, as amended (Section 503)
- Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA)

These authorities prohibit employment discrimination by covered federal contractors and subcontractors and require that they take affirmative action and provide equal employment opportunities regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. Additionally, federal contractors and subcontractors are prohibited from discriminating against applicants and employees for asking about, discussing, or sharing information about their pay or, in certain circumstances, the pay of their co-workers. E.O. 11246 applies to federal contractors and subcontractors and to federally assisted construction contractors holding a Government contract in excess of $10,000, or Government contracts that have, or can reasonably be expected to have, an aggregate total value exceeding $10,000 in a 12-month period. E.O. 11246 also applies to government bills of lading, depositories of federal funds in any amount, and to financial institutions that are issuing and paying agents for U.S. Savings Bonds. Section 503 prohibits employment discrimination against applicants and employees because of physical or mental disability and requires affirmative action to ensure that persons are treated without regard to disability. Section 503 applies to federal contractors and subcontractors with contracts in excess of $15,000. VEVRAA prohibits employment discrimination against protected veterans and requires affirmative action to ensure that persons are treated without regard to their status as a protected veteran. VEVRAA applies to federal contractors and subcontractors with contracts of $150,000 or more. This information collection request (ICR) seeks to implement two types of construction compliance check letters for construction contractors to notify them that they have been selected to undergo a compliance check. More limited in nature than the full compliance review currently conducted by OFCCP, each compliance check will impose a much smaller contractor burden by allowing the agency to review only certain records.

II. *Review Focus:* OFCCP is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the enforcement and compliance assistance functions of the agency that support the agency's compliance mission, 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 submissions of responses.

III. *Current Actions:* OFCCP seeks approval of this new information collection in order to carry out its responsibilities to enforce the nondiscrimination and affirmative action provisions of the three legal authorities it administers.

Type of Review: New Request.

Agency: Office of Federal Contract Compliance Programs.

Title: Construction Compliance Check Letters.

OMB Number: 1250–[NEW].

Agency Number: None.

Affected Public: Business or other for-profit entities.

Total Respondents: 500.

Average Time per Response: 8.5 or 5.5 hours.

Total Burden Hours: 3,650.

Frequency: On occasion.

Total Burden Cost: $0.

Harvey D. Fort,

Acting Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs.

[FR Doc. 2019–06894 Filed 4–5–19; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Advisory Board on Toxic Substances and Worker Health

AGENCY: Office of Workers' Compensation Programs, DOL.

ACTION: Announcement of meeting of the Advisory Board on Toxic Substances and Worker Health (Advisory Board) for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

SUMMARY: The Advisory Board will meet April 24–25, 2019, in Augusta, Georgia, near the Savannah River Site.

Comments, requests to speak, submissions of materials for the record, and requests for special accommodations: You must submit (postmark, send, transmit) comments, requests to address the Advisory Board, speaker presentations, and requests for special accommodations for the meetings by April 17, 2019.

ADDRESSES: The Advisory Board will meet at the Augusta Marriott at the Convention Center, Two 10th Street, Augusta, GA 30901. Telephone 706–722–8900.

Submission of comments, requests to speak and submissions of materials for the record: You may submit comments, materials, and requests to speak at the Advisory Board meeting, identified by the Advisory Board name and the meeting date of April 24–25, 2019, by any of the following methods:

- *Electronically:* Send to: *EnergyAdvisoryBoard@dol.gov* (specify

in the email subject line, for example ''Request to Speak: Advisory Board on Toxic Substances and Worker Health'').

• *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S–3522, 200 Constitution Ave. NW, Washington, DC 20210.

Requests for special accommodations: Please submit requests for special accommodations to attend the Advisory Board meeting by email, telephone, or hard copy to Ms. Carrie Rhoads, OWCP, Room S–3524, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210; telephone (202) 343–5580; email *EnergyAdvisoryBoard@dol.gov.*

Instructions: Your submissions must include the Agency name (OWCP), the committee name (the Advisory Board), and the meeting date (April 24–25, 2019). Due to security-related procedures, receipt of submissions by regular mail may experience significant delays. For additional information about submissions, see the **SUPPLEMENTARY INFORMATION** section of this notice.

OWCP will make available publicly, without change, any comments, requests to speak, and speaker presentations, including any personal information that you provide. Therefore, OWCP cautions interested parties against submitting personal information such as Social Security numbers and birthdates.

FOR FURTHER INFORMATION CONTACT: For press inquiries: Ms. Laura McGinnis, Office of Public Affairs, U.S. Department of Labor, Room S–1028, 200 Constitution Ave. NW, Washington, DC 20210; telephone (202) 693–4672; email *Mcginnis.Laura@DOL.GOV.*

SUPPLEMENTARY INFORMATION: The Advisory Board will meet: Tuesday, April 23, 2019, for a fact-finding site visit to the Savannah River Site, accompanied by the Designated Federal Officer; Wednesday, April 23, 2019, from 8:30 a.m. to 6:00 p.m. Eastern time; and Thursday, April 24, 2019, from 8:30 a.m. to 4:00 p.m. Eastern time in Augusta, Georgia. Some Advisory Board members may attend the meeting by teleconference. The teleconference number and other details for participating remotely will be posted on the Advisory Board's website, *http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm,* 72 hours prior to the commencement of the first meeting date. Advisory Board meetings are open to the public.

Public comment session: Wednesday, April 24, 2019, from 4:30 p.m. to 6:00 p.m. Eastern time. Please note that the public comment session ends at the time indicated or following the last call for comments, whichever is earlier. Members of the public who wish to provide public comments should plan to attend the public comment session (in person or remotely) at the start time listed.

The Advisory Board is mandated by Section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015). The purpose of the Advisory Board is to advise the Secretary with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency. The Advisory Board sunsets on December 19, 2024.

The Advisory Board operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and its implementing regulations (41 CFR part 102–3).

Agenda: The tentative agenda for the Advisory Board meeting includes:

• Review and follow-up on Advisory Board's previous recommendations, data requests, and action items;

• Discussions from Advisory Board working groups;

• Presumption for Chronic Obstructive Pulmonary Disease;

• Presumption for solvent-based hearing loss;

• Potential recommendation on Parkinson's disease;

• Review of public comments;

• Review of Board tasks, structure and work agenda;

• Consideration of any new issues; and

• Public comments.

OWCP transcribes and prepares detailed minutes of Advisory Board meetings. OWCP posts the transcripts and minutes on the Advisory Board web page, *http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm,* along with written comments, speaker presentations, and other materials submitted to the Advisory Board or presented at Advisory Board meetings.

Public Participation, Submissions and Access to Public Record

Advisory Board meetings: All Advisory Board meetings are open to the public. Information on how to participate in the meeting remotely will be posted on the Advisory Board's website.

Individuals requesting special accommodations to attend the Advisory Board meeting should contact Ms. Rhoads.

Submission of comments: You may submit comments using one of the methods listed in the **ADDRESSES** section. Your submission must include the Agency name (OWCP) and date for this Advisory Board meeting (April 24–25, 2019). OWCP will post your comments on the Advisory Board website and provide your submissions to Advisory Board members.

Because of security-related procedures, receipt of submissions by regular mail may experience significant delays.

Requests to speak and speaker presentations: If you want to address the Advisory Board at the meeting you must submit a request to speak, as well as any written or electronic presentation, by April 17, 2019, using one of the methods listed in the **ADDRESSES** section. Your request may include:

• The amount of time requested to speak;

• The interest you represent (*e.g.,* business, organization, affiliation), if any; and

• A brief outline of the presentation.

PowerPoint presentations and other electronic materials must be compatible with PowerPoint 2010 and other Microsoft Office 2010 formats. The Advisory Board Chair may grant requests to address the Board as time and circumstances permit.

Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, are also available on the Advisory Board's web page at *http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm.*

For further information regarding this meeting, you may contact Douglas Fitzgerald, Designated Federal Officer, at *fitzgerald.douglas@dol.gov,* or Carrie Rhoads, Alternate Designated Federal Officer, at *rhoads.carrie@dol.gov,* U.S. Department of Labor, 200 Constitution Avenue NW, Suite S–3524, Washington, DC 20210, telephone (202) 343–5580. This is not a toll-free number.

Signed at Washington, DC, this 29th day of March 2019.

Julia K. Hearthway,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2019–06895 Filed 4–5–19; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (19–013)]

NASA Advisory Council; Human Exploration and Operations Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Human Exploration and Operations Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Tuesday, April 30, 2019, 10:30 a.m.–5:15 p.m.; Wednesday, May 1, 2019, 8:00 a.m.–12:00 noon, Eastern Time.

ADDRESSES: NASA Headquarters, MIC 7, 7th Floor, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Bette Siegel, Designated Federal Officer, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2245, or *bette.siegel@nasa.gov*.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may dial the toll free access number 1–888–324–9238 or toll access number 1–517–308–9132, and then the numeric participant passcode: 3403297, to participate in this meeting by telephone. NOTE: If dialing in, please mute your phone. The WebEx link is *https://nasaenterprise.webex.com/nasaenterprise/* the meeting number is 901–378–288 and the password is *Exploration@19* (case sensitive).

The agenda for the meeting includes the following topics:

—NASA Human Exploration and Operations Overview
—President's Proposed FY 2020 Budget Request
—International Space Station Update
—Commercial Crew Program
—Exploration Systems Program
—Human Lunar Exploration Update
—Evolving Space Communication and Navigation Technologies

Attendees will be required to sign a register and comply with NASA security requirements, including the presentation of a valid picture ID before receiving access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; home address; gender; citizenship; date/city/country of birth; title, position or duties; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone) of the position of attendee; and home address to Dr. Bette Siegel via email at *bette.siegel@nasa.gov*. To expedite admittance, U.S. citizens and Permanent Residents (green card holders) can submit identifying information 3 working days prior to the meeting to Dr. Bette Siegel via email at *bette.siegel@nasa.gov*. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2019–06872 Filed 4–5–19; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (19–012)]

NASA Advisory Council; Technology, Innovation and Engineering Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Technology, Innovation and Engineering Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Tuesday, April 30, 2019, 8 a.m.–5 p.m., Eastern Time.

ADDRESSES: NASA Headquarters, Room 6H41, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Green, Designated Federal Officer, Space Technology Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4710, or *g.m.green@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. This meeting will also be available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the toll-free access number 1–844–467–6272 and enter the numeric participant passcode (102421) followed by the # sign. The WebEx link is *https://nasaenterprise.webex.com,* the meeting number is 902 250 755, and the password is ''n@cTIE0419'' (case sensitive). NOTE: If dialing in, please ''mute'' your telephone. The agenda for the meeting includes the following topics:

—Space Technology Mission Directorate Update and FY 2020 Budget Request Discussion
—Restore-L and In-space Robotic Manufacturing and Assembly (IRMA): Dragonfly Update
—Office of the Chief Technologist Update
—Nuclear Thermal Propulsion Update
—Office of the Chief Engineer Update

Attendees will be required to to sign a register and to comply with NASA security requirements including the presentation of a valid picture ID before receiving access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ms. Anyah Dembling via email at *anyah.dembling@nasa.gov* or by telephone at (202) 358–5195. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation no less than 3 working days prior to the meeting to Ms. Anyah Dembling. It is imperative that this meeting be held on this day to

accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2019–06870 Filed 4–5–19; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0196]

Standard Review Plan (SRP) 13.4, Operational Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-final section revision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing final Revision 4 to Section 13.4, ''Operational Programs'' of NUREG–0800, ''Standard Review Plan (SRP) for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.''

DATES: The effective date of this SRP update is April 8, 2019.

ADDRESSES: Please refer to Docket ID NRC–2018–0196 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0196. Address questions about NRC dockets IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The final revision, is available in ADAMS under the following Accession No. ML18344A032.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Mark D. Notich, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3053, email: *Mark.Notich@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 11, 2018 (83 FR 45995), the NRC published for public comment proposed Revision 4 of Section 13.4, ''Operational Programs'' of NUREG–0800, ''Standard Review Plan (SRP) for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.'' The public comment period closed on November 13, 2018.

II. Backfitting and Issue Finality

Chapter 13 of the SRP provides guidance to the staff for conduct of operations under part 52 of title 10 of the *Code of Federal Regulations* (10 CFR). Section 13.4 of the SRP provides information on operational programs that must be addressed during the review of combined license (COL), early site permit (ESP), standard design certification, and operating license (OL) applications.

Issuance of this SRP section revision does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) nor is it inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. The SRP positions do not constitute backfitting, inasmuch as the SRP is guidance direct to the NRC staff with respect to its regulatory responsibilities.

The SRP provides guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in guidance intended for use by only the staff are not matters that constitute backfitting as that term is defined in 10 CFR 50.109(a)(1) or involve the issue finality provisions of 10 CFR part 52.

2. Backfitting and issue finality—with certain exceptions discussed below—do not apply to current or future applicants.

Applicants and potential applicants are not, with certain exceptions, the subject of either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52 were intended to apply to every NRC action that substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever a 10 CFR part 50 operating license applicant references a construction permit or a 10 CFR part 52 combined license applicant references a license (*e.g.,* an early site permit) or an NRC regulatory approval (*e.g.,* a design certification rule) for which specified issue finality provisions apply.

The NRC staff does not currently intend to impose the positions represented in this final SRP section in a manner that constitutes backfitting or is inconsistent with any issue finality provision of 10 CFR part 52. If in the future the NRC staff seeks to impose a position stated in this SRP section in a manner that would constitute backfitting or be inconsistent with these issue finality provisions, the NRC staff must make the showing as set forth in the Backfit Rule or address the regulatory criteria set forth in the applicable issue finality provision, as applicable, that would allow the staff to impose the position.

3. The NRC staff has no intention to impose the SRP positions on existing nuclear power plant licensees either now or in the future (absent a voluntary request for a change from the licensee, holder of a regulatory approval or a design certification applicant).

The NRC staff does not intend to impose or apply the positions described in this final SRP section to existing (already issued) licenses (*e.g.,* operating licenses and combined licenses) and regulatory approvals. Hence, the issuance of this SRP guidance—even if considered guidance subject to the Backfit Rule or the issue finality provisions in 10 CFR part 52—would not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that would constitute backfitting or does not provide issue finality as described in the applicable issue finality provision, then the staff must make a showing as set forth in the Backfit Rule or address the criteria in the applicable issue finality provision, as applicable, that would allow the staff to impose the position.

III. Congressional Review Act

The Office of Management and Budget makes the determination that the United States Nuclear Regulatory Commission action titled NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants; LWR Edition,'' Revision 4 of SRP 13.4, ''Operational Programs'' is non-major under the Congressional Review Act.

Dated at Rockville, Maryland, this 3rd day of April 2019.

For the Nuclear Regulatory Commission.

Jennivine K. Rankin,

Acting Chief, Division of Licensing, Siting, and Environmental Analysis, Licensing Branch 3, Office of New Reactors.

[FR Doc. 2019–06837 Filed 4–5–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0091]

Leakage Tests on Packages for Shipment of Radioactive Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–7010, ''Leakage Tests on Packages for Shipment of Radioactive Material.'' This proposed revision, Revision 2 to Regulatory Guide (RG) 7.4, endorses the methods and procedures developed by the Standards Committee on Packaging and Transportation of Radioactive and Nonnuclear Hazardous Materials (N14), Subcommittee of the American National Standards Institute (ANSI) in ANSI N14.5–2014, ''American National Standard for Radioactive Materials—Leakage Tests on Packages for Shipment.''

DATES: Submit comments by June 7, 2019. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0091. Address questions about NRC dockets to Jennifer Borges: Telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: JoAnn Ireland, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–6950, email: *JoAnn.Ireland@nrc.gov* and Harriet Karagiannis, Office of Nuclear Regulatory Research, telephone: 301–415–2493, email: *Harriet.Karagiannis@nrc.gov.* Both are of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0091 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0091.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The DG is electronically available in ADAMS under Accession No. ML19042A172.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2019–0091 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled, ''Leakage Tests on Packages for Shipment of Radioactive Material'' is temporarily identified by its task number, DG–7010. DG–7010 is proposed Revision 2 to RG 7.4, dated March 2012.

Revision 2 endorses an update to ANSI N14.5 that has new information, corrections, and clarifications, to ensure integrity of containers for radioactive materials, and minimize the distribution of contamination to the environment.

III. Backfitting and Issue Finality

As discussed in the ''Implementation'' section of DG–7010, the NRC does not intend or approve any imposition or backfitting of the guidance in this draft regulatory guide. Backfitting and issue finality considerations do not apply to licensees, CoC holders, and applicants when performing activities under part 71 of title 10 of the *Code of Federal Regulations* (10 CFR). Therefore, the NRC has determined that its backfitting and issue finality regulations would not apply to this draft regulatory guide, if ultimately issued as Revision 2 to RG 7.4, because the draft regulatory guide does not include any provisions within the scope of matters covered by the backfitting provisions in 10 CFR parts 50, 70, 72, or 76, or the issue finality provisions of 10 CFR part 52.

