

### *E. Small Business Regulatory Enforcement Fairness Act*

As required by Congress under the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), HHS will report the promulgation of this rule to Congress prior to its effective date.

### *F. Unfunded Mandates Reform Act of 1995*

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 *et seq.*) directs agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector “other than to the extent that such regulations incorporate requirements specifically set forth in law.” For purposes of the Unfunded Mandates Reform Act, this rule does not include any Federal mandate that may result in increased annual expenditures in excess of \$100 million by State, local, or Tribal governments in the aggregate, or by the private sector.

### *G. Executive Order 12988 (Civil Justice Reform)*

This rule has been drafted and reviewed in accordance with Executive Order 12988 and will not unduly burden the Federal court system. This rule has been reviewed carefully to eliminate drafting errors and ambiguities.

### *H. Executive Order 13132 (Federalism)*

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

### *I. Executive Order 13045 (Protection of Children From Environmental Health Risks and Safety Risks)*

In accordance with Executive Order 13045, HHS has evaluated the environmental health and safety effects of this rule on children. HHS has determined that the rule would have no environmental health and safety effect on children.

### *J. Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use)*

In accordance with Executive Order 13211, HHS has evaluated the effects of this rule on energy supply, distribution or use, and has determined that the rule

would not have a significant adverse effect.

### *K. Plain Writing Act of 2010*

Under Public Law 111–274 (October 13, 2010), executive Departments and Agencies are required to use plain language in documents that explain to the public how to comply with a requirement the Federal government administers or enforces. HHS has attempted to use plain language in promulgating the rule consistent with the Federal Plain Writing Act guidelines.

### **List of Subjects in 42 CFR Part 84**

Mine safety and health, Occupational safety and health, Personal protective equipment, Respirators.

### **Final Rule**

For the reasons discussed in the preamble, the Department of Health and Human Services amends 42 CFR part 84 as follows:

### **PART 84—APPROVAL OF RESPIRATORY PROTECTIVE DEVICES**

- 1. The authority citation for part 84 continues to read as follows:

**Authority:** 29 U.S.C. 651 *et seq.*; 30 U.S.C. 3, 5, 7, 811, 842(h), 844.

#### **§ 84.70 [Amended]**

- 2. Amend § 84.70 by removing paragraph (a) and redesignating paragraphs (b) through (e) as (a) through (d).
- 3. Revise § 84.301 to read as follows:

#### **§ 84.301 Applicability to new and previously approved CCERs.**

(a) Any CCER approval issued after April 9, 2012 must comply with the technical requirements of subpart O.

(b) The continued manufacturing, labeling, and sale of closed-circuit apparatus previously approved under subpart H is authorized for units required for use in underground coal mines pursuant to 30 CFR 75.1714–1.

(c) Any manufacturer-requested modification to a device approved under the subpart H technical requirements must comply with the subpart H technical requirements and address an identified worker safety or health concern to be granted an extension of the NIOSH approval. Major modifications to the configuration that will result in a new approval must meet and be issued approvals under the requirements of this subpart O.

- 4. Amend § 84.310 by revising paragraph (c), removing paragraph (d), and redesignating paragraphs (e) through (g) as (d) through (f).

The revision reads as follows:

#### **§ 84.310 Post-approval testing.**

\* \* \* \* \*

(c) NIOSH will conduct such testing pursuant to the methods specified in §§ 84.303 through 84.305, except as provided under paragraphs (c)(1) and (2) of this section:

(1) Post-approval tests may exclude human subject testing and environmental conditioning at the discretion of NIOSH.

(2) The numbers of units of an approved CCER to be tested under this section may exceed the numbers of units specified for testing in §§ 84.304 and 84.305.

\* \* \* \* \*

Dated: April 9, 2019.

**Alex M. Azar II,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2019–07935 Filed 4–18–19; 8:45 am]

**BILLING CODE 4163–19–P**

### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 1**

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

#### **Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

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

**DATES:** The amendments to 47 CFR 1.1411, 1.1412, and 1.1415 published at 83 FR 46812, September 14, 2018, are effective May 20, 2019.

