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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2019–0294; Special Conditions No. 25–743–SC]

Special Conditions: Mitsubishi Aircraft Corporation Model MRJ–200 Airplane; Control Surface Position Awareness

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Mitsubishi Aircraft Corporation (Mitsubishi) Model MRJ–200 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is a fly-by-wire electronic flight control system and no direct coupling from cockpit controller to control surface. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These 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: This action is effective on Mitsubishi on April 22, 2019. Send comments on or before June 6, 2019.

ADDRESSES: Send comments identified by Docket No. FAA–2019–0294 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: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

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 19, 2009, Mitsubishi applied for a type certificate for their new Model MRJ–200 airplane. The Model MRJ–200 airplane is a low-wing, conventional-tail design with two wing-mounted turbofan engines. The airplane is equipped with an electronic flight-control system, has seating for 92 passengers and a maximum takeoff weight of 98,767 lbs.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.17, Mitsubishi must show that the Model MRJ–200 airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–141; part 36, as amended by Amendments 36–1 through 36–30; and part 34, as amended by Amendments 34–1 through the amendment effective at the time of design approval.

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 Mitsubishi Model MRJ–200 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, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Mitsubishi Model MRJ–200 airplane must comply with the 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 § 21.17(a)(2).

Novel or Unusual Design Features

The Mitsubishi Model MRJ–200 airplane will incorporate the following novel or unusual design features:

This design feature is a fly-by-wire electronic flight control system and no direct coupling from cockpit controller to control surface. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature.

Discussion

As a result of the electronic flight control system and lack of direct coupling from the cockpit controller to the control surface, the pilot is not aware of the actual control surface position. Some unusual flight conditions, arising from atmospheric conditions and/or airplane or engine failures, may result in full or nearly full surface deflection. Unless the flightcrew is made aware of excessive deflection or impending control surface limiting, piloted or auto-flight system control of the airplane might be inadvertently continued in such a manner to cause loss of control or other unsafe stability or performance characteristics.

These special conditions for control surface awareness require suitable flight control position annunciation to be provided to the flightcrew when a flight condition exists in which nearly full surface authority (not crew-commanded) is being utilized. Suitability of such a display must take into account that some pilot-demanded maneuvers (*e.g.,* rapid roll) are necessarily associated with intended full performance, which may saturate the surface. Therefore, simple alerting systems, which would function in both intended and unexpected control-limiting situations, must be properly balanced between needed crew awareness and potential nuisance to the flightcrew. A monitoring system that compares airplane motion and surface deflection, and pilot side stick controller (SSC) demand could help reduce nuisance alerting.

These special conditions also address flight control system mode annunciation. Suitable mode annunciation must be provided to the flightcrew for events that significantly change the operating mode of the system but do not merit the classic ''failure warning.''

These 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 Mitsubishi Model MRJ–200 airplane. Should Mitsubishi 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.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. 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 Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Mitsubishi Model MRJ–200 airplanes.

Control Surface Position Awareness

1. In addition to the requirements of Title 14 Code of Federal Regulations (14 CFR) 25.143, 25.671, and 25.672, the following requirements apply:

a. The system design must ensure that the flightcrew is made suitably aware whenever the primary control means nears the limit of control authority.

Note: The term ''suitably aware'' indicates annunciations provided to the flightcrew are appropriately balanced between nuisance and that necessary for crew awareness.

b. If the design of the flight control system has multiple modes of operation, a means must be provided to indicate to the crew any mode that significantly changes or degrades the normal handling or operational characteristics of the airplane.

Issued in Des Moines, Washington, on April 16, 2019.

Mary A. Schooley,

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

[FR Doc. 2019–07996 Filed 4–19–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0611; Product Identifier 2018–NE–21–AD; Amendment 39–19620; AD 2019–07–09]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Rolls-Royce plc (RR) Trent 1000–A2, Trent 1000–AE2, Trent 1000–C2, Trent 1000–CE2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 model turbofan engines. This AD was prompted by reports of intermediate-pressure compressor (IPC) rotor seal failures. This AD requires initial and repetitive on-wing borescope inspections (BSIs) of affected IPC rotor seals and removing any cracked parts from service. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 28, 2019.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 28, 2019.

ADDRESSES: For service information identified in this final rule, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *corporate.care@rolls-royce.com;* internet: *https://customers.rolls-royce.com/public/rollsroycecare.* You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0611.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0611; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Besian Luga, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7750; fax: 781–238–7199; email: *Besian.luga@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain RR Trent 1000–A2, Trent 1000–C2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 turbofan model engines. The NPRM published in the **Federal Register** on August 9, 2018 (83 FR 39380). The NPRM was prompted by reports of IPC rotor seal failures. The NPRM proposed to require initial and repetitive on-wing BSIs of affected IPC rotor seals, and removing any cracked parts from service. We are issuing this AD to address the unsafe condition on these products.