Dated at Rockville, Maryland, this 3rd day of April 2019.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2019–06899 Filed 4–5–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302; NRC–2019–0076]

Duke Energy Florida, LLC; Crystal River Unit 3 Nuclear Generating Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Partial site release; public meeting and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering a request from Duke Energy Florida, LLC (DEF) to approve the release of land areas, under the control of the NRC power reactor license for the Crystal River Unit 3 Nuclear Generating Plant (CR3), License No. DPR–72. Specifically, DEF requests approval to remove and release the radiologically non-impacted portions of the site from its license for unrestricted use. The NRC will review the request and conduct confirmatory surveys of the properties proposed for release. The NRC is soliciting public comment on the requested action and invites stakeholders and interested persons to participate. The NRC plans to hold a public meeting to promote full understanding of the requested action and to facilitate public comment.

DATES: Submit comments by May 8, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date. A public meeting will be held on April 25, 2019.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for: Docket ID NRC–2019–0076. Address questions about NRC dockets IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7A06M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: John Hickman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3017; email: *John.Hickman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0076. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0076.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ''Crystal River Unit 3—Partial Site Release Request'' is available in ADAMS under Package Accession No. ML19029A018.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2019–0076. The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

The NRC received a request for approval of a partial site release from DEF (the licensee), by letter dated January 22, 2019 (ADAMS Package Accession No. ML19029A018). DEF requests NRC approval to remove and release from its title 10 of the *Code of Federal Regulations* (10 CFR), part 50 license the portions of the site that the Historical Site Assessment (HSA) characterization process has classified as radiologically non-impacted, in accordance with 10 CFR 50.83(b). The property that is subject to this release request is an approximately 3,854-acre parcel of land that the licensee states was not used for plant operations or storage of radioactive material.

The CR3 license (NRC License No. DPR–72, Docket No. 50–302) is for a power reactor under 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities.'' The facility was certified as permanently shut down, per NRC regulations in 10 CFR 50.82(a), by letter dated February 20, 2013. CR3 is currently in ''SAFSTOR'' decommissioning mode awaiting the termination of the power reactor license.

As described in 10 CFR 50.83(c), the NRC will determine whether the licensee has adequately evaluated the effect of releasing the properties per the requirements of 10 CFR 50.83(a)(1), determine whether the licensee's classification of any released areas as ''non-impacted'' is adequately justified, and if the NRC determines that the licensee's submittal is adequate, the NRC will inform the licensee in writing that the release is approved.

III. Public Meeting

The NRC will conduct a public meeting to discuss DEF's request for approval of the partial site release. The meeting will be held on Thursday, April 25, 2019, from 7:00 p.m. until 8:30 p.m., Eastern Time, at the Holiday Inn Express Crystal River, 1203 NE 5th Street, Crystal River, Florida 34429.

This is a Category 3 public meeting where stakeholders are invited to fully engage NRC staff to provide a range of views, information, concerns and suggestions with regard to regulatory issues. After the licensee and the NRC staff presentation portion of the meeting, the public is allowed to speak and ask questions. Comments can be provided orally or in writing to the NRC staff present at the meeting. The NRC will consider and, if appropriate,

respond to these written and verbal comments, but such comments will not otherwise constitute part of the decisional record.

Stakeholders should monitor the NRC's public meeting website for information about the public meeting at: *http://www.nrc.gov/public-involve/public-meetings/index.cfm.*

Dated at Rockville, Maryland, this 3rd day of April 2019.

For the Nuclear Regulatory Commission.

John Tappert,

Director, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2019–06838 Filed 4–5–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 03020982; NRC–2019–0089]

In the Matter of Prime NDT Services, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Confirmatory order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a Confirmatory Order to Prime NDT Services, Inc. (Prime NDT) to memorialize the agreement reached during an alternative dispute resolution mediation session held on January 10, 2019, with additional communication on January 23, 2019, and January 29, 2019, and March 12–14, 2019. This Order will resolve any issues identified during a reactive NRC inspection that evaluated the circumstances of the September 1, 2018, theft of a vehicle that Prime NDT was using to transport a radiography camera in Ripley, West Virginia. The vehicle and camera were recovered about three hours later, and there was no actual impact to public health and safety. However, as documented in the subject inspection report, the NRC identified one or more apparent violations associated with the event. Because the apparent violation(s) pertain to security-related information, the number and details are not publicly-available. The Confirmatory Order is effective upon issuance.

DATES: April 8, 2019.

ADDRESSES: Please refer to Docket ID NRC–2019–0089 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0089. Address questions about NRC dockets IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Marjorie M. McLaughlin, Region I, U.S. Nuclear Regulatory Commission, 2100 Renaissance Blvd., King of Prussia, PA 19140; telephone: 610–337–5240, email: *Marjorie.Mclaughlin@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Rockville, Maryland, this 3rd day of April 2019.

For the Nuclear Regulatory Commission.

Raymond K. Lorson,

Deputy Regional Administrator, NRC Region I.

ATTACHMENT—CONFIRMATORY ORDER MODIFYING LICENSE.

In the Matter of Prime NDT Services, Inc.

[Docket No. 03020982; License No. 37-23370-01; EA-18-131]

(EFFECTIVE UPON ISSUANCE)

I

Prime NDT Services, Inc. (Prime NDT) is the holder of byproduct materials License No. 37-23370-01 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part 30 of *Title 10 of the Code of Federal Regulations* (10 CFR), ''Rules of General Applicability to Domestic Licensing of Byproduct Material.'' The license authorizes the use of byproduct materials by Prime NDT, in accordance with conditions specified therein. Prime NDT has corporate offices in Schnecksville, Pennsylvania and Strasburg, Ohio, but is authorized to conduct licensed activities at temporary jobsites at locations in the United States that are under NRC jurisdiction.

This Confirmatory Order is the result of an agreement reached during an Alternative Dispute Resolution (ADR) mediation session conducted on January 10, 2019, and additional communication on January 23, 2019, January 29, 2019, and March 12-14, 2019.

II

On November 15, 2018, the NRC issued Inspection Report No. 03020982/2018002 to Prime NDT. The report documented the results of a reactive inspection conducted in response to an event reported by Prime NDT on September 1, 2018, involving the theft of a company vehicle that was transporting a radiography source in Ripley, West Virginia (ref. Event Notification No. 53577). The truck and the source were recovered approximately three hours later, and there was no actual impact to public health and safety from the event. However, in the inspection report, the NRC documented one or more apparent violations of security requirements identified by the NRC as being considered for escalated enforcement action in accordance with the NRC Enforcement Policy.

By letter dated November 15, 2018, the NRC notified Prime NDT of the results of the inspection with an opportunity to: (1) provide a response in writing; (2) attend a pre-decisional enforcement conference; or (3) participate in an ADR mediation session in an effort to resolve these concerns.

In response to the NRC's offer, Prime NDT requested the use of the NRC's ADR process. On January 10, 2019, the NRC and Prime NDT met in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. The ADR process is one in which a neutral mediator, with no decision-making authority, assists the parties in reaching an agreement on resolving any differences regarding the dispute. This Confirmatory Order is issued pursuant to the agreement reached during the ADR process.

III

During the ADR session, Prime NDT and the NRC reached a preliminary settlement agreement. The elements of the agreement include the following:

A. *Items to Prevent Reoccurrence:*

1. Within 180 days of the date of the Confirmatory Order, Prime NDT will install a tracking system in each of its trucks (both owned and rented) used to

transport radioactive material. The tracking system will enable live-time identification of the truck or source location by designated Prime NDT management.

a. Within 180 days of the date of the Confirmatory Order, Prime NDT will develop and implement a procedure regarding the tracking program described in A.1. The procedure will require daily verification that the tracking system is installed and functioning properly for any day on which the truck is being used or is otherwise in service, and will require that the functionality check is documented in a log. The functionality logs will be retained by Prime NDT for two years for review by the NRC during an inspection.

b. Within 30 days of completing installation of the tracking system, Prime NDT will notify the NRC by sending a letter to the NRC Region I Administrator.

2. Within 90 days of the date of the Confirmatory Order, Prime NDT will ensure that a review of its radiation safety program is performed by an industry peer. Within 30 days of completing the review, Prime NDT will submit to the NRC Region I Administrator a written summary of the results of the review and identify any improvements/ enhancements that will be implemented as a result, including a schedule for implementation. For any improvements/enhancements that will not be implemented, Prime NDT will describe the reason why.

3. Within 90 days of the date of the Confirmatory Order, Prime NDT will ensure that a review of its radioactive materials security program is performed by an outside entity knowledgeable in transportation security. Within 30 days of the review, Prime NDT will submit to the NRC Region I Administrator a written summary of the results of the review and identify any improvements/ enhancements that will be implemented as a result, including a schedule for implementation. For any improvements/ enhancements that will not be implemented, Prime NDT will describe the reason why.

4. Within 30 days of completing implementation of any enhancements per Items A.2 and A.3, Prime NDT will submit a written statement to the NRC Region I Administrator, informing the NRC that the enhancement is in place.

B. *Items to Enhance Management Oversight:*

1. Within 60 days of the date of the Confirmatory Order, Prime NDT will implement a revised auditing program that will ensure:

a. Each radiographer is audited once per every 60 days for the following year (365 days), and every 90 days thereafter;

b. Each newly-hired radiographer who has not worked for Prime NDT within the prior six months is audited within two weeks of being hired, and then once per every 60 days for the following year (365 days), and every 90 days thereafter; and

c. Each radiography team with a known personal relationship (i.e., siblings, spouses, or parent/child) is audited every 45 days.

2. The auditing program described in Item B.1 will include an unannounced observation by a Prime NDT supervisor in accordance with Prime NDT auditing procedures.

3. Prime NDT will document the results of each audit and retain the records for two years for review by the NRC during an inspection.

C. *Items to Address Initial and Continuing Training:*

1. Within 90 days of the date of the Confirmatory Order, Prime NDT will develop a training module related to radioactive material transportation and security to be provided by Prime NDT to all new hires. The training will include discussion of the performance issues that resulted in this event, the actions taken by Prime NDT to both address the performance issues and to enhance oversight and security of licensed material in transit, and the content of the Confirmatory Order. The training will also include a performance test on proper security controls for radioactive material.

a. Prime NDT will retain copies of the training materials and trainee signatures for two years, and make those materials available to the NRC for review during an inspection.

2. Within 180 days of the date of the Confirmatory Order, Prime NDT will develop for the Operating Engineers Local 112 Union a proposed training module to include topics related to radioactive material transportation and security.

a. Within 30 days of developing the summary, Prime NDT will submit a copy to the NRC Region I Administrator for NRC review.

b. Within 30 days of receiving communication that the NRC review is complete, Prime NDT will submit the proposed training to the union for consideration to be provided by the union to all members.

D. *Items to Address External Communication:*

1. Within 120 days of the date of the Confirmatory Order, Prime NDT will develop a summary of this issue. The summary will include discussion of the performance issues that resulted in the event, the actions taken by Prime NDT to address the performance issues and to enhance oversight and security of licensed material in transit, and the content of the Confirmatory Order.

a. Within 30 days of developing the summary, Prime NDT will submit a copy to the NRC Region I Administrator for NRC review and comment.

b. Within 30 days of receiving communication that the NRC review is complete, Prime NDT will submit the summary as an operating experience article to:

i. the American Society for Nondestructive Testing (ASNT) for consideration for publication in the ASNT's quarterly newsletter, ''*The NDT Technician*;'' and

ii. the Conference of Radiation Control Program Directors (CRCPD), the Organization of Agreement States (OAS) and the Health Physics Society (HPS) for consideration for sharing to their member points of contact or publications in their newsletters (i.e., the CRCPD's ''*NEWSBRIEF,*'' and the HPS's ''*Health Physics News Digest*'').

c. Within 30 days of submitting the summary, Prime NDT will inform the NRC that the action is complete by sending a letter to the NRC Region I Administrator.

2. Prime NDT will request to provide a presentation based on the summary described in Section D.3 at an ASNT meeting in the fall of 2019. Within 30 days of the meeting, Prime NDT will inform the NRC that the presentation has occurred by sending a letter to the Region I Administrator and will include a copy of the presentation materials (i.e., slides).

3. Within 360 days of the date of the Confirmatory Order, Prime NDT will offer to provide a presentation based on the summary described in Section D.1 to the Operating Engineers Local 112 Union. The presentation is intended to occur during an annual meeting or similar, widely-attended event. Prime NDT will inform the NRC that the action is complete by sending a letter to the Region I Administrator within 30 days of completing the presentation, and will include a copy of the presentation materials (i.e., slides) in the letter.

E. *Items to Which the NRC has Agreed:*

1. In consideration of the above actions, the NRC agreed to reduce the civil penalty relating to the notice of apparent violations (Case No. EA–18–131, Inspection Report No. 03020982/2018002), dated November 15, 2018, to $5,000.

2. The NRC agrees to describe the violations as being either escalated or non-escalated in the Confirmatory Order.

Subsequent to the January 10, 2019, mediation session and as arranged during mediation, on January 23, 2019, the NRC staff reviewed an estimate obtained by Prime NDT for implementing the action described in Section III.A.1. The NRC staff communicated to Prime NDT on January 29, 2019, that, in consideration of the additional cost of the action described in Section III.A and following through with the mediation discussion, the NRC initially agreed to fully mitigate the civil penalty described in Section III.E.1. However, at the request of new Prime NDT management and owners, through electronic mail communications on March 12–14, 2019, the NRC staff engaged in further negotiation regarding the commitments described as ''Items to Enhance Management Oversight,'' in Section III.B. As a result of these communications, Prime NDT and the NRC reached agreement on a revision to the commitments that resulted in NRC reinstating a civil penalty in the amount of $3,500 and reducing the number of Prime NDT audits of radiographers from the number identified in the preliminary settlement agreement. Prime NDT agreed to pay this amount within 30 days of the date of issuance of the Confirmatory Order.

On March 25, 2019, Prime NDT consented to issuing this Confirmatory Order with the commitments, as described in Section V below. These commitments include several changes from the preliminary settlement agreement to provide clarifications and corrections and to ensure the actions can be appropriately inspected by NRC staff. Prime NDT consented to the changes and further agreed that this Confirmatory Order is to be effective upon issuance, the agreement memorialized in this Confirmatory Order settles the matter between the parties, and that it has waived its right to a hearing.

IV

Because the licensee has agreed to take additional actions to address NRC concerns, as set forth in Section III above, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that Prime NDT's commitments, as set forth in Section V, are acceptable and necessary, and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Prime NDT's commitments be confirmed by this Confirmatory Order. Based on the above and Prime NDT's consent, this Confirmatory Order is effective upon issuance.

V

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 30, IT IS HEREBY ORDERED, EFFECTIVE UPON ISSUANCE, THAT LICENSE NO. 37-23370-01 IS MODIFIED AS FOLLOWS:

A. *Items to Prevent Reoccurrence:*

1. Within 180 days of the date of issuance of the Confirmatory Order, Prime NDT will install a tracking system in each of its trucks (both owned and rented) used to transport radioactive material. The tracking system will enable live-time identification of the truck location by designated Prime NDT management.

a. Within 180 days of the date of issuance of the Confirmatory Order, and before completing Item A.1, Prime NDT will develop and implement a procedure regarding the tracking program described in A.1. The procedure will require daily verification that the tracking system is installed and functioning properly for any day on which the truck is being used by Prime NDT, and will require that the functionality check is documented in a log. The functionality logs will be retained by Prime NDT for two years, and will be available for review by the NRC during inspections.

b. Within 30 days of completing installation of the tracking system, Prime NDT will notify the NRC by sending a letter to the NRC Region I Administrator.

2. Within 90 days of the date of issuance of the Confirmatory Order, Prime NDT will ensure that a review of its radiation safety program is performed by an industry peer. Within 30 days of completing the review, Prime NDT will submit to the NRC Region I Administrator a written summary of the results of the review and identify any improvements/enhancements identified by the peer and that will be implemented as a result of the peer review, including a schedule for implementation. For any improvements/enhancements identified by the industry peer that will not be implemented, Prime NDT will describe the reason why.

3. Within 90 days of the date of issuance of the Confirmatory Order, Prime NDT will ensure that a review of its radioactive materials security program is performed by an outside entity knowledgeable in transportation security. Within 30 days of completing the review, Prime NDT will submit to the NRC Region I Administrator a written summary of the results of the review and identify any improvements/enhancements identified by the outside entity that will be implemented as a result of the review, including a schedule for implementation. For any improvements/enhancements identified by the outside entity review that will not be implemented, Prime NDT will describe the reason why.