**FOR FURTHER INFORMATION CONTACT:** Michael Ray, Attorney Advisor, Wireline Competition Bureau, at (202) 418–0357, or by email at *Michael.Ray@fcc.gov*. For additional information

concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418-2991 or [nicole.ongele@fcc.gov](mailto:nicole.ongele@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This document announces that, on April 15, 2019, OMB approved, for a period of three years, the information collection requirements relating to the pole attachment access rules contained in the Commission's *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order and Declaratory Ruling*, FCC 18-111, published at 83 FR 46812, September 14, 2018. The OMB Control Number is 3060-1151.

The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1-A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060-1151, in your correspondence. The Commission also will accept your comments via email at [PRA@fcc.gov](mailto:PRA@fcc.gov).

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

### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on April 15, 2019 for the information collection requirements contained in the modifications to the Commission's pole attachment access rules in 47 CFR 1.1411, 1.1412, and 1.1415.

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

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-1151.

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

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

*OMB Control Number:* 3060-1151.

*OMB Approval Date:* April 15, 2019.

*OMB Expiration Date:* April 30, 2022.

*Title:* Sections 1.1411, 1.1412, 1.1413, and 1.1415 Pole Attachment Access Requirements.

*Form Number:* N/A.

*Respondents:* Business or other for-profit entities.

*Number of Respondents and*

*Responses:* 1,142 respondents; 145,538 responses.

*Estimated Time per Response:* 0.5-6 hours.

*Frequency of Response:* On occasion reporting requirement, recordkeeping requirement, and third party disclosure requirement.

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

*Total Annual Burden:* 554,410 hours.

*Total Annual Cost:* \$6,750,000.

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

*Privacy Act Impact Assessment:* No impact(s).

*Needs and Uses:* The Commission received OMB approval for a revision to an existing information collection. OMB Collection No. 3060-1151, among other things, tracks the burdens associated with cable and telecommunications attachers gaining access to utility poles for pole attachments. In *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order and Declaratory Ruling*, FCC 18-111, adopted a new framework for the vast majority of pole attachments governed by federal law by instituting a "one-touch make-ready" (OTMR) regime, in which a new attacher may elect to perform all simple work to prepare a pole for new wireline attachments in the communications space. This new framework includes safeguards to promote coordination among parties and ensures that new attachers perform the work safely and reliably. The Commission retained the existing multi-party pole attachment process for other new attachments that are complex or above the communications space of a pole, but made significant modifications to speed deployment, promote accurate billing, expand the use of self-help for new attachers when attachment deadlines are missed, and reduce the

likelihood of coordination failures that lead to unwarranted delays. The Commission further revised the pole attachment rules by codifying and redefining Commission precedent that requires utilities to allow attachers to "overlash" existing wires, thus maximizing the usable space on the pole. Utilities and pole attachers will use the information collected under this revision to 47 CFR 1.1411 to implement and coordinate both OTMR and non-OTMR pole attachments. Pole attachers will use the information collected under this revision to 47 CFR 1.1412 to select utility-approved contractors to perform pole attachment-related work, when required. Pole attachers and utilities will use the information collected under this revision to 47 CFR 1.1415 to inform utilities, when required, of an impending overlash of an attachment on a utility's pole and to coordinate inspection of a performed overlash.

Federal Communications Commission.

**Katura Jackson,**

*Federal Register Liaison, Office of the Secretary.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 18-1268; RM-11800; DA 19-264]

### Television Broadcasting Services Bridgeport and Stamford, Connecticut

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** At the request of Connecticut Public Broadcasting, Inc. (CPBI), licensee of television station WEDW channel \*49, Bridgeport, Connecticut (WEDW), the Commission has before it a contested *Notice of Proposed Rulemaking* to change WEDW's community of license from Bridgeport to Stamford, Connecticut. The Commission believes that the proposal is a preferential arrangement of allotments because it will provide Stamford, the third largest city in Connecticut, with its first broadcast television service. The Commission also reiterates that the grant of the proposal will not deprive Bridgeport of its sole broadcast television service because it will continue to be served by full power television station WZME, Bridgeport, Connecticut, licensed to NRJ TV NY License Co., LLC (NRJ).

**DATES:** Effective April 19, 2019.