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2018–0095, dated April 24, 2018 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

> During an engine shop visit, an affected seal was found with cracking at the seal head. Propagation of such cracking may lead to failure, causing secondary impact damage to the IPC module.
>
> This condition, if not detected and corrected, could lead to engine power loss, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, RR published the NMSB, providing instructions for on-wing borescope inspections. RR previously issued NMSB TRENT 1000 72–J353, which contains instructions for in-shop inspections.
>
> For the reasons described above, this [EASA] AD requires repetitive borescope inspections of the front face of the affected seals and, depending on the findings, accomplishment of applicable corrections action(s).

You may obtain further information by examining the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0611.

Addition of Engine Models to Applicability

We have added the RR Trent 1000–AE2 and Trent 1000–CE2 model turbofan engines to the applicability of this AD. These engine models were not included in the NPRM because they had not been validated by the FAA when the NPRM published in the **Federal Register** on August 9, 2018 (83 FR 39380). These models were both validated by the FAA and added to Type Certificate Data E00076EN on December 20, 2018. Both engine models were identified in EASA AD 2018–0095 and are subject to the same unsafe condition as the other models listed in the Applicability of this AD.

Neither the RR Trent 1000–AE2 nor the Trent 1000–CE2 turbofan engine is installed on any airplane of U.S. registry. Therefore, we did not revise our cost estimate in the Costs of Compliance section of this AD. Since our revision to the Applicability section of this AD does not add any additional burden to the public, we find good cause that notice and opportunity for additional public comment on this AD are unnecessary.

Addition of Replacement Cost Estimate

We added an estimated cost for replacement of the IPC rotor seal to this AD. Although this estimated cost was omitted from the NPRM, we are not adding any additional burden to the public since we have not changed the required actions of this AD. We are adding the cost of the IPC rotor seal simply to clarify the potential costs of this AD.

Comments

We gave the public the opportunity to participate in developing this final rule. We have considered the comment received. The Boeing Company supported the NPRM.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed RR Non-Modification Service Bulletin (NMSB) Trent 1000 72–J353, Revision 2, dated February 14, 2018; RR Service Bulletin (SB) Trent 1000 72–J704, Initial Issue, dated June 23, 2017; and RR Alert NMSB Trent 1000 72–AJ929, Initial Issue, dated November 23, 2017. RR NMSB Trent 1000 72–J353 describes procedures for performing BSI of the front and rear face of the IPC rotor seal and defines acceptance and rejection criteria. RR SB Trent 1000 72–J704 introduces a revised IPC. RR Alert NMSB Trent 1000 72–AJ929 describes procedures for performing BSI of the front face of the IPC rotor seal and defines acceptance and rejection criteria. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 28 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect IPC rotor seal	7 work-hours × $85 per hour = $595	$0	$595	$16,660

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace IPC rotor seal	8 work-hours × $85 per hour = $680	$81,992	$82,672

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2019–07–09 Rolls-Royce plc: Amendment 39–19620; Docket No. FAA–2018–0611; Product Identifier 2018–NE–21–AD.

(a) Effective Date

This AD is effective May 28, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce plc (RR) Trent 1000–A2, Trent 1000–AE2, Trent 1000–C2, Trent 1000–CE2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 model turbofan engines with intermediate-pressure compressor (IPC) rotor seal, part number (P/N) KH77674, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by reports of IPC rotor seal failures. We are issuing this AD to prevent an IPC rotor seal failure. The unsafe condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Perform an on-wing borescope inspection (BSI) of the IPC rotor seal using the Accomplishment Instructions, Paragraph 3, of RR Alert Non-Modification Service Bulletin (NMSB) Trent 1000 72–AJ929, Initial Issue, dated November 23, 2017, as follows:

(i) For engines with an IPC rotor seal with 300 cycles since new (CSN) or more as of the effective date of this AD, perform a BSI before the IPC rotor seal accumulates 400 flight cycles (FCs) after the effective date of this AD.

(ii) For engines with an IPC rotor seal with less than 300 CSN as of the effective date of this AD, perform a BSI before the IPC rotor seal accumulates 300 CSN or within 100 FCs after the effective date of this AD, whichever is later.

(iii) For engines that were modified to incorporate RR Service Bulletin (SB) Trent 1000 72–J704, Initial Issue, dated June 23, 2017, before the effective date of this AD, perform a BSI before the IPC rotor seal accumulates 400 FCs since the shop visit modification or before the next flight, whichever occurs later.

(2) Repeat the on-wing BSI at intervals in accordance with Figure 2 of RR Alert NMSB Trent 1000 72–AJ929, Initial Issue, dated November 23, 2017.