4. Within 30 days of completing implementation of any enhancements per Items A.2 and A.3, Prime NDT will submit a written statement to the NRC Region I Administrator informing the NRC that the enhancement is in place.

B. *Items to Enhance Management Oversight:*

1. Within 60 days of the date of issuance of the Confirmatory Order, Prime NDT will implement a revised job performance inspection (auditing) program that will ensure that for the subsequent year (i.e., for 365 days after implementing the revised program):

a. Each radiographer is audited at intervals not to exceed four months ;

b. Each newly-hired radiographer who has not worked for Prime NDT within the prior six months is audited within one month of being hired, and then at intervals not to exceed four months; and

c. After implementing the revised auditing program for 365 days, Prime NDT may return to conducting audits in accordance with the timeframe specified in 10 CFR 34.43(e).

2. The auditing program described in Item B.1 will include an unannounced observation by a Prime NDT supervisor in accordance with Prime NDT auditing procedures.

3. Prime NDT will document the results of each audit and retain the records for the timeframe as required by 10 CFR part 34 for review by the NRC during an inspection.

C. *Items to Address Initial and Continuing Training:*

1. Within 90 days of the date of issuance of the Confirmatory Order, Prime NDT will develop a training module related to radioactive material transportation and security to be provided by Prime NDT to all new radiographer hires. The training will include discussion of the performance issues that resulted in this event, the actions taken by Prime NDT to both address the performance issues and to enhance oversight and security of licensed material in transit, and the

content of the Confirmatory Order. The training will also include a performance test on proper security controls for radioactive material.

a. Prime NDT will retain copies of the training materials and trainee signatures for two years, and make those materials available to the NRC for review during an inspection.

2. Within 180 days of the date of issuance of the Confirmatory Order, Prime NDT will develop for the Operating Engineers Local 112 Union a proposed training module to include topics related to radioactive material transportation and security.

a. Within 30 days of developing the training module, Prime NDT will submit a copy to the NRC Region I Administrator for NRC review.

b. Within 30 days of receiving communication that the NRC review is complete, Prime NDT will submit the proposed training to the union for consideration to be provided by the union to all members.

D. *Items to Address External Communication:*

1. Within 120 days of the date of issuance of the Confirmatory Order, Prime NDT will develop a summary of the circumstances that led to the issuance of the Order. The summary will include discussion of the performance issues that resulted in the event, the actions taken by Prime NDT address the performance issues and to enhance oversight and security of licensed material in transit, and the content of the Confirmatory Order.

a. Within 30 days of developing the summary, Prime NDT will submit a copy to the NRC Region I Administrator for NRC review and comment.

b. Within 30 days of receiving communication that the NRC review is complete, Prime NDT will submit the summary as an operating experience article to:

i. the ASNT for consideration for publication in the ASNT's quarterly newsletter, ''*The NDT Technician*;'' and

ii. the Conference of Radiation Control Program Directors (CRCPD), the Organization of Agreement States (OAS) and the Health Physics Society (HPS) for consideration for sharing to their member points of contact or publications in their newsletters (i.e., the CRCPD's ''*NEWSBRIEF*,'' and the HPS's ''*Health Physics News Digest*'').

c. Within 30 days of submitting the summary to these organizations, Prime NDT will inform the NRC that the action is complete by sending a letter to the NRC Region I Administrator.

2. Prime NDT will request to provide a presentation based on the summary described in Section D.1 at an ASNT meeting in the fall of 2019. Within 30 days of the meeting, Prime NDT will inform the NRC whether the presentation occurred by sending a letter to the Region I Administrator. If the presentation occurred, Prime NDT will also include with the letter a copy of any presentation materials (i.e., slides). If the ASNT denies the request, Prime NDT will describe in the letter the reason provided by ASNT for the denial.

3. Within 360 days of the date of issuance of the Confirmatory Order, Prime NDT will offer to provide a presentation based on the summary described in Section D.1 to the Operating Engineers Local 112 Union. The presentation is intended to occur during an annual meeting or similar, widely-attended event. Prime NDT will inform the NRC whether the presentation occurred by sending a letter to the Region I Administrator within 30 days of completing the presentation, and will include a copy of any presentation materials (i.e., slides) in the letter. If the union denies the request, Prime NDT will inform the NRC by sending a letter to the Region I Administrator within 30 days of the denial and will describe in the letter the reason provided by the union for the denial.

E. *Civil Penalty:*

Within 30 days of the date of issuance of the Confirmatory Order, Prime NDT will pay a civil penalty of $3500, utilizing one of the payment methods described in NUREG/BR-0254, ''Payment Methods.''

This agreement is binding upon successors and assigns of Prime NDT. The Regional Administrator, Region I may, in writing, relax or rescind any of the above conditions upon demonstration by Prime NDT or its successors of good cause.

VI

In accordance with 10 CFR 2.202 and 10 CFR 2.309, any person adversely affected by this Confirmatory Order, other than Prime NDT, may request a hearing within thirty (30) calendar days of the date of issuance of this Confirmatory Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene (hereinafter ''petition''), and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also

distributes an e-mail notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's Public Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by e-mail to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1-866-672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an Order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''Cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the *Federal Register* and served on the parties to the hearing.

If a person (other than Prime NDT) requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days from the date of this Confirmatory Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

For the Nuclear Regulatory Commission.

/RA/

Raymond K. Lorson,

Deputy Regional Administrator, NRC Region I.

Dated this 1st day of April 2019.

[FR Doc. 2019–06897 Filed 4–5–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–047; NRC–2016–0119]

Early Site Permit Application; Tennessee Valley Authority Clinch River Nuclear Site

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental impact statement; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) and the U.S. Army Corps of Engineers (USACE), Nashville District, are issuing NUREG–2226, ''Environmental Impact Statement for the Early Site Permit (ESP) for the Clinch River Nuclear (CRN) Site: Final Report.'' The site is located in Roane County, Tennessee, along the Clinch River, approximately 25 miles west-southwest of downtown Knoxville, Tennessee. The purpose of this notice is to inform the public that the NRC staff has issued a final environmental impact statement (EIS) as part of the review of the application submitted by Tennessee Valley Authority (TVA) for an ESP for the CRN site.

DATES: The final EIS is available as of April 8, 2019.

ADDRESSES: Please refer to Docket ID when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0119. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@*

nrc.gov. The final EIS is available in ADAMS under Accession Nos. ML19073A099 and ML19073A109.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

• *Project Website:* The final EIS can be accessed online at the Clinch River ESP specific web page at *http://www.nrc.gov/reactors/new-reactors/esp/clinch-river.html*.

FOR FURTHER INFORMATION CONTACT: Tamsen Dozier, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2272, email: *Tamsen.Dozier@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), on May 12, 2016, TVA submitted an application for an ESP for the CRN Site, located on approximately 935 acres in Roane County, Tennessee. A notice of intent to prepare an EIS and to conduct scoping process was published in the **Federal Register** on April 13, 2017 (82 FR 17885). A notice of availability of the draft EIS was published by the NRC in the **Federal Register** on April 26, 2018 (83 FR 18354) and also noticed by the U.S. Environmental Protection Agency on April 27, 2018 (83 FR 18554). The public comment period closed on July 13, 2018. Public comments are addressed in Appendix E in the final EIS. The final EIS is available for public inspection as indicated in the **ADDRESSES** section of this document. This notice is being published in accordance with the National Environmental Policy Act of 1969, as amended (NEPA) and the NRC's regulations in 10 CFR part 51.

In addition, as outlined in 36 CFR 800.8(c), ''Coordination with the National Environmental Policy Act,'' the NRC staff has been coordinating compliance with Section 106 of the National Historic Preservation Act (NHPA) with steps taken to meet the requirements of the NEPA. Pursuant to 36 CFR 800.8(c), the NRC staff used the process and documentation for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth on 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.45 and 51.50, TVA submitted the environmental report (ER) as part of the application; the ER is available in ADAMS under Package Accession No. ML19030A478.

II. Discussion

As discussed in the final EIS, the NRC staff's recommendation related to the environmental aspects of the proposed action is that the ESP should be issued. This recommendation is based on: (1) The ER submitted by TVA, as revised; (2) consultation with Federal, State, Tribal and local agencies; (3) the NRC staff's independent review; (4) the NRC staff's consideration of comments received during the environmental review; and (5) the assessments summarized in the final EIS, including the potential mitigation measures identified in the ER and in the final EIS.

In addition, in making its recommendation, the NRC staff has concluded that there are no environmentally preferable or obviously superior sites in the region of interest.

Dated at Rockville, Maryland, this 3rd day of April 2019.

For the Nuclear Regulatory Commission.

Anna H. Bradford,

Deputy Director, Division of Licensing Siting and Environmental Analyses, Office of New Reactors.

[FR Doc. 2019–06876 Filed 4–5–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0049]

Information Collection: Security Acknowledgment and Termination Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Security Acknowledgment and Termination Statement.''

DATES: Submit comments by June 7, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0049. Address questions about docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0049 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0049. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2019–0049 on this website.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML19023A234. The supporting statement and title of documents are available in ADAMS under Accession No. ML19016A377.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without

charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Please include Docket ID NRC–2019–0049 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Security Acknowledgment and Termination Statement.
2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.
3. *Type of submission:* New.
4. *The form number, if applicable:* NRC Form 176.
5. *How often the collection is required or requested:* On occasion.
6. *Who will be required or asked to respond:* NRC Employees, Licensees and contractors.
7. *The estimated number of annual responses:* 400.
8. *The estimated number of annual respondents:* 400.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 80.
10. *Abstract:* The NRC Form 176, ''Security Acknowledgement and Termination Statement'' is completed by employees, licensees and contractors in connection with the termination of their access authorization/security clearance granted by the NRC and to acknowledge and accept their continuing security responsibility.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, on April 2, 2019.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2019–06782 Filed 4–5–19; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85488; File No. SR–FINRA–2019–008]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Establish a Corporate Bond New Issue Reference Data Service

April 2, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 27, 2019, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to enhance the collection and dissemination of new issue reference data for corporate bonds and charge associated fees.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

FINRA is submitting this proposed rule change to establish a new issue reference data service for corporate bonds, consistent with a recommendation from the SEC's Fixed Income Market Structure Advisory Committee (''FIMSAC'').

Background

On October 29, 2018, the FIMSAC unanimously approved a recommendation from its Technology and Electronic Trading Subcommittee to establish a new issue reference data service for corporate bonds (''FIMSAC Recommendation'').[3] Specifically, the FIMSAC Recommendation urged FINRA to establish a consolidated, comprehensive, and accurate data set for corporate bond new issues. Today, market participants rely on corporate bond reference data providers for this information. However, each reference data provider collects and disseminates new issue reference data from different sources and at different speeds that vary

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Recommendation to Establish a New Issue Reference Data Service for Corporate Bonds, (October 29, 2018), *https://www.sec.gov/spotlight/fixed-income-advisory-committee/fimsac-corporate-bond-new-issue-reference-data-recommendation.pdf.*

by a few hours to several days, resulting in data that may not be consistent, timely and accurate across reference data providers.

The FIMSAC Recommendation states that reliable, consistent and timely reference data is necessary to support the efficient trading and settlement of bonds. A centralized reference data source is increasingly important as market participants rely more on electronic trading platforms, so that all platform participants price and trade bonds based on consistent and accurate information.

In considering the need for improved corporate new issue reference data, the FIMSAC looked to the municipal bond market, where there is a centralized reference data service. The Municipal Securities Rulemaking Board (''MSRB'') requires the underwriter of a new issue of municipal securities to communicate information to ensure that market participants have timely access to information necessary to report, compare, confirm, settle and clear transactions in the new issue. Specifically, under MSRB Rule G–34, underwriters must submit new issue information to the New Issue Information Dissemination Service (''NIIDS''), operated by the Depository Trust and Clearing Corporation (''DTCC''). NIIDS then makes this information immediately available to reference data providers.

To achieve its purpose, the FIMSAC stated that FINRA should expand its existing rules so that it can similarly collect and disseminate comprehensive reference data for corporate bond new issues. Currently, under Rule 6760 (Obligation to Provide Notice), members that are underwriters of an initial offering of a TRACE-Eligible Security are required to submit certain specified information to FINRA prior to the execution of the first transaction of the offering to facilitate trade reporting and dissemination of transactions.[4] The information required by the rule generally is limited to the fields needed to set up a bond on TRACE for trade reporting purposes (*e.g.,* the CUSIP number, the issuer name, the coupon rate, the maturity, whether Rule 144A applies, and a brief description of the bond). FINRA disseminates some of this new issue information as part of the Corporate Security Daily List; however, electronic trading platforms generally require more information to make new issues available to trade.[5]

The FIMSAC Recommendation asked that FINRA build on the existing Rule 6760 requirements to establish a new issue data service with more comprehensive information. The FIMSAC stated that FINRA was best situated to carry out the Recommendation because it would be an incremental addition to current practices, both for FINRA and the underwriters that must report new issue information.

Proposal

In line with the FIMSAC Recommendation, FINRA is proposing to amend Rule 6760 to specify a number of data elements, in addition to those already specified by the rule, which must be submitted for new issues in corporate debt securities.[6] Under the proposed rule change, underwriters subject to Rule 6760[7] would be required to report the following additional data elements: (A) The International Securities Identification Number (''ISIN''); (B) the currency; (C) the issue date; (D) the first settle date; (E) the interest accrual date; (F) the day count description; (G) the coupon frequency; (H) the first coupon payment date; (I) a Regulation S indicator; (J) the security type; (K) the bond type; (L) the first coupon period type; (M) a convertible indicator; (N) a call indicator; (O) the first call date; (P) a put indicator; (Q) the first put date; (R) the minimum increment; (S) the minimum piece/denomination; (T) the issuance amount; (U) the first call price; (V) the first put price; (W) the coupon type; (X) rating; (Y) a perpetual maturity indicator; and (Z) a Payment-In-Kind (PIK) indicator.

These data fields, together with certain data fields specified in the current Rule, reflect all but one of the fields that were described in the FIMSAC Recommendation, as well as additional fields identified during supplemental industry outreach conducted by FINRA.[8] FINRA also notes that several fields specified in the proposed rule change are already required to be reported or are reported voluntarily on the FINRA TRACE New Issue Form.[9] FINRA has attached as Exhibit 3 a detailed list of the corporate bond new issue reference data fields that specifies whether the fields are currently mandatory or voluntary and includes a description of each field.

In addition, for the fields that FINRA added to the proposal based on additional industry outreach ((T) through (Z) above), Exhibit 3 describes FINRA's rationale for their inclusion in

[4] In cases where a new issue is priced and begins trading on the same day, Rule 6760 requires certain data elements—those sufficient to identify the security accurately—to be reported before the execution of the first transaction, and all remaining data elements to be reported within 15 minutes of the Time of Execution of the first transaction.

[5] The information distributed on the Corporate Security Daily List may only be used to support trade reporting and may not be redistributed. The Daily List includes some mandatory new issue information currently collected from underwriters pursuant to Rule 6760, which is then made available at no charge through an application program interface (''API''). The Daily List would not be impacted by this proposal.

[6] In connection with the proposal, FINRA also would make two technical, non-substantive, clarifying edits to the definition of corporate debt security that is currently located in FINRA Rule 2232 (Customer Confirmations). First, FINRA would clarify that the definition of corporate debt security is limited to TRACE-Eligible Securities. This clarification reflects the original intent of the definition and is consistent with current FINRA guidance. *See* FINRA Fixed Income Confirmation Disclosure FAQ 1.12, *http://www.finra.org/industry/faq-fixed-income-confirmation-disclosure-frequently-asked-questions-faq.*

Second, FINRA would update the definition of corporate debt security to exclude the class of assets defined as Securitized Products in Rule 6710(m), rather than Asset-Backed Securities, defined in Rule 6710(cc). When the definition of corporate debt security was first drafted, FINRA did not yet have a defined term for Securitized Products, only Asset-Backed Securities. Since that time, FINRA added the term Securitized Products, which includes Asset-Backed Securities. Accordingly, this is a clarifying change that simply updates the terms referred to in the corporate debt security definition; this clarifying change also reflects the original intent of the definition and is consistent with current FINRA guidance. *See* FINRA Fixed Income Confirmation Disclosure FAQ 1.11.

FINRA also proposes to relocate the revised definition of corporate debt security into the TRACE Rule Series. FINRA believes it makes sense to include the definition in Rule 6710 where it would sit alongside a number of other TRACE definitions for fixed income asset types. FINRA would make corresponding technical edits to Rule 2232 to refer to the relocated definition in Rule 6710.

[7] As part of the proposal, FINRA would amend Rule 6760(a)(1) to clarify that underwriters subject to the Rule must report required information for the purpose of providing market participants in the corporate debt security markets with reliable and timely new issue reference data to facilitate the trading and settling of these securities, in addition to the current purpose of facilitating trade reporting and dissemination in TRACE-Eligible Securities.

[8] The one field from the FIMSAC Recommendation that FINRA has not included in this proposal is ''Calculation Types (CALT).'' FINRA understands from industry outreach that this field, as it is included in the FIMSAC Recommendation, leverages calculation methodology that is specific to one data vendor's protocols and may not be readily available to all underwriters that would be required to report information to FINRA under Rule 6760, or to consumers of the data. The FIMSAC Recommendation noted that the preliminary list of data fields was developed based on discussions with market participants, but that it should be finalized based on further analysis by FINRA and the SEC. *See* FIMSAC Recommendation at pg. 3 n.2.

[9] The FINRA TRACE New Issue Form is used by firms to set up securities pursuant to firms' existing obligations either under Rule 6760 or 6730 (Transaction Reporting). It allows for the submission of data fields required by these rules as well as additional data fields that underwriters often report voluntarily. As part of this proposal, FINRA would codify in Rule 6760 the specific fields that have been deemed necessary under current Rule 6760(b) and therefore are mandatory for successful submission of the TRACE New Issue Form.

the proposal. These attributes were indicated by market participants as important in liquidity and risk assessment. Issue amount is an indication of potential liquidity of the issue in general and also in particular as it is in many cases among the criteria used for index consideration. Other proposed fields (coupon type, PIK, perpetual maturity indicator and the complementing put information) provide further context and are descriptive of the cash flow profile and considerations in risk assessment and pre-trade compliance efforts. Additionally, FINRA utilizes ratings to determine TRACE grade (Investment Grade or Non-Investment Grade) which in turn determines dissemination volume caps.

The proposal also would require that all data elements be reported for new issues in corporate debt securities prior to the first transaction in the security. Currently, for information reported under Rule 6760 for trade reporting purposes, the Rule allows phased reporting in some cases. Specifically, for an offering of a security that is priced and begins trading on the same business day between 9:30 a.m. and 4:00 p.m. Eastern Time, Rule 6760 requires certain information to be reported before the first trade in the security and remaining information within 15 minutes of the time of the first trade. Otherwise, the current Rule requires all information to be reported before the first trade in the security.

As noted above, FINRA is proposing to amend Rule 6760 to require all data fields for new issues in corporate debt securities to be reported prior to the first trade. FINRA alternatively considered maintaining the Rule's phased reporting approach for offerings in corporate debt securities subject to the proposal, with certain core information required prior to the first trade and an extended 60-minute window for remaining information, given the additional data fields that would be required to be reported under the proposal. However, FINRA believes that the proposed approach to require uniform pre-first trade reporting better supports the stated goals in the FIMSAC Recommendation to increase the efficiency of the corporate bond market and promote fair competition among all market participants. Specifically, a uniform reporting approach would allow FINRA to collect and make all of the data available immediately to market participants, resulting in a more consistent, timely and complete data set that will support more efficient pricing, trading and settlement of bonds. FINRA also believes that the proposed uniform reporting approach better advances the element in the FIMSAC Recommendation stating that managing underwriters should be required to report the data elements to FINRA no later than reporting such data elements to any third party not involved in the offering, including reference data vendors. Uniform pre-first trade reporting furthers this element, while not unduly constraining the sharing of data that may be necessary as part of the underwriting process.[10] On balance, FINRA believes the significant benefits of uniform pre-first trade reporting outweigh the additional burdens on underwriters, but invites interested parties to submit comments on this (or any) aspect of the proposal.

Further in line with the FIMSAC Recommendation, FINRA would disseminate corporate bond new issue reference data collected under Rule 6760 upon receipt and provide subscribers with access to the data for fees determined on a commercially reasonable basis.[11] Under Rule 7730 (Trade Reporting and Compliance Engine (TRACE)), FINRA would make the corporate bond new issue reference data available to any person or organization for a fee of $250 per month for internal purposes only, and for a fee of $6,000 per month where the data is retransmitted or repackaged for delivery and dissemination outside the organization.

This data would be accessible by all member firms and other market participants and data users, with the fees assessed only on those that choose to subscribe. The $6,000 charge for redistribution would apply to any retransmission or redistribution of the data to any party other than the subscriber. For example, the redistribution charge would apply to a firm that displays the data on a website to its clients or customers, or to a clearing firm that displays or otherwise makes the data available to its correspondents. However, FINRA notes that because the charge includes unlimited redistribution rights, FINRA would assess it only once on the party that subscribes. Accordingly, FINRA would not assess any charge on firms that receive the data from data vendors or other market participants that have subscribed for redistribution rights, nor would FINRA increase the amount charged to the subscriber based on how often it redistributes the data. As discussed further below, FINRA anticipates that many market participants, including clearing firms and correspondent firms, will receive the data from data vendors consistent with what they do today.

If the Commission approves the filing, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 90 days following publication of the *Regulatory Notice.* The effective date will be no later than 270 days following Commission approval. Based on implementation of this proposal, FINRA would evaluate a potential expansion of the new issue reference data service to include other debt products.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[12] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest. FINRA also believes that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act,[13] which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls.

The proposed changes to Rule 6760 are designed to improve transparency and efficiency in the corporate bond markets, consistent with Section 15A(b)(6).[14] The proposal would do so by providing market participants in the corporate bond markets with reliable and timely new issue reference data to facilitate secondary trading in and settlement of these instruments, particularly during the period when

[10] *See* FIMSAC Recommendation at pg. 3.

[11] Under proposed Rule 6760(d), there may be some information collected under the Rule for security classification or other purposes that would not be disseminated. This may include, for example, information about ratings that is restricted by agreement. In addition, CUSIP Global Services' (''CGS'') information would not be disseminated to subscribers that do not have a valid license regarding use of CGS data.

[12] 15 U.S.C. 78*o*–3(b)(6).

[13] 15 U.S.C. 78*o*–3(b)(5).

[14] Related changes to the definition of corporate debt security in Rule 2232 are technical, non-substantive, and clarifying, and are intended to support the proposed changes to Rule 6760, consistent with Section 15A(b)(6).

new issues first start trading in the secondary markets. As discussed throughout the filing, the proposal would advance the FIMSAC Recommendation, which was intended to address the lack of a reliable and timely centralized source for corporate bond new issue reference data. The FIMSAC Recommendation explained that reliable, consistent and timely reference data is necessary to support the efficient trading and settlement of bonds, and is increasingly important as market participants rely more on electronic trading platforms. FINRA believes that the proposed new issue data reporting and dissemination requirements in Rule 6760 are designed to and will support and further the efficient trading and settlement of bonds, provide uniform and timely access to important new issue corporate reference data, and otherwise promote the objectives of Section 15A(b)(6).

FINRA further believes that the proposed fees for the corporate bond new issue reference data service contemplated by Rule 7730 are fair, equitable, reasonable, and not unfairly discriminatory. As discussed in the next section with respect to anticipated economic impacts of the proposal, the proposed fees would price the corporate bond new issue reference data service as a utility, using cost plus margin pricing, which FINRA believes is a reasonable means to meet ongoing operating costs related to the initiative. The data service would be available on the same terms to any party that wished to subscribe with two flat prices, one for internal use only and one for redistribution. FINRA believes that the proposed fee structure will allow for broad distribution of the new issue reference data to market participants, and that the fees are reasonably designed to cover FINRA's ongoing operational costs. Specifically, the proposed fee structure reflects FINRA's estimates of the ongoing operational costs related to the new proposed data service, including direct staff allocated to the initiative, and related functions, including technology, legal, billing, and finance. Accordingly, FINRA believes the proposed fees are reasonably designed to recover the costs of the data service with equitable and not unfairly discriminatory charges based on subscribers' use of the data for their business purposes. FINRA notes that the proposed fee structure, with use-based tiers that are based on projected costs, is consistent with fees the SEC previously has approved. The SEC has stated its belief that a ''use-based approach is consistent with equitable distribution of fees'' and approved use-based fees when reasonably related to costs.[15]

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

Regulatory Need

Currently in the corporate bond market, new issue reference data is not collected consistently or with established data standards, nor is it uniformly distributed to market participants in a timely manner. Data providers collect new issue reference data from different sources, typically underwriters, which often results in incomplete and inconsistent data. This holds true for any individual data provider and for the aggregate data collected; that is, even if a market participant gained access to all commercial products available today, the data may not be complete, reliable or timely for all new issues. The speed that data providers collect and disseminate data also varies and can be as long as several days.

There are significant frictions in the corporate bond market that have made finding a solution to this problem difficult. First, because data is provided voluntarily by underwriters today, data providers may not be able to assure the completeness, accuracy and timeliness of the information. Second, underwriters may have differing incentives with respect to the importance of providing the information to data providers.[16] Finally, because data providers are paid, at least in part, for the data they collect, there is little incentive to share information among themselves.

The lack of accurate, complete and timely corporate bond new issue reference data imposes costs to various market participants. Incomplete new issue reference data prevents traders from identifying and evaluating newly issued bonds for trading.[17] This may lead to loss of trading opportunities for traders, loss of business for trading platforms, and less demand for the initial subscription of the bond issuance, all of which can hurt issuers and underwriters, decreasing demand and liquidity for bonds. Variation of reference data completeness across data providers puts small traders who cannot afford multiple data providers at a disadvantage in accessing the new issue market. For trading platforms, clearing firms and electronic trading platforms, inaccurate reference data creates inconsistencies in trading and the settlement process and increases transaction costs. The lack of centralized data sources forces data providers and trading platforms to manually collect or correct data, which can be costly.

Baseline

This section explains the current dissemination process of the new issue reference data in the corporate bond market, including summary statistics on the new issuance market and underwriters.

In 2018, 22,385 TRACE-Eligible corporate debt securities were issued, including corporate bonds and equity linked notes. New issue reference data is generated by underwriters. It is usually aggregated by data providers and then sold to various market participants for consumption, including trading and clearing firms, electronic trading platforms, broker-dealers and bond investors. As noted above, FINRA conducted outreach to understand the dissemination process, direct and indirect costs imposed by the process, and ways it might be improved.[18]

To facilitate trade reporting, as discussed above, underwriters are required to report limited new issue information to FINRA under Rule 6760. Underwriters also often provide additional new issue reference data to FINRA on a voluntary basis on the FINRA TRACE New Issue Form. Besides regulatory reporting to FINRA, underwriters follow different practices to report reference data on new corporate bond issues to other parties. To facilitate trading of corporate bonds, underwriters usually report some of the data to their clients, which are generally institutional investors. Some also report to certain aggregators and media vendors. No standard exists among underwriters on whom to report new

[15] *See* Securities Exchange Act Release No. 72280 (May 29, 2014), 79 FR 32351, 32353 (June 4, 2014) (Order Approving File No. SR–FINRA–2014–018) (approving fees for ATS data that varied according to use and discussing the Commission's prior approval of similar use-based TRACE fees).

[16] For example, underwriters may provide the information to data providers who also provide services in the underwriting process like modeling and pricing of the bonds, or to data providers who also provide trading platforms.

[17] According to one trading platform, its reference data provider would only provide data relating to new issues the morning after issuance, which resulted in the firm's clients not being able to trade the bond when it began to trade (usually the previous afternoon).

[18] FINRA talked to four data providers, three underwriters, two trading platforms, and two clearing firms.

issuances to, what fields to include and on what timeline, so the dissemination of new issue reference data is fragmented and inconsistent.

Based on FINRA's conversations with data providers, no systematic ways exist for data providers to obtain complete, timely and reliable reference information on corporate bond new issues. Individual underwriters send new issue reference information to some data providers, often through email or term sheets. However, data providers rely on various sources for collecting the reference data for other new issues, including preliminary deal documents, issuers, vendor data, pricing wires and final prospectuses. Since information is collected through different sources, the coverage of new issues varies by data providers and, as a result, data can be inconsistent. The speed at which data providers collect reference data also varies. Any individual data provider might have reference data for only a subset of the newly issued bonds on the pricing day when bonds are sold in the primary market. The coverage may rise through the trading day and reach its steady level several days after the issuance.

FINRA understands that individual firms typically gain access today to new issue reference data by purchasing the services of one or more third-party data vendors. Introducing firms may gain access to the information via their clearing firm, which provides the data as part of its services. Similarly, some firms may grant access to the new pricing information to their clients, either directly or through some research product.

FINRA understands that trading platforms typically subscribe to data providers and augment their reference data from other sources, such as term sheets and websites to collect missing reference information. Clients of trading platforms rely on the platforms to provide new issue reference data.

Electronic trading platforms capture a significant portion of the corporate bond trading volume. The U.S. Treasury Department estimates that electronic platforms have captured 20% of investment grade corporate bond trading.[19] According to Greenwich Associates' 2017 U.S. Fixed-Income Study, almost 85% of investors in investment grade instruments surveyed use electronic trading, and close to 73% of investors in high-yield instruments do.

Economic Impacts

Pricing of the Proposed Service

New issue reference data is essential for the pricing and trading of bonds and the proper functioning of the corporate bond market. However, building such data requires extensive coordination among market participants and manual data collection, compilation and cleaning efforts for each data vendor. By using a regulatory requirement to centralize data reporting to FINRA, FINRA could reduce these duplicated efforts and thus costs, while improving the accuracy, completeness and timeliness of the information made available. FINRA is proposing to price the reference data as a utility, using cost plus margin pricing. This ensures that market participants get accurate and timely reference data, while limiting the price of new issue reference data as a barrier to entry to bond market participants.

Besides improving the quality of new issue reference data available to the market, FINRA believes that the data service will promote fair and reasonable pricing for reference data by introducing an alternative source in addition to what is provided by the incumbent data providers. As discussed in more detail below, currently underwriters have relatively few incentives to report to data providers other than the prevalent incumbent data providers. The incumbent data providers face less competition because of the complexity of building the database as discussed previously, leading to a relatively high barrier to entry. By providing an alternative option for the data at cost plus margin, the service will exert disciplinary pressure on the current pricing for the data. The proposed service may not be the only collector of reference data. Data providers may continue to collect data from their existing sources and on a range of bond reference data beyond the limited fields provided in the proposed service. By lowering the barrier to entry and allowing data providers to compete on other dimensions and value-added services, the service would promote competitive pricing of the reference data.

Benefits

The proposed service would be a central source for collecting and disseminating new issue reference data, and would provide market participants with more complete, accurate and timely data about new issues. FINRA expects that the new issue reference data service will increase the transparency of the corporate bond market, especially around the issuance period. Historically, TRACE implementation has demonstrated that transparency has facilitated trading and improved market quality.[20] Thus, FINRA believes that the increased transparency as a result of the proposed reference data service will also benefit the market.

Accurate and timely information about newly issued corporate bonds would allow potential buyers the opportunity to evaluate the bonds for investment, especially right after issuance. This likely increases their investment choices. Index operators would also have the opportunity to evaluate new bonds for timely inclusion. This helps ensure that the index accurately represents the concurrent bond market condition.

Accurate and timely new issue data also would benefit trading platforms and clearing firms by reducing broken trades and errors in trading due to inconsistent information. It also would increase trading speed by removing delays due to manually correcting reference data errors. Accurate and timely new issue reference data may also increase trading volumes that might otherwise be lost when traders do not have reference data on newly issued bonds.

A central source for new issue reference data would likely benefit most data providers by providing them with a complete, accurate and relatively low cost source of data. It would reduce the need for data providers to manually collect missing data or correct errors in the new issue reference data.

Issuers and underwriters may benefit from the service as well. The new issue reference data service may reduce trading costs and increase trading volume as discussed above. To the extent that this results in increased liquidity, it will lower the cost of capital for issuers. Increased awareness of the new issuances may also help underwriters in marketing and underwriting. Underwriters may also benefit from the reference data that underwriters collectively submit by reducing the need to manually research other reference data sources for proper procurement of information.

Costs and Negative Impacts

The proposed rule change may impose costs on underwriters to report

[19] *See* Jake Liebschutz and Brian Smith, Examining Corporate Bond Liquidity and Market Structure, (March 7, 2016), *https://www.treasury.gov/connect/blog/Pages/Examining-Corporate-Bond-Liquidity-and-Market-Structure.aspx.*

[20] *See* FINRA's website for a list of TRACE Independent Academic Studies, available at *http://www.finra.org/industry/trace/trace-independent-academic-studies.*

the additional reference data to FINRA. Currently, underwriters provide limited corporate bond reference data to FINRA, some required under Rule 6760 and some voluntarily, and they may provide information to one or more data vendors. The costs associated with providing the new proposed reference data fields to FINRA depends on underwriters' current reporting systems, the speed at which they currently are able to provide this information, and the timing with which they report the data today. Reporting additional fields to FINRA as outlined in the proposed rule may require upgrades to their current system for reporting to incorporate both the new fields as well as to meet the new timing required by the proposed rule change. Underwriters may also incur costs when they choose to use third-party vendors to report the reference data, although FINRA anticipates that underwriters will decide to report themselves or through a third party based on their cost and efficiencies. Based on conversations with underwriters, FINRA understands that underwriters do not anticipate incurring significant costs for reporting under this proposal.