(3) An in-shop inspection in accordance with the Accomplishment Instructions, Paragraph 3, of RR NMSB Trent 1000 72–J353, Revision 2, dated February 14, 2018, may be substituted for an on-wing BSI as required by paragraphs (g)(1) and (2) of this AD, within the compliance times specified by paragraphs (g)(1) and (2) of this AD.

(4) If a crack is found on the front face of the seal that is at or beyond the rejection limits specified in Figures 1, 2, and 3 of RR Alert NMSB Trent 1000 72–AJ929, Initial Issue, dated November 23, 2017, replace the IPC rotor seal with a part eligible for installation before further flight.

(h) Operating Prohibition

After the effective date of this AD, do not operate an aircraft that has two engines installed that are both required by this AD to complete either the 50 FCs interval inspections or the single 100 FCs fly-on period as specified in Figures 1, 2, and 3 of RR Alert NMSB Trent 1000 72–AJ929, Initial Issue, dated November 23, 2017.

(i) Non-Required Action

None of the reporting requirements referenced in RR Alert NMSB Trent 1000 72–

AJ929, Initial Issue, dated November 23, 2017; RR SB Trent 1000 72–J704, Initial Issue, dated June 23, 2017; or RR NMSB Trent 1000 72–J353, Revision 2, dated February 14, 2018, are required by this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO 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 ECO Branch, send it to the attention of the person identified in paragraph (k)(1) of this AD. You may email your request to: *ANE-AD-AMOC@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.

(k) Related Information

(1) For more information about this AD, contact Besian Luga, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7750; fax: 781–238–7199; email: *Besian.luga@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2018–0095, dated April 24, 2018, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2018–0611.

(l) Material Incorporated by Reference

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

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

(i) Rolls-Royce plc (RR) Non-Modification Service Bulletin (NMSB) Trent 1000 72–J353, Revision 2, dated February 14, 2018.

(ii) RR Service Bulletin Trent 1000 72–J704, Initial Issue, dated June 23, 2017.

(iii) RR Alert NMSB Trent 1000 72–AJ929, Initial Issue, dated November 23, 2017.

(3) For RR service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *corporate.care@rolls-royce.com;* internet: *https://customers.rolls-royce.com/public/rollsroycecare.*

(4) You may view this service information at FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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

Issued in Burlington, Massachusetts, on April 15, 2019.

Karen M. Grant,

Acting Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2019–07942 Filed 4–19–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31248; Amdt. No. 3848]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 22, 2019. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 22, 2019.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73125. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on April 5, 2019.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
23–May–19 ..	UT	Ogden	Ogden-Hinckley	9/7418	3/19/19	RNAV (GPS) RWY 3, Amdt 1.

[FR Doc. 2019–07831 Filed 4–19–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31247; Amdt. No. 3847]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 22, 2019. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 22, 2019.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.
2. The FAA Air Traffic Organization Service Area in which the affected airport is located;
3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA). For

information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73125. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC on April 5, 2019.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 23 May 2019

Akron, OH, Akron Fulton Intl, LOC RWY 25, Amdt 14A
Akron, OH, Akron Fulton Intl, NDB RWY 25, Amdt 15B
Akron, OH, Akron Fulton Intl, RNAV (GPS) RWY 25, Orig-B

Effective 20 June 2019

Deadhorse, AK, Deadhorse, RNAV (GPS) Z RWY 6, Amdt 2A
Iliamna, AK, Iliamna, RNAV (GPS) RWY 18, Amdt 2A
Quinhagak, AK, Quinhagak, RNAV (GPS) RWY 12, Amdt 1A
Wasilla, AK, Wasilla, RNAV (GPS) RWY 4, Amdt 1A
Wasilla, AK, Wasilla, RNAV (GPS) RWY 22, Orig-A
Wasilla, AK, Wasilla, Takeoff Minimums and Obstacle DP, Amdt 2B
Mobile, AL, Mobile Rgnl, ILS OR LOC RWY 15, ILS RWY 15 SA CAT I, ILS RWY 15 SA CAT II, Amdt 32
Mobile, AL, Mobile Rgnl, ILS OR LOC RWY 33, Amdt 7B
Mobile, AL, Mobile Rgnl, NDB RWY 15, Amdt 3B
Mobile, AL, Mobile Rgnl, RNAV (GPS) RWY 33, Amdt 2C
Mobile, AL, Mobile Rgnl, VOR OR TACAN–A, Amdt 2B
Blytheville, AR, Arkansas Intl, ILS OR LOC RWY 18, Amdt 2B
Corning, AR, Corning Muni, VOR–A, Amdt 2B, CANCELLED
Hope, AR, Hope Muni, NDB RWY 16, Amdt 5A, CANCELLED