The underwriter market is highly skewed towards large underwriters, with 71.24% of dollar volume being led by the ten largest underwriters in the first three quarters of 2018, according to Bloomberg league tables. This may create a concern that underwriters that underwrite fewer deals may be burdened disproportionally if there are fixed costs associated with amending an underwriter's reporting system to meet the additional requirements for new issue reference data submission as set forth in the proposal. Additional burden may be alleviated because reporting to FINRA would reduce or eliminate the need for underwriters to report to other parties, or by the fact that underwriters can leverage investments already made in the existing reporting system necessary under Rule 6760.

Subscribers to FINRA's new issue reference data service will incur a subscription fee and setup cost. Subscribers may pay the lower fee for internal usage of the data or pay the higher fee for redistributing the data. Firms redistributing the data may pass on the cost to their clients; however, FINRA will not charge redistributors anything beyond the flat $6,000 per month charge regardless of how often it redistributes the data. Thus those firms gaining access indirectly, for example through a clearing firm, may be charged by the clearing firm as part of their agreements. However, FINRA expects that any incremental additional cost charged by a redistributor to cover new issue reference data may be relatively low because FINRA would allow unlimited redistribution rights for the $6,000 monthly charge. FINRA also believes that the incremental additional costs charged by redistributors may be relatively low compared to the current cost that subscribers incur to obtain new issue reference data for corporate bonds. FINRA anticipates that many market participants will receive the data from redistributors, consistent with what they do today.

A centralized source of new issue reference data is more efficient than the current process of sourcing reference data, and FINRA intends to price the service as a utility provider. Subscribers would be able to access the full data stream from a single source rather than have to engage in multiple contracts or limit their access to data. Direct subscription to the reference data service is completely voluntary, so any subscription indicates that the benefit outweighs the cost and thus, it will not impose a regulatory burden on subscribers. For those firms that gain access indirectly through another subscriber, costs may decrease if the costs to subscribers to obtain new issue reference data is lower and some or all of those savings are passed onto the firms.

Finally, a centralized source of new issue reference data may create a single point of failure in the new issue reference data market if data providers stop collecting data on their own and solely rely on the data service. We expect this is unlikely to happen because data providers will likely continue to collect a range of bond reference data beyond the limited fields provided in the proposed service in order to provide value added services to their offerings.

Competition and Efficiency

The proposed service will likely affect competition among market participants. FINRA believes the service will promote competition in general while ensuring the essential functioning of the bond market by providing accurate and timely data for pricing and trading of corporate bonds.

The proposed service may increase competition among data providers. FINRA learned through discussions with market participants that the quality and timeliness of reference data varies greatly across data providers. Underwriters provide the reference data and in return receive a benefit. Given the prevalence of the incumbent data provider's service, underwriters have less incentive to report to other data providers. This might create a high barrier to entry for other data providers.[21] By providing an option of complete and timely new issue reference data to data providers, the proposed service would promote competition by lowering the barrier to entry. Data providers can compete on other dimensions, such as presentation, ease of access, integration with other data, supplementary fields and other value-added services.

The proposed service also would promote competition among firms by lowering the barrier to entry for broker-dealers trading newly issued corporate bonds. For example, accurate and timely information about newly issued corporate bonds at relatively low cost would especially benefit small broker-dealers that would otherwise have less access to such information.

The proposed service would increase efficiency by providing data providers with the essential fields on the complete set of new issuances on which they can build their reference data. It reduces the need for data providers and trading platforms to manually correct errors and fill in missing data.[22]

Alternatives Considered

FINRA understands that for the municipal bonds new issue reference data service required by the MSRB and operated by DTCC, costs may be recovered from generally applicable connectivity fees to underwriters, service providers, and information vendors that use NIIDS. FINRA has determined that rather than imposing connectivity fees on underwriters, which could be ultimately passed on to other users, it is more appropriate to recover fees from parties that choose to receive and use the data for their business purposes.

FINRA also considered whether there was an appropriate alternative approach that involved an expansion of the DTCC's NIIDS service to include corporate new issue reference data. However, based on operational and commercial reasons, including inefficiencies with integrating the existing FINRA reporting infrastructure with a separate DTCC infrastructure, FINRA concluded that expanding the

[21] For example, one trading platform/data provider told FINRA that a reference data contract with the incumbent provider of new issue data is prohibitively expensive, so it has to use other less expensive reference data sources and a higher degree of manual intervention.

[22] For example, one trading platform told FINRA that in addition to the cost of their contract with the reference data provider, they hired an employee specifically to maintain the integrity of the new issue reference data and the estimated cost for the person-hours needed for this is about $150k/year.

current existing FINRA reporting and dissemination framework was a more effective and efficient approach. In addition, the current proposal reflects the unanimous view of the FIMSAC, which stated that FINRA was best situated to carry out the Recommendation because it would be an incremental addition to current practices, both for FINRA and the underwriters that must report corporate new issue information.

In addition, as discussed above, FINRA considered an alternative, phased reporting approach, with certain core information required prior to the first trade and an extended 60-minute window for remaining information. FINRA is not proposing this alternative approach for the reasons discussed above, but FINRA invites interested parties to submit comments on this or any other element of the proposal.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received. As noted above, the proposed rule change is based on the FIMSAC Recommendation, which was published on the SEC website but did not generate any written comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2019–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2019–008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2019–008, and should be submitted on or before April 29, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–06786 Filed 4–5–19; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85481; File No. SR–GEMX–2019–03]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt the Term "Professional Customer"

April 2, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 20, 2019, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt the term ''Professional Customer'' and reorganize the Rulebook as well as other technical amendments.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to: (1) Adopt a definition specifically for Professional Customer;

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(2) reorganize Rule 716, ''Auction Mechanisms;'' (3) add titles to Rule 721, ''Crossing Orders,'' and (4) renumber parts of Rule 723, ''Price Improvement Mechanism for Crossing Transactions.'' These changes are to conform the Rulebook to Nasdaq ISE, LLC (''ISE'').[3] Each change will be discussed below.

Universal Change

In addition to the amendments described below, the Exchange proposes to capitalize references to ''member'' to reflect the defined term ''Member.''[4]

Professional Customer

The Exchange proposes to add a new definition for the term ''Professional Customer'' at proposed new Rule 100(a)(52A) to conform to a recent definition added to the ISE Rulebook. This new term would mean a non-broker/dealer participant who enters at least 390 orders per day on average during a calendar month for its own beneficial account(s). The concept of a Professional is established on GEMX,[5] this new term permits a Professional Customer to be more specifically identified within the Rules. By adopting the new term ''Professional Customer'' the Exchange believes it can more specifically identify a market participant within its rules.

Rule 716

The Exchange proposes to retitle Rule 716, currently titled ''Block Trades,'' as ''Auction Mechanisms'' because the new title more accurately describes the rule text contained in this rule. The Exchange proposes to relocate the text of Rule 716(a) within current Rule 716(c) and re-letter that Rule as 716(a). The Exchange proposes to remove the ''(b)'' from Rule 716 so that the following text would apply to the entirety of Rule 716 and all mechanisms within the rule, including proposed relocated text, ''For purposes of this Rule, a ''broadcast message'' means an electronic message that is sent by the Exchange to all Members, and a ''Response'' means an electronic message that is sent by Members in response to a broadcast message.'' This rule text, as written, is being amended so that it is clear that the rule text applies to all mechanisms within this rule, including the mechanisms proposed to be relocated within the rule. In addition, the Exchange proposes to relocate and expand rule text within Supplementary Material .04 to Rule 716[6] to this introductory paragraph so that with the relocation it also would apply to the entire rule. The Exchange proposes to provide, ''Also for purposes of this rule, the time given to Members to enter Responses for any of the below auction mechanisms shall be designated by the Exchange via circular, but no less than 100 milliseconds and no more than 1 second.'' Today, this rule text applies to all mechanisms within the rule, the Block Order Mechanism, Facilitation Mechanism and Solicitation Mechanism. As amended, the rule text would apply to all the relocated mechanisms as well.

The Exchange proposes to amend the Facilitation Mechanism to re-letter ''d'' as ''b.'' The Exchange proposes to reserve ''c''. The Exchange proposes to re-letter Solicited Order Mechanism at ''e'' as new ''d.''

The Exchange proposes to eliminate Supplementary Material .03, which is currently reserved, and .04 to Rule 716, which is being relocated as discussed above. The Exchange proposes to amend Supplementary Material .05 to Rule 716 to renumber it .03. The Exchange proposes to renumber Supplementary Material .06 to Rule 716 as .04. The Exchange proposes to eliminate references to Supplementary Material .07 and .08 to Rule 716, which are currently reserved. The Exchange proposes to renumber Supplementary Material .09 to Rule 716 as .05.

Rule 721

The Exchange proposes to amend Rule 721, Crossing Orders. The Exchange proposes to add a title within Rule 721(a), ''Customer Cross Orders.'' The Exchange proposes to reserve ''b.'' The Exchange proposes to re-letter 721(b) as 721(c) and add a title ''Qualified Contingent Cross Orders.''

Finally, the Exchange proposes to remove the following outdated rule text, ''Qualified Contingent Cross Order functionality will not be available as of a certain date in the first quarter of 2017 to be announced in a notice. The Exchange will recommence Qualified Contingent Cross Order functionality on Nasdaq GEMX on or before March 31, 2018. The Exchange will issue an Options Trader Alert notifying Members when this functionality will be available.'' Qualified Contingent Cross functionality was recommenced on GEMX on February 26, 2018[7] and therefore this rule text is outdated.

Rule 723

The Exchange proposes to delete Supplementary Material .07 to Rule 723. Supplementary Material .08 to Rule 723 is being renumbered as .07 and Supplementary Material .09 to Rule 723 is being renumbered as .08.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest for the reasons described below.

Professional Customer

The Exchange believes that adopting the term ''Professional Customer'' will enable the Exchange to easily reference this market participant in rules and rule changes when differentiating various market participants. It is consistent with the Act to have clearly defined terms to avoid confusion. Adding this reference will enable the Exchange to clearly refer to various market participants. Today, the concept of a Professional is contained in the Rulebook.[10]

Reorganization of the Rulebook and Other Technical Amendments

The Exchange's proposal to relocate various provisions and add titles to conform its current rules to those of ISE is consistent with the Act because the reorganization is intended to bring greater transparency and ease of reference to the Rulebook. Removing outdated rule text from Rule 721 will add greater clarity to the Qualified Contingent Cross functionality. Also, making technical non-substantive amendments to capitalize terms and amend cross-references will also bring greater clarity and transparency to the Rulebook.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

[3] *See* Securities Exchange Act Release No. 85308 (March 13, 2019), 84 FR 10136) (March 19, 2019) (SR–ISE–2019–05).

[4] The term ''Member'' means an organization that has been approved to exercise trading rights associated with Exchange Rights. *See* Rule 100(a)(31).

[5] *See* Rule 100(a)(52).

[6] Supplementary Material .04 to Rule 716 provides, ''The time given to Members to enter Responses under paragraphs (c)(1), (d)(1) and (e)(1) shall be designated by the Exchange via circular, but no less than 100 milliseconds and no more than 1 second.''

[7] The Exchange issued the following Options Trader Alert notifying GEMX Members that Qualified Contingent Cross functionality would be re-introduced: *http://www.nasdaqtrader.com/MicroNews.aspx?id=OTA2017-76.*

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* note 5 above.

any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impact the intense competition that exists in the options market.

The Exchange's proposal to introduce the term ''Professional Customer'' will enable the Exchange to distinguish this market participant from other participants. Today, the concept of a Professional is contained in the Rulebook.[11]

The Exchange's proposal to relocate various rules and create new titles to conform its current rules to those of ISE will not impose an undue burden on intra-market or inter-market competition because the reorganization is intended to bring greater transparency and ease of reference to the Rulebook. Removing outdated rule text from Rule 721 will add greater clarity to the Qualified Contingent Cross functionality. Also, making technical non-substantive amendments to capitalize terms and amend cross-references will also bring greater clarity and transparency to the Rulebook.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2019–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–GEMX–2019–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–GEMX–2019–03 and should be submitted on or before April 29, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–06785 Filed 4–5–19; 8:45 am]

BILLING CODE 8011–01–P

[11] *Id.*

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 10724]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Manet and Modern Beauty'' Exhibition

SUMMARY: On November 27, 2018, notice was published on page 60937 of the **Federal Register** (volume 83, number 228) of determinations pertaining to a certain object to be included in the exhibition ''Manet and Modern Beauty.'' Notice is hereby given of the following determinations: I hereby determine that certain additional objects to be included in the exhibition ''Manet and Modern Beauty,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The additional objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the additional exhibit objects at The Art Institute of Chicago, in Chicago, Illinois, from on or about May 26, 2019, until on or about September 8, 2019, and at The J. Paul Getty Museum, in Los Angeles, California, from on or about October 8, 2019, until on or about January 12, 2020, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of

Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–06864 Filed 4–5–19; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Delegation of Authority No. 466]

Delegation of Authorities to the Chief Information Officer

By virtue of the authority vested in me as Secretary of State, including the authority of Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), I hereby delegate to the Chief Information Officer, to the extent authorized by law, all authorities and functions vested in the agency head by the following authorities:

(1) The Federal Information Security Management Act of 2014, as amended;

(2) the Federal Information Technology Acquisition Reform Act (section 831 of Pub. L. 113–291);

(3) Executive Order 13833 of May 15, 2018; or

(4) any other information technology statute, regulation, executive order, or other provision of law that vests or will vest information technology authorities in the Secretary of State.

Any reference in this delegation of authority to any provision of law shall be deemed to be a reference to such provision of law as amended from time to time. ''Information technology'' has the meaning given that term under capital planning guidance issued by the Office of Management and Budget.

The Chief Information Officer may, to the extent consistent with law, re-delegate such functions and authorize their successive re-delegation.

Delegation of Authority No. 247–1 is hereby terminated. No other delegations of authority are affected by this action.

Except to the extent inconsistent with this delegation of authority, all other delegations of authority and all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued or entered into with respect to any function affected by this delegation of authority and not revoked, superseded, or otherwise made inapplicable before the effective date of this delegation of authority, shall continue in full force and effect until modified, amended, or terminated by appropriate authority.

The exercise by the Chief Information Officer of the authorities prescribed herein prior to the effective date of this delegation of authority, is hereby confirmed and ratified.

This delegation of authority shall be published in the **Federal Register**.

Dated: March 25, 2019.

Michael R. Pompeo,

Secretary of State, Department of State.

[FR Doc. 2019–06990 Filed 4–5–19; 8:45 am]

BILLING CODE 4710–22–P

DEPARTMENT OF STATE

[Public Notice 10723]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Buried by Vesuvius: Treasures From the Villa dei Papiri'' Exhibition

SUMMARY: On September 25, 2018, notice was published on page 48499 of the **Federal Register** (volume 83, number 186) of determinations pertaining to a certain object to be included in the exhibition ''After Vesuvius: Treasures From the Villa dei Papiri.'' Notice is hereby given of the following determinations: I hereby determine that certain additional objects to be included in the exhibition ''Buried by Vesuvius: Treasures from the Villa dei Papiri'' (formerly entitled ''After Vesuvius: Treasures From the Villa dei Papiri''), imported from abroad for temporary exhibition within the United States, are of cultural significance. The additional objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the additional exhibit objects at The J. Paul Getty Museum at the Getty Villa, Pacific Palisades, California, from on or about June 26, 2019, until on or about October 28, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary, Educational and Cultural Affairs, Department of State.

[FR Doc. 2019–06867 Filed 4–5–19; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 254 (Sub-No. 11X)]

Providence and Worcester Railroad Company—Discontinuance of Service Exemption—in Middlesex County, Conn.

On March 19, 2019, Providence and Worcester Railroad Company (P&W) filed with the Board a petition under 49 U.S.C. 10502 for exemption from the prior approval requirements of 49 U.S.C. 10903 to discontinue common carrier rail service over an approximately 0.74-mile rail line that extends between milepost 0.22 +/- and the end of the line segment at milepost 0.96 in Portland, Middlesex County, Conn. (the Line). The Line traverses U.S. Postal Service Zip Code 06480.

According to P&W, the Line is the stub end of a line of railroad known as the Portland Industrial Track that is owned by the Connecticut Department of Transportation (CDOT) and is subject to a lease originally entered between CDOT and P&W's predecessor, the Connecticut Central Railroad Company. *See Conn. Cent. R.R.—Exemption Operation—Certain Lines of the State of Conn.,* FD 31045 (ICC served June 3, 1987). P&W explains that, since 2009, there has been one active rail customer on the Line, RED Technologies, LLC (REDTECH). P&W states that it seeks an exemption to discontinue service over the Line in order to facilitate the expansion of REDTECH's business. According to P&W, REDTECH shipped/received 402 carloads of freight in 2018, and REDTECH anticipates that its traffic will increase if it can obtain additional track for its plant switching operations and would like to use the Line for that purpose.[1] Because there are no other customers on the Line, P&W states that it is willing to sublease the Line to REDTECH if P&W is permitted to discontinue its common carrier service over the Line. P&W further explains that

[1] The petition indicates that REDTECH also would build a side track on its property alongside the Line.

it would continue to provide common carrier service over the remainder of the Portland Industrial Track, including common carrier service to REDTECH.[2]

P&W states that, based on information in P&W's possession, the Line does not contain any federally granted rights-of-way. P&W states that any documentation in its possession will be made available to those requesting it.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

Because this is a discontinuance proceeding and not an abandonment proceeding, trail use/rail banking and public use conditions are not appropriate. Because there will be environmental review during any subsequent abandonment proceeding, this discontinuance does not require an environmental review. *See* 49 CFR 1105.8(b).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by July 5, 2019.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) to subsidize continued rail service will be due no later than July 15, 2019, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner.[3] Each OFA must be accompanied by a $1,800 filing fee. *See* 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to Docket No. AB 254 (Sub-No. 11X) and must be sent to: (1) Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001; and (2) P&W's representative, Eric M. Hocky, Clark Hill PLC, 2005 Market Street, Suite 1000, Philadelphia, PA 19103. Replies to the petition are due on or before April 29, 2019.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Relay Service at 1–800–877–8339.

Board decisions and notices are available at *www.stb.gov*.

Decided: April 2, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2019–06825 Filed 4–5–19; 8:45 am]

BILLING CODE 4915–01–P

[2] Letters from REDTECH and CDOT, the Line's owner, supporting the proposed discontinuance are attached as exhibits to the petition.

[3] The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. *See Offers of Financial Assistance,* EP 729 (STB served June 29, 2017); 82 FR 30997 (July 5, 2017).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Land Release Request at Spadaro Airport (1N2), East Moriches, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport land for disposal and request for comment.

SUMMARY: The FAA proposes to rule and invites public comment on the application for a release for disposal of approximately 22.4 acres of federally obligated airport property at Spadaro Airport, East Moriches, Suffolk, NY, to accommodate the construction of a residential development. This acreage was originally purchased with federal financial assistance through the AIP program under Grant Agreements 3–36–0228–02–1997 and 3–36–0228–03–1998.

DATES: Comments must be received on or before May 8, 2019.

FOR FURTHER INFORMATION CONTACT: Comments on this application may be mailed or delivered to the FAA at the following address: Evelyn Martinez, Manager, Federal Aviation Administration, New York Airports District Office, **Federal Register** Comment, 1 Aviation Plaza, Jamaica, NY 11434.

SUPPLEMENTARY INFORMATION: In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 106–181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds or grant agreements. The following is a brief overview of the request.

On November 9, 2011, the sponsor of Spadaro Airport sold approximately 22.4 acres of airport property, acquired with federal financial assistance, to a local developer. The release of this land is being sought so as to enable the local developer to construct a residential development consisting of a retirement community. Although this acreage was acquired for the purpose of airport development, it has been determined that it is highly unlikely that this acreage could be used for such purpose due to local zoning laws. Nevertheless, given that the acreage was acquired with federal financial assistance the portion of the proceeds of the sale of this acreage which is proportionate to the United States' share of the cost of the acquisition of the land ($1,260,000) will be provided to the FAA for deposit in the Airport and Airway Trust Fund. Due to local zoning laws aircraft operations at Spadaro Airport have been suspended since 2016. Even if aircraft operations at Spadaro Airport were to resume, however, the proposed use of the property will not interfere with the airport or its operation.

Issued in Jamaica, New York, on April 2, 2019.

Evelyn Martinez,

Manager, New York Airports District Office.

[FR Doc. 2019–06880 Filed 4–5–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0269]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: FAA Acquisition Management System (FAAAMS)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves the FAA Acquisition Management System (FAAAMS) and information collected in response to notices regarding FAA acquisitions. The information to be collected is necessary to solicit, award, and administer contracts for supplies,

equipment, services, facilities, and real property to fulfill FAA's mission.

DATES: Written comments should be submitted by June 7, 2019.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Tim Eckert, Federal Aviation Administration (AAP–110), 800 Independence Ave. SW, FOB–10A, Room 439, Washington, DC 20591.

By fax: 202–267–8401.

FOR FURTHER INFORMATION CONTACT: Tim Eckert by email at: *Tim.Eckert@faa.gov,* phone: 202–267–7527.

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: 2120–0595.

Title: FAA Acquisition Management System (FAAAMS).

Form Numbers: Please see *https://fast.faa.gov/PPG_Procurement_Forms.cfm* for all forms.

Type of Review: Renewal of an information collection.

Background: The FAAAMS establishes policies and internal procedures for FAA acquisition. Section 348 of Public Law 104–50 directed FAA to establish an acquisition system. The information collection is carried out as an integral part of FAA's acquisition process. Various portions of the AMS describe information needed from vendors seeking or already doing business with FAA. Our contracting offices collect the information to plan, solicit, award, administer and close individual contracts. Our small business office collects information to promote and increase small business participation in FAA contracts. AMS requires information collection through documents and forms in the following areas (specific information collected varies by the nature of each contracting action):

- *Market survey information:* Used to identify products and services available to meet FAA needs.
- *Requests for information and draft procurement documents:* Used to obtain vendor comments on requirements identified as satisfying an FAA need.
- *Screening information requests:* Used to evaluate vendor-specific technical solutions, capabilities, and others qualifications that may result in a contract for a defined FAA need.
- *Cost and pricing data:* Used to determine reasonableness of prices offered by vendors for an FAA requirement.
- *Other information supporting vendor proposals (such as bonding and insurance information):* Used to determine vendor eligibility to receive contract award and to satisfy other statutory and policy requirements for contract award.
- *Subcontracting plans:* Used to set goals and monitor progress for small business participation in awarded contracts.
- *Process and system descriptions (such as accounting system, property system, and purchasing system):* Used to determine adequacy of vendor processes and controls to properly account for costs, property, quality assurance, etc.
- *Cost Accounting Standards disclosures and related information:* Used to determine if vendor processes are in place to properly classify, account for, and charge costs under contracts.
- *Contractor records for audit, contract compliance, and reporting purposes (such as financial information, labor standards, and quality reports):* Used to ensure compliance with laws, regulations, policy and contract terms.
- *Contract performance records:* Used to measure of contract cost and schedule performance.
- *Small business declaration:* Used as evidence of eligibility for contracts restricted to small business.
- *Small business utilization information:* Used to help ensure FAA satisfies goals to increase economic opportunity for small businesses.

Respondents: Contractors with an interest in or involved with FAA acquisitions—estimated number 15,298.

Frequency: On occasion.

Estimated Average Burden per Response: 7.5 hours.

Estimated Total Annual Burden: 2,000,719 hours.

Issued in Washington, DC, on April 2, 2019.

Colleen Gutrick,

Acquisition Program Analyst, Life Cycle Acquisition Policy Branch, AAP–130.

[FR Doc. 2019–06760 Filed 4–5–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in New York, NY.

DATES: The meeting will be held April 18, 2019.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held at 290 Broadway, New York, NY 10007.

FOR FURTHER INFORMATION CONTACT: Maricarmen Cuello, AP:SEPR:AAS, 51 SW 1st Avenue, Room 1014, Miami, FL 33130. Telephone (305) 982–5364 (not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., that a closed meeting of the Art Advisory Panel will be held at 290 Broadway, New York, NY 10007.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in sections 552b(c)(3), (4), (6), and (7), of the Government in the Sunshine Act, and that the meeting will not be open to the public.

Donna Hansberry,

Chief, Appeals.

[FR Doc. 2019–06901 Filed 4–5–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax Counseling for the Elderly (TCE) Program Availability of Application Packages

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document provides notice of the availability of Application

Packages for the 2019 Tax Counseling for the Elderly (TCE) Program.

DATES: Application instructions are available electronically from the IRS on May 1, 2019 by visiting: IRS.gov (key word search—''TCE'') or through *Grants.gov*. The deadline for submitting an application package to the IRS for the Tax Counseling for the Elderly (TCE) Program is May 31, 2019. All applications must be submitted through *Grants.gov.*

ADDRESSES: Internal Revenue Service, Grant Program Office, 5000 Ellin Road, NCFB C4–110, SE:W:CAR:SPEC:FO:GPO, Lanham, Maryland 20706.

FOR FURTHER INFORMATION CONTACT: Grant Program Office via their email address at *tce.grant.office@irs.gov.*

SUPPLEMENTARY INFORMATION: Authority for the Tax Counseling for the Elderly (TCE) Program is contained in Section 163 of the Revenue Act of 1978, Public Law 95–600, (92 Stat.12810), November 6, 1978. Regulations were published in the **Federal Register** at 44 FR 72113 on December 13, 1979. Section 163 gives the IRS authority to enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year. Because applications are being solicited before the FY 2020 budget has been approved, cooperative agreements will be entered into subject to the appropriation of funds.

Dated: March 28, 2019.

Carol Quiller,

Chief, Grant Program Office, IRS, Stakeholder Partnerships, Education & Communication.

[FR Doc. 2019–06910 Filed 4–5–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Concerning Deduction for Energy Efficient Commercial Buildings

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning deduction for energy efficient commercial buildings.

DATES: Written comments should be received on or before June 7, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Deduction for Energy Efficient Commercial Buildings.

OMB Number: 1545–2004.

Regulation Project Number: Notice 2006–52; Notice 2008–40.

Abstract: This notice sets forth a process that allows the owner of energy efficient commercial building property to certify that the property satisfies the requirements of section 179D(c)(1) and (d). This notice also provides a procedure whereby the developer of computer software may certify to the Internal Revenue Service that the software is acceptable for use in calculating energy and power consumption for purposes of section 179D of the Code.

Current Actions: There is no change to the burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, Businesses and other for-profit organizations.

Estimated Number of Respondents: 21,767.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 3,761.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: April 2, 2019.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2019–06903 Filed 4–5–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Concerning Form 8594 and Third-Party Network Transactions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is

soliciting comments concerning Form 8594, Asset Acquisition Statement.

DATES: Written comments should be received on or before June 7, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Asset Acquisition Statement.

OMB Number: 1545–1021.

Regulation Project Number: Form 8594.

Abstract: Internal Revenue Code section 1060 requires reporting to the IRS by the buyer and seller of the total consideration paid for assets in an applicable asset acquisition. The information required to be reported includes the amount allocated to goodwill or going concern value. Form 8594 is used to report this information.

Current Actions: There is no change to the burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 1,310.

Estimated Time per Respondent: 17 hours 29 minutes.

Estimated Total Annual Burden Hours: 22,910.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: April 2, 2019.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2019–06908 Filed 4–5–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Concerning Golden Parachute Payments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning golden parachute payments.

DATES: Written comments should be received on or before June 7, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Golden Parachute Payments.

OMB Number: 1545–1851.

Regulation Project Number: TD 9083.

Abstract: These regulations deny a deduction for excess parachute payments. A parachute payment is payment compensation to a disqualified individual that is contingent on a change in ownership or control of a corporation. Certain payments, including payments from a small corporation, are exempt from the definition of parachute payment if certain requirements are met (such as shareholder approval and disclosure requirements).

Current Actions: There is no change to the burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 800.

Estimated Time per Respondent: 15 hours.

Estimated Total Annual Burden Hours: 12,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who

are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: April 2, 2019.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2019–06902 Filed 4–5–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Office of the General Counsel (OGC) involving Veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in claim matters involving the same legal issues. This summary is published to provide the public and, in particular, Veterans' benefits claimants and their representatives, with notice of VA's interpretations regarding the legal matters at issue.

FOR FURTHER INFORMATION CONTACT: Suzanne Hill, Law Librarian, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–7624.

SUPPLEMENTARY INFORMATION: A VA regulation at 38 CFR 2.6(e)(8) delegates to the General Counsel the power to designate an opinion as precedential, and 38 CFR 14.507(b) specifies that precedential opinions involving Veterans' benefits are binding on VA officials and employees in subsequent matters involving the legal issue decided in the precedent opinion. The interpretation of the General Counsel on legal matters, contained in such opinions, is conclusive as to all VA officials and employees, not only in the matter at issue, but also in future adjudications and appeals involving the same legal issues, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel or a judicial decision.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel that must be followed in future benefit matters and to assist Veterans' benefits claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above or by accessing the opinions on the internet at *http://www.va.gov/ogc/precedentopinions.asp.*

VAOPGCPREC 1–2018

Question Presented: How does a claimant's opt-in to the Rapid Appeals Modernization Program (RAMP) affect an existing fee agreement?

Held: If a claimant, who is represented by a claims agent or attorney, withdraws his or her notice of disagreement to opt-in to RAMP, that withdrawal does not obstruct the representative's eligibility for fees. VA does not construe the RAMP election as returning the claimant and representative to a period in the VA administrative process for which fees may not be charged or as otherwise affecting a legal existing fee agreement.

Effective Date: August 6, 2018.

James M. Byrne,

General Counsel, Department of Veterans Affairs.

VAOPGCPREC 1–2017

Question Presented: 1. Is obesity per se a ''disease'' for purposes of establishing entitlement to service connection under 38 U.S.C. 1110 and 1131?

2. If obesity is a disease, may obesity be considered the result of a veteran's willful misconduct for purposes of line-of-duty determinations under 38 U.S.C. 105(a)?

3. Is obesity per se a ''disability'' for purposes of secondary service connection under 38 CFR 3.310?

4. If obesity is not a disease, could it be an ''in-service event'' from which a service-connected disability may result?

5. If obesity is not a disease, could it be an ''intermediate step'' between a service-connected disability and a current disability that may be service connected on a secondary basis under 38 CFR 3.310(a)?

Held: 1. The longstanding policy of VA, that obesity per se is not a disease or injury for purposes of 38 U.S.C. 1110 and 1131 and therefore may not be service connected on a direct basis, is consistent with title 38, United States Code.

2. Because obesity is not considered a disease for purposes of 38 U.S.C. 1110 and 1131, we do not need to determine whether it may be considered the result of a veteran's willful misconduct for purposes of line-of-duty determinations under 38 U.S.C. 105(a).

3. Obesity per se is not a ''disability'' for purposes of 38 CFR 3.310. If, in a particular case, obesity resulting from a service-connected disease or injury is found to produce impairment beyond that contemplated by the applicable provisions of VA's rating schedule, VA may consider an extra-schedular rating under 38 CFR 3.321(b)(1) for the service-connected condition based on that impairment.

4. Obesity cannot qualify as an in-service event because it occurs over time and is based on various external and internal factors, as opposed to being a discrete incident or occurrence, or a series of discrete incidents or occurrences.

5. Obesity may be an ''intermediate step'' between a service-connected disability and a current disability that may be service connected on a secondary basis under 38 CFR 3.310(a).

Effective Date: January 6, 2017.

Richard J. Hipolit,

Acting General Counsel, Department of Veterans Affairs.

VAOPGCPREC 1–2015

Question Presented: 1. May VA pay individuals appointed under 38 U.S.C. 7405(a)(2) on a time basis either per hour or per annum?

2. If so, may these individuals be granted a full-time appointment under 38 U.S.C. 7401 or 7401(3) concurrently with an appointment under 38 U.S.C. 7405(a)(2) at the same facility without violating or compromising 5 U.S.C. 5533 or Department conflict of interest regulations (38 CFR, part 0)?

3. If VA is able to appoint individuals under 38 U.S.C. 7405(a)(2) and compensate these individuals on a time-basis, would such appointees, if retired annuitants, be subject to a salary offset under 5 U.S.C. 8344 or 8468?

Held: 1. VA may not pay individuals appointed under 38 U.S.C. 7405(a)(2) on a time basis.

2. Since the answer to the first question is ''no,'' it is unnecessary to respond to this question.

3. Since the answer to the first question is ''no,'' it is unnecessary to respond to this question.

Effective Date: February 19, 2015.

Leigh A. Bradley,

General Counsel, Department of Veterans Affairs.

VAOPGCPREC 2–2015

Question Presented: Does VA's express statutory authority to accept gifts, contained in sec. 8301, of title 38, United States Code, include the implied authority to solicit gifts?

Conclusion: VA's express statutory authority to accept gifts under 38 U.S.C. 8301 includes the implied authority to solicit gifts.

Effective Date: March 20, 2015.

Leigh A. Bradley,
General Counsel, Department of Veterans Affairs.

VAOPGCPREC 3–2015 (Withdrawn)

Update: 1. VAOPGCPREC 3–2015 held that the designated cemetery official may be a proper applicant for a government-furnished headstone or marker under 38 CFR 38.632(b)(1). The opinion also held that Civil-War era graves at Oakwood Cemetery in Richmond, Virginia, which are currently identified with marble stones that do not show the names of each soldier but have identifying numbers that are tracked in a burial ledger, are not ''unmarked graves'' for purposes of VA furnishing a headstone or marker under 38 U.S.C. 2306(a)(3), even if such stones denote the location of more than one soldier.

2. This is to inform you that VAOPGCPREC 3–2015 is withdrawn.

Effective Date: December 7, 2016.

Leigh A. Bradley,
General Counsel, Department of Veterans Affairs.

VAOPGCPREC 3–2015 (Original Opinion)

Question Presented: 1. Is the designated cemetery official a proper applicant for a government-furnished headstone or marker under 38 CFR 38.632(b)(1)?

2. Do Civil-War era graves currently identified with marble stones that do not show the names of each soldier constitute ''unmarked graves'' for purposes of VA furnishing a headstone or marker under 38 U.S.C. 2306(a)(3)?

3. Do Civil-War era graves currently identified with marble stones that do not show the names of each soldier constitute ''unmarked graves'' for purposes of VA furnishing a headstone or marker under 38 U.S.C. 2306(a)(3) if such stones denote the location of more than one soldier?

Conclusions: 1. The designated cemetery official may be a proper applicant for a government-furnished headstone or marker under 38 CFR 38.632(b)(1).

2. Assuming the facts as stated in this opinion are accurate, Civil-War era graves at Oakwood Cemetery currently identified with marble stones that do not show the names of each soldier but that have identifying numbers that are tracked in a burial ledger are not ''unmarked graves'' for purposes of VA furnishing a headstone or marker under sec. 2306(a)(3).

3. Assuming the facts as stated in this opinion are accurate, Civil-War era graves at Oakwood Cemetery currently identified with marble stones that do not show the names of each soldier but that have identifying numbers that are tracked in a burial ledger are not ''unmarked graves'' for purposes of VA furnishing a headstone or marker under sec. 2306(a)(3) even if such stones denote the location of more than one soldier.

Effective Date: August 28, 2015 through December 6, 2016.

Leigh A. Bradley,
General Counsel, Department of Veterans Affairs.

VAOPGCPREC 4–2015

Question Presented: 1. Is the Board of Veterans' Appeals (Board), upon a veteran's death, required to dismiss the veteran's dispute as to payment of potential attorney's fees under 38 U.S.C. 5904(d) from money withheld from past-due disability benefits awarded to the veteran during the veteran's lifetime?

2. If the Board is required to dismiss the dispute, may a party pursue payment of the withheld money as accrued benefits pursuant to 38 U.S.C. 5121?

3. If the Board is required to dismiss the dispute, what effect does that dismissal have on the underlying decisions regarding that issue?

Held: 1. Upon a veteran's death, the Board is required to dismiss the veteran's dispute as to payment of potential attorney's fees under 38 U.S.C. 5904(d) when the money withheld from past-due disability benefits awarded to the veteran meets the statutory definition for accrued benefits.

2. A claim, pending at the time of a veteran's death, challenging an attorney's entitlement to payment of attorney fees under sec. 5904 from the veteran's retroactive periodic monetary benefits may provide a basis for an accrued benefits claim under sec. 5121, because such a claim concerns entitlement to periodic monetary benefits allegedly due and unpaid to the veteran at the time of death.

3. The Board's dismissal of the veteran's dispute regarding payment of attorney's fees renders all underlying decisions regarding that issue that were not final at the time of the veteran's death legal nullities.

Effective Date: December 3, 2015.

Leigh A. Bradley,
General Counsel, Department of Veterans Affairs.

VAOPGCPREC 1–2014

Question Presented: Is a State home domiciliary required to provide primary care to a resident on whose behalf VA pays per diem for that care?

Held: In order for a State to receive per diem payments form VA for a resident in its State home domiciliary, the home must provide primary care to the resident.

Effective Date: March 21, 2014.

Will A. Gunn,
General Counsel, Department of Veterans Affairs.

VAOPGCPREC 2–2014

Question Presented: Are claims for burial benefits administered by the National Cemetery Administration (NCA) subject to the notice requirements in sec. 5103, of title 38, United States Code, in light of the unique time requirements associated with such claims?

Held: The notice requirements of 38 U.S.C. 5103 apply to all claims for benefits administered by VA, including claims for benefits administered by NCA. However, NCA may determine that notice under 38 U.S.C. 5103 is unnecessary in particular cases, either because VA has sufficient evidence to grant the requested benefit or because applicable law and undisputed facts establish that the claimant is ineligible for the claimed benefit. Further, pursuant to a recent amendment to sec. 5103(a), NCA may provide the notice required by that section ''by the most effective means available,'' which may include providing such notice on a benefit application form or transmitting it to the claimant electronically. Finally, NCA has discretion to adopt reasonable procedures for applying the requirements of sec. 5103 in the context of time-sensitive claims for burial benefits.

Effective Date: May 19, 2014.

Will A. Gunn,
General Counsel, Department of Veterans Affairs.

VAOPGCPREC 5–2014 (Revised)

Question Presented: 1. Is VA legally obligated under 38 U.S.C. 5103A(a) to obtain the service and other related records (including investigation reports, service treatment records, service personnel records, Service Record Books, etc.) that belong or pertain to a

Servicemember other than the Veteran who is seeking VA benefits, when such records may be potentially relevant to the Veteran's claim for benefits?

2. Do the special processing procedures set forth in 38 CFR 3.304(f)(5) for developing and deciding claims involving post-traumatic stress disorder (PTSD) asserted to be due to personal assault and/or military sexual trauma (MST) impose a requirement on VA to obtain records that belong or pertain to a Servicemember other than the Veteran claimant when such records may be useful for corroborating the Veteran's account of the stressor incident or to provide evidence of behavior changes following the incident?

a. Would it be required, and/or would it be legally appropriate, to attempt to solicit a written statement from, or depose during a hearing, the asserted Servicemember assailant for purposes of obtaining information concerning a claim of personal assault or MST that has been raised by a Veteran claimant?

3. If VA is legally obligated to obtain the records of a Servicemember other than the Veteran:

a. Does the Privacy Act, 5 U.S.C. 552, prohibit VA from obtaining and associating with a Veteran claimant's claims file service and other related records that belong or pertain to another Servicemember? What legal factors are for consideration in making this determination?

b. Assuming the Privacy Act does not prohibit VA from obtaining and associating a non-claimant Servicemember's records with a Veteran claimant's claims file, must VA obtain permission to request those records, and from whom must VA obtain such permission? Is the answer to this question the same or different if the Servicemember whose records are being sought is deceased? If permission is denied, does VA have any additional duty to assist the claimant in obtaining the records?

c. If records related to the non-claimant Servicemember are obtained, how should they be handled? May copies of the records be associated with the Veteran claimant's claims file? If so, must the records first be redacted in order to remove all personally identifiable information?

i. If VA is permitted to associate the non-claimant Servicemember's redacted records in the Veteran claimant's claims file, is VA also required to conduct a full and complete search of the Veteran claimant's claims file for other named references to the Servicemember and redact them (such as in this case where the alleged assailant is named in both records located in the claims file and in the remand decision of the Court of Appeals for Veterans Claims)?

Held: 1. In adjudicating a particular Veteran's claim for benefits, VA generally would be obligated under 38 U.S.C. 5103A to make reasonable efforts to obtain records pertaining to another individual if: (a) Those records were adequately identified, would be relevant to the Veteran's claim, and would aid in substantiating the claim; and (b) VA would be authorized to disclose the relevant portions of such records to the Veteran under the Privacy Act and 38 U.S.C. 5701 and 7332. VA adjudicators generally may not consider documents that cannot be disclosed to the claimant.

2. Pursuant to the Privacy Act, 5 U.S.C. 552a, and 38 U.S.C. 5701, VA records pertaining to another individual generally may be disclosed to a claimant only: (1) Pursuant to the written consent of the individual to whom the records pertain; (2) pursuant to a court order; or (3) where there is both an applicable routine use under the Privacy Act and a VA finding under 38 U.S.C. 5701(e) that disclosure of records other than names and addresses would serve a useful purpose. Because there currently is no applicable routine use, disclosure of another individual's VA records to a VA claimant for purposes of the latter's benefits claim generally requires written consent or a court order. Further, if the records at issue contain information protected by 38 U.S.C. 7332, any written consent or court order must comply with the specific requirements of that statute and VA's implementing regulations.

3. If a claimant identifies relevant records pertaining to another individual that are in the custody of the Department of Defense or another Federal agency, it would be consistent with VA's statutory duty to assist for VA to ask the custodian agency to furnish such records, but only if they may be disclosed to the VA claimant. The custodian agency would be responsible for determining whether its records may be disclosed to the VA claimant for the requested purpose. In making such requests, VA should clearly explain to the custodian agency the circumstances and conditional nature of the request. Specifically, VA should explain that the records are requested on behalf of a VA claimant who is not the individual to whom the record pertains and that VA requests a determination by the custodian agency as to whether such records may be disclosed to the VA claimant under the Privacy Act and any routine uses applicable to the relevant system of records of the custodian agency.

4. VA's duty under 38 U.S.C. 5103A to make ''reasonable efforts'' to assist claimants in obtaining evidence may in some cases include the duty to request that a third party provide written consent for VA to disclose records pertaining to the third party to the claimant. The Veterans Benefits Administration (VBA) may wish to consider issuing regulations or establishing uniform procedures to address the unique and sensitive issues that may arise where the records of an alleged assailant or other third party may be relevant to a claim. In the absence of regulations or procedures specifically addressing this issue, it generally must be resolved on a case-by-case basis. In determining whether ''reasonable efforts'' include such a request in a particular case, VA may consider factors including the third party's privacy interest in his or her records; the likelihood that the records exist; the likelihood that the request would result in consent to disclose the records to the claimant; and the potential for such requests to generate conflict or otherwise adversely affect the safety, health, or rights of either the claimant or the third party. A determination that ''reasonable efforts'' do not require seeking a third-party's consent to disclose his or her records to the claimant would be most strongly justified in a case where the interests of the third party are adverse to the claimant's interest, such as where the claimant alleges that the third party assaulted the claimant or engaged in other improper or unlawful behavior. In contrast, where the interests of the claimant and the third party are not adverse, there ordinarily would be a stronger basis for a finding that VA's ''reasonable efforts'' may include asking the third party to consent to disclosure of his or her records to the claimant.

5. If the individual to whom a record pertains is deceased, the Privacy Act would not apply, but other limitations would apply. First, under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)(6), VA may be required to balance the privacy interests of a decedent's surviving family members against the public interest in disclosure of information concerning the decedent in order to determine whether disclosure is warranted. Second, VA must ensure compliance with 38 U.S.C. 5701 and 7332. Under sec. 5701(e), VA records other than names and addresses may be disclosed if VA finds that such disclosure would serve a ''useful purpose.'' Alternatively, the next of kin of the person to whom the records pertain may provide written consent to

disclose the records to a VA claimant. However, the next of kin cannot consent to disclosure of information protected by sec. 7332 for purposes of supporting a claim by a person other than a survivor or dependent of the person to whom the records pertain.

6. The provisions of 38 CFR 3.304(f)(5) do not impose on VA any duty to assist beyond that provided under 38 U.S.C. 5103A. Section 3.304(f)(5) identifies the types of evidence that may be relevant to corroborate a Veteran's claim of an in-service assault and seeks to ensure that the Veteran is aware of the types of evidence that may support his or her claim. The existence and extent of any duty on VA's part to obtain relevant records is governed by sec. 5103A and VA's regulations implementing that statute.

7. VA is not required to solicit a written statement from, or to depose during a hearing, the individual who allegedly assaulted a claimant who is seeking VA benefits for disability due to the alleged assault. Further, to prevent disparate treatment of similarly situated claimants and disparate commitment of VA adjudication resources, 38 CFR 3.159(g) reserves to the Secretary of Veterans Affairs the authority to authorize assistance beyond that currently specified in statute and regulation. Accordingly, VA generally may not, in an individual case, solicit statements or testimony from an alleged assailant, as doing so would give rise to the disparities § 3.159(g) was designed to prevent.

8. If records pertaining to an individual other than the claimant are obtained and considered in relation to the claim, VA must include them in the claims file. However, VA should exercise care in ensuring that the protected information included in the claims file is limited to the information that VA is authorized to disclose under the applicable written consent, routine use, useful purpose determination, court order, or other authority. Accordingly, it may be necessary to redact the records to remove identifying information that is not relevant to the claim or not otherwise within the scope of the relevant authorization, such as the individual's address, telephone number, and Social Security number. However, if the claimant provided VA with the Servicemember's name, VA would not need to redact that name from the documents placed in the file. If VA includes records pertaining to a third party in a VA claims file, it ordinarily would not need to search the entire file for other records containing protected information, unless it has reason to believe that the file may contain protected third-party information that was not provided by the claimant.

Effective Date: January 5, 2017.

Richard J. Hipolit,
Acting General Counsel, Department of Veterans Affairs.

VAOPGCPREC 5–2014 (Original Opinion)

1. Is VA legally obligated under 38 U.S.C. 5103A(a) to obtain the service and other related records (including investigation reports, service treatment records, service personnel records, Service Record Books, etc.) that belong or pertain to a Servicemember other than the Veteran who is seeking VA benefits, when such records may be potentially relevant to the Veteran's claim for benefits?

2. Do the special processing procedures set forth in 38 CFR 3.304(f)(5) for developing and deciding claims involving PTSD asserted to be due to personal assault and/or MST impose a requirement on VA to obtain records that belong or pertain to a Servicemember other than the Veteran claimant when such records may be useful for corroborating the Veteran's account of the stressor incident or to provide evidence of behavior changes following the incident?

a. Would it be required, and/or would it be legally appropriate, to attempt to solicit a written statement from, or depose during a hearing, the asserted Servicemember assailant for purposes of obtaining information concerning a claim of personal assault or MST that has been raised by a Veteran claimant?

3. If VA is legally obligated to obtain the records of a Servicemember other than the Veteran:

a. Does the Privacy Act, 5 U.S.C. 552, prohibit VA from obtaining and associating with a Veteran claimant's claims file service and other related records that belong or pertain to another Servicemember? What legal factors are for consideration in making this determination?

b. Assuming the Privacy Act does not prohibit VA from obtaining and associating a non-claimant Servicemember's records with a Veteran claimant's claims file, must VA obtain permission to request those records, and from whom must VA obtain such permission? Is the answer to this question the same or different if the Servicemember whose records are being sought is deceased? If permission is denied, does VA have any additional duty to assist the claimant in obtaining the records?

c. If records related to the non-claimant Servicemember are obtained, how should they be handled? May copies of the records be associated with the Veteran claimant's claims file? If so, must the records first be redacted in order to remove all personally identifiable information?

i. If VA is permitted to associate the non-claimant Servicemember's redacted records in the Veteran claimant's claims file, is VA also required to conduct a full and complete search of the Veteran claimant's claims file for other named references to the Servicemember and redact them (such as in this case where the alleged assailant is named in both records located in the claims file and in the remand decision of the Court of Appeals for Veterans Claims)?

Held: 1. In adjudicating a particular Veteran's claim for benefits, VA generally would be obligated under 38 U.S.C. 5103A to make reasonable efforts to obtain records pertaining to another individual if: (a) Those records were adequately identified, would be relevant to the Veteran's claim, and would aid in substantiating the claim; and (b) VA would be authorized to disclose the relevant portions of such records to the Veteran under the Privacy Act and 38 U.S.C. 5701 and 7332. VA adjudicators generally may not consider documents that cannot be disclosed to the claimant.

2. Pursuant to the Privacy Act, 5 U.S.C. 552a, and 38 U.S.C. 5701, VA records pertaining to another individual generally may be disclosed to a claimant only:

(1) Pursuant to the written consent of the individual to whom the records pertain;

(2) pursuant to a court order; or (3) where there is both an applicable routine use under the Privacy Act and a VA finding under 38 U.S.C. 5701(e) that disclosure of records other than names and addresses would serve a useful purpose. Because there currently is no applicable routine use, disclosure of another individual's VA records to a VA claimant for purposes of the latter's benefits claim generally requires written consent or a court order. Further, if the records at issue contain information protected by 38 U.S.C. 7332, any written consent or court order must comply with the specific requirements of that statute and VA's implementing regulations.

3. If a claimant identifies relevant records pertaining to another individual that are in the custody of the Department of Defense or another Federal agency, it would be consistent with VA's statutory duty to assist for VA to ask the custodian agency to furnish such records, but only if they may be disclosed to the VA claimant. The custodian agency would be responsible

for determining whether its records may be disclosed to the VA claimant for the requested purpose. In making such requests, VA should clearly explain to the custodian agency the circumstances and conditional nature of the request. Specifically, VA should explain that the records are requested on behalf of a VA claimant who is not the individual to whom the record pertains and that VA requests a determination by the custodian agency as to whether such records may be disclosed to the VA claimant under the Privacy Act and any routine uses applicable to the relevant system of records of the custodian agency.

4. VA's duty under 38 U.S.C. 5103A to make ''reasonable efforts'' to assist claimants in obtaining evidence may in some cases include the duty to request that an individual to whom a relevant record pertains provide written consent for VA to disclose that record to the claimant. The Veterans Benefits Administration may wish to consider issuing regulations or establishing uniform procedures to address the unique and sensitive issues that may arise where the records of an alleged assailant or other third party may be relevant to a claim. In the absence of such regulations or procedures, VA adjudicators must make case-by-case determinations as to whether the duty to assist requires VA to seek another individual's consent to disclosure of his or her records to the claimant. That determination may be based on, among other things, the extent to which the claimant has identified specific records likely to contain relevant evidence and the feasibility and appropriateness, in the particular case of seeking the consent of the individual to whom the record pertains. Where the records at issue pertain to an individual who allegedly assaulted the claimant, it would be advisable to determine whether the claimant wants VA to contact that individual.

5. If the individual to whom a record pertains is deceased, the Privacy Act would not apply, but other limitations would apply. First, under FOIA, 5 U.S.C. 552(b)(6), VA may be required to balance the privacy interests of a decedent's surviving family members against the public interest in disclosure of information concerning the decedent in order to determine whether disclosure is warranted. Second, VA must ensure compliance with 38 U.S.C. 5701 and 7332. Under sec. 5701(e), VA records other than names and addresses may be disclosed if VA finds that such disclosure would serve a ''useful purpose.'' Alternatively, the next of kin of the person to whom the records pertain may provide written consent to disclose the records to a VA claimant. However, the next of kin cannot consent to disclosure of information protected by sec. 7332 for purposes of supporting a claim by a person other than a survivor or dependent of the person to whom the records pertain.

6. The provisions of 38 CFR 3.304(f)(5) do not impose on VA any duty to assist beyond that provided under 38 U.S.C. 5103A. Section 3.304(f)(5) identifies the types of evidence that may be relevant to corroborate a Veteran's claim of an in-service assault and seeks to ensure that the Veteran is aware of the types of evidence that may support his or her claim. The existence and extent of any duty on VA's part to obtain relevant records is governed by sec. 5103A and VA's regulations implementing that statute.

7. VA is not required to solicit a written statement from, or to depose during a hearing, the individual who allegedly assaulted a claimant who is seeking VA benefits for disability due to the alleged assault. Further, to prevent disparate treatment of similarly situated claimants and disparate commitment of VA adjudication resources, 38 CFR 3.159(g) reserves to the Secretary of Veterans Affairs the authority to authorize assistance beyond that currently specified in statute and regulation. Accordingly, VA generally may not, in an individual case, solicit statements or testimony from an alleged assailant, as doing so would give rise to the disparities § 3.159(g) was designed to prevent.

8. If records pertaining to an individual other than the claimant are obtained and considered in relation to the claim, VA must include them in the claims file. However, VA should exercise care in ensuring that the protected information included in the claims file is limited to the information that VA is authorized to disclose under the applicable written consent, routine use, useful purpose determination, court order, or other authority. Accordingly, it may be necessary to redact the records to remove identifying information that is not relevant to the claim or not otherwise within the scope of the relevant authorization, such as the individual's address, telephone number, and Social Security number. However, if the claimant provided VA with the Servicemember's name, VA would not need to redact that name from the documents placed in the file. If VA includes records pertaining to a third party in a VA claims file, it ordinarily would not need to search the entire file for other records containing protected information, unless it has reason to believe that the file may contain protected third-party information that was not provided by the claimant.

Effective Date: August 12, 2014 through January 5, 2017.

Tammy L. Kennedy,
Acting General Counsel, Department of Veterans Affairs.

VAOPGCPREC 6–2014

Question Presented: Whether, pursuant to 38 U.S.C. 5103(a)(1), VA is required upon receipt of a claim to reopen based upon new and material evidence to provide notice of the information and evidence necessary to substantiate the particular factual element or elements that were found insufficient in the previous denial of the claim.

Response: Pursuant to 38 U.S.C. 5103(a)(1), upon receipt of a claim to reopen a previously denied claim, VA is not required to provide notice of the information and evidence necessary to substantiate the particular factual element or elements that were found insufficient in the previous denial of the claim.

Effective Date: November 21, 2014.

Tammy L. Kennedy,
Acting General Counsel, Department of Veterans Affairs.

VAOPGCPREC 1–2012

Question Presented: What is the Secretary's responsibility for managing and distributing funds held in escrow for a Specially Adapted Housing (SAH) construction case if a Veteran decides not to complete the purchase of the property after grant funds have been deposited into an escrow account?

Held: When a Veteran decides not to complete the purchase of a property after SAH grant funds have been disbursed, the Secretary must determine whether the contractor has both performed his obligations under the construction contract and satisfied the SAH guidelines. If the contractor has done so, VA should release the funds to the contractor in accordance with 38 CFR 36.4410 and the escrow agreement. If the contractor has not, the funds should remain in the escrow account pending civil litigation.

Effective Date: January 24, 2012.

Will A. Gunn,
General Counsel, Department of Veterans Affairs.

VAOPGCPREC 2–2012

Question Presented: With regard to the implementation of Public Law 112–154—

a. Are new regulations necessary before implementing sec. 202?

b. When are secs. 204 and 205 effective?

c. Are surviving spouses under sec. 206 exempt from paying the statutory loan fee usually required under 38 U.S.C. 3729? Are such spouses eligible for double entitlement?

d. Is sec. 701 consistent with current regulations and policies? What regulations, if any, are necessary before implementing the provision?

Held: a. Regulations are not necessary before implementing sec. 202, as a new regulation would merely be a restatement of the statute. VA may provide the assistance, effective as of October 1, 2012. VA is still required, nevertheless, to promulgate a new final regulation, not subject to notice and comment, to address the statutory change.

b. In accordance with the plain meaning of the statute, the Department should implement sec. 204 on August 6, 2013, which is one year from the date of enactment of Public Law 112–154, and should have already implemented sec. 205, as it became effective August 6, 2012.

c. Surviving spouses under sec. 206 are, to the same extent as surviving spouses under 38 U.S.C. 3701(b)(2), exempt from paying the statutory loan fee. Also, sec. 206 surviving spouses are eligible for double entitlement.

d. Section 701 is not inconsistent with current regulations and policies and, for the most part, can be implemented before a final rule is published. To the extent VA is required to implement a new policy decision not expressly prescribed in the statute or addressed in current regulations, VA should publish a proposed rule and allow the public to comment on VA's plans for implementation.

Effective Date: October 31, 2012.

Will A. Gunn,
General Counsel, Department of Veterans Affairs.

VAOPGCPREC 3–2012

Question Presented: VBA plans to contact individuals whose claims for compensation for PTSD due to MST (also called in-service personal or sexual assault) have been previously denied and to offer them the opportunity to have their claims reviewed. The purpose of the review is to ensure that VBA properly developed and decided the claims. As necessary, VBA plans to take corrective action to remedy errors identified in the review. In connection with this review, your staff has asked for our advice on the following questions:

1. Under what legal authority can VBA undertake such a review of previously denied claims for compensation? Can VA undertake such review and corrective action without requiring the submission of new and material evidence or an allegation of clear and unmistakable error (CUE)? Does this authority apply to review of conditions other than PTSD which may be claimed as a result of MST? Would that authority apply to a review and possible reconsideration of the claim without the express written consent of the claimant?

2. What information should VBA include in its letter to claimants regarding this review?

3. After its review, if VBA should decide to grant the benefit originally sought, what factors affect the assigning of an effective date? In particular, would VBA be able to apply 38 CFR 3.114, ''Change of law or Department of Veterans Affairs issue'' to claims which are granted as a result of the review?

4. Does VA have the authority, by regulation or otherwise, to extend the liberalized evidentiary standards associated with compensation claims involving MST to claims based upon mental disorders other than PTSD or any physical disorders also alleged to involve MST?

5. If VA does not have this authority, what options may it consider to liberalize evidentiary standards for disabilities other than PTSD that may involve MST?

6. What is the legal basis, if any, for VA to use difference-of-opinion authority in this review to grant compensation for disabilities caused by MST after adverse decisions have become final, *i.e.,* decisions for which the appeal period has elapsed?

7. What consequences, if any, might VA expect from the use of difference-of-opinion authority to overturn final decisions as described above?

Held: 1. VBA has authority under 38 U.S.C. 303 to initiate a review of any class of claim decisions and may revise the decisions subject to the statutes and regulations governing finality. The consent of the claimant is not required to conduct such a review.

2. If the appeal period has elapsed or a final Board decision has issued, a decision on a claim may be revised only on the basis of submission of new and material evidence or a determination by VBA or the Board, as appropriate, that the original decision was the product of CUE. VBA may accept a claim to reopen and may develop for new and material evidence even if the claimant does not proffer new and material evidence at the time of the request to reopen. If new and material evidence is obtained and the claim is ultimately reopened and benefits are awarded, the effective date would be based on the date that the application to reopen was filed and the facts found, unless the new and material evidence consists of official service department records, in which case the effective date may be as early as the date of the original claim, if supported by the facts found. Decisions that are not timely appealed become final and are not subject to revision on the basis of difference of opinion.

3. If the appeal period has not elapsed and VBA wishes to revise the claim decision based on the evidence in the file, VBA may revise the decision in a manner favorable to the claimant based on difference of opinion, if the matter is referred to Central Office. 38 CFR 3.105(b). If review of the file leads VBA to believe that the claim may not have been adequately developed, VBA may conduct the necessary development. If development leads to an award of benefits prior to the expiration of the appeal period, the effective date would be the date entitlement arose or the date of receipt of the claim, whichever is later. If the claimant submits new and material evidence prior to the expiration of the appeal period and receives an award of benefits on that basis, the effective date would be the date entitlement arose or the date of original receipt of the claim, whichever is later. If a review of the file reveals the original decision was a product of CUE, the original decision must be revised, and the effective date would be the date entitlement arose or the date of the original receipt of the claim, whichever is later.

4. Neither 38 CFR 3.304(f)(5), nor documents issued by VA providing guidance on the implementation of that provision, would constitute a liberalizing administrative issue for purposes of the effective date rules of 38 CFR 3.114.

5. VA has authority to extend by notice and comment rulemaking evidentiary rules associated with compensation claims involving MST to claims involving physical and mental disabilities other than PTSD. Further, under existing statutes and regulations, VA may in a particular case find that evidence from alternative sources, such as those described in § 3.304(f)(5), is sufficient to establish a particular fact at issue, such as that a personal assault occurred during service.

Effective Date: December 20, 2012.

Will A. Gunn,
General Counsel, Department of Veterans Affairs.

VAOPGCPREC 1–2011

Question Presented: A. What procedures are used to designate

documents as constituting Veterans Health Administration (VHA) medical quality-assurance documents?

B. What types of documents qualify as quality-assurance documents?

C. Is the Board authorized to examine quality-assurance records or documents to determine whether they are protected by 38 U.S.C. 5705?

D. Does VA's duty to assist in claim development under 38 U.S.C. 5103A require the Board to attempt to obtain quality-assurance records?

Held: A. Under 38 U.S.C. 5705(a), records and documents created by VA as part of a medical quality-assurance program are confidential and privileged and may not be disclosed to any person or entity except as provided in sec. 5705(b). For a record or document to be protected from disclosure by sec. 5705(a), VA must designate the VA systematic health-care review activities to be carried out by or for VA for purposes of improving the quality of VA medical care or the utilization of VA health-care resources in VA health-care facilities, and VA must specify in regulations prescribed to implement sec. 5705 those activities so designated. VA has designated, at 38 CFR 17.501(a), four systematic health-care review activities to be carried out by or for VA for the stated purposes. In addition, only records or documents and parts of records or documents resulting from those activities that have been described in advance and in writing by the Under Secretary for Health (USH), a Veterans Integrated Service Network (VISN) director, or a VHA medical facility director as being included under the four designated classes of healthcare quality-assurance reviews are protected by sec. 5705 and implementing VA regulations. Further, if the activity that generated the document was performed at a VA medical treatment facility, either the activity must have been performed by staff of that facility or the non-staff individuals who performed the activity must have had their roles in performing the activity designated in writing before performing the activity. Whether these statutory, regulatory, and policy requirements were met in any particular case is a matter for determination by the appropriate VHA official in the first instance and, if the VHA determination is affirmative, by the General Counsel or Deputy General Counsel on appeal.

B. The types of documents that qualify as quality-assurance documents are described in 38 CFR 17.501. They may be in written, computer, electronic, photographic, or any other form. Generally, to constitute a VHA quality assurance record or document that is privileged and confidential, a record or document: (1) Must have been produced by or for VA in conducting a medical quality-assurance activity; (2) must have resulted from a quality-assurance activity described in advance in writing by the USH, a VHA VISN director, or a health-care facility director as being within the classes of healthcare quality assurance reviews listed in 38 CFR 17.501(a); and (3) must either: (A) Identify individual practitioners, patients, or reviewers; (B) contain discussions, by healthcare evaluators during a review of quality-assurance information, relating to the quality of VA medical care or the utilization of VA medical resources; (C) be individual committee, service, or study team minutes, notes, reports, memoranda, or other documents either produced by healthcare evaluators in deliberating on the findings of healthcare reviews or prepared for purposes of discussion or consideration by healthcare evaluators during a quality-assurance review; (D) be a memorandum, letter, or other document from a medical facility to a VISN director or VA Central Office that contains information generated by a quality-assurance activity; or (E) be a memorandum, letter, or other document produced by a VISN director or VA Central Office that either responds to or contains information generated by a quality-assurance activity. Clinical treatment records would generally not satisfy these criteria. Records and documents that do not qualify for protection under 38 U.S.C. 5705(a), even if they otherwise meet the criteria under § 17.501(a)–(c) for quality-assurance documents, are described in 38 CFR 17.501(g).

C. Under 38 U.S.C. 5705(b)(5), nothing in sec. 5705 is to be construed as limiting the use of quality-assurance records and documents within VA, and 38 U.S.C. 5705(b)(1) explicitly requires disclosures of quality-assurance records or documents under certain specified circumstances. However, under 38 CFR 17.508(a), access within VA to confidential and privileged quality-assurance records and documents is restricted to employees who need such information to perform their governmental duties and who are authorized access by the VA medical facility director, VISN director, or USH, by their designees, or by VA's implementing regulations at 38 CFR 17.500 through 17.511. Neither sec. 5705(b)(1) nor VA's implementing regulations at 38 CFR 17.500 through 17.511 authorize disclosure of quality-assurance records or documents to an agency of original jurisdiction or the Board for purposes of adjudicating a claim or an appeal to the Secretary of a claim decision.

D. Section 5103A, of title 38, United States Code, requires agencies of original jurisdiction and the Board to make reasonable efforts to request from VHA any quality-assurance records or documents that are relevant to a claim, provided the claimant furnishes information sufficient to locate the records or documents, and, if VHA denies access to the records and documents on the basis that they are protected by sec. 5705 and implementing regulations, to appeal VHA's denial to OGC under 38 CFR 17.506. Under 38 CFR 17.508(c), any quality-assurance record or document, whether confidential and privileged or not, may be provided to the General Counselor any attorney within OGC, wherever located. If VHA and OGC conclude that the records and documents are protected by sec. 5705 and implementing regulations, VA may not consider them and rely on them in the adjudication of the claim. If VHA or OGC concludes that the records and documents are not confidential and privileged, VA may consider them in adjudicating the claim.

Effective Date: April 19, 2011.

Will A. Gunn,

General Counsel, Department of Veterans Affairs.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on September 27, 2018, for publication.

Dated: April 3, 2019.

Luvenia Potts,

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

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