Hope, AR, Hope Muni, VOR/DME RWY 22, Orig, CANCELLED
Marana, AZ, Marana Rgnl, RNAV (GPS) RWY 3, Orig-B
Bishop, CA, Bishop, VOR OR GPS–A, Amdt 6B, CANCELLED
Lincoln, CA, Lincoln Rgnl/Karl Harder Field, ILS OR LOC RWY 15, Amdt 1A
Lincoln, CA, Lincoln Rgnl/Karl Harder Field, RNAV (GPS) RWY 33, Orig-A
Los Angeles, CA, Whiteman, RNAV (GPS) RWY 12, Orig
Los Angeles, CA, Whiteman, RNAV (GPS)-C, Orig, CANCELLED
Los Angeles, CA, Whiteman, VOR–A, Amdt 2A
Mountain View, CA, Moffett Federal Afld, LOC RWY 14L, Amdt 1
Mountain View, CA, Moffett Federal Afld, RNAV (GPS) RWY 14L, Amdt 1
Mountain View, CA, Moffett Federal Afld, RNAV (GPS) RWY 14R, Amdt 1
Mountain View, CA, Moffett Federal Afld, RNAV (GPS) RWY 32L, Amdt 1
Mountain View, CA, Moffett Federal Afld, RNAV (GPS) RWY 32R, Orig
Mountain View, CA, Moffett Federal Afld, TACAN RWY 32L, Amdt 1
Mountain View, CA, Moffett Federal Afld, TACAN RWY 32R, Amdt 1
San Diego/El Cajon, CA, Gillespie Field, LOC–D, Amdt 11D
Truckee, CA, Truckee-Tahoe, RNAV (GPS) RWY 11, Amdt 1
Trinidad, CO, Perry Stokes, RNAV (GPS) RWY 3, Amdt 1B
Hartford, CT, Hartford-Brainard, Takeoff Minimums and Obstacle DP, Amdt 6
Plainville, CT, Robertson Field, RNAV (GPS) RWY 2, Orig-A
Windsor Locks, CT, Bradley Intl, Takeoff Minimums and Obstacle DP, Amdt 4
Middletown, DE, Summit, NDB–A, Amdt 8B
Middletown, DE, Summit, RNAV (GPS) RWY 17, Amdt 2B
Middletown, DE, Summit, RNAV (GPS) RWY 35, Amdt 1B
Middletown, DE, Summit, Takeoff Minimums and Obstacle DP, Amdt 2B
Dunnellon, FL, Marion County, RNAV (GPS) RWY 23, Orig-A
Tampa, FL, Peter O Knight, Takeoff Minimums and Obstacle DP, Amdt 7A
Kosrae, FM, Kosrae, NDB–A, Orig-C
Atlanta, GA, DeKalb-Peachtree, Takeoff Minimums and Obstacle DP, Amdt 3
Augusta, GA, Augusta Rgnl at Bush Field, ILS OR LOC RWY 17, Amdt 9C
Augusta, GA, Augusta Rgnl at Bush Field, RNAV (GPS) RWY 17, Amdt 2D
Augusta, GA, Augusta Rgnl at Bush Field, RNAV (GPS) RWY 26, Amdt 1B
Augusta, GA, Augusta Rgnl at Bush Field, RNAV (GPS)-A, Orig-A
Augusta, GA, Augusta Rgnl at Bush Field, RNAV (GPS) Y RWY 8, Amdt 1B
St Simons Island, GA, St Simons Island, RNAV (GPS) RWY 4, Orig-B
St Simons Island, GA, St Simons Island, RNAV (GPS) RWY 22, Orig-A
St Simons Island, GA, St Simons Island, Takeoff Minimums and Obstacle DP, Amdt 3A
St Simons Island, GA, St Simons Island, VOR RWY 4, Amdt 16A
Algona, IA, Algona Muni, RNAV (GPS) RWY 30, Amdt 1C
Des Moines, IA, Des Moines Intl, VOR RWY 23, Orig-B
Mason City, IA, Mason City Muni, RNAV (GPS) RWY 18, Amdt 2B
Mason City, IA, Mason City Muni, RNAV (GPS) RWY 36, Amdt 1C
Milford, IA, Fuller, RNAV (GPS)-B, Orig-A
Rock Rapids, IA, Rock Rapids Muni, RNAV (GPS) RWY 16, Amdt 1
Rock Rapids, IA, Rock Rapids Muni, RNAV (GPS) RWY 34, Amdt 1
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, ILS OR LOC RWY 13, Amdt 2D
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, ILS OR LOC RWY 31, Amdt 25F
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, RNAV (GPS) RWY 13, Orig-E
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, RNAV (GPS) RWY 17, Amdt 1A
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, RNAV (GPS) RWY 31, Orig-G
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, RNAV (GPS) RWY 35, Orig-A
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, Takeoff Minimums and Obstacle DP, Amdt 3B
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, VOR OR TACAN RWY 13, Amdt 18D
Storm Lake, IA, Storm Lake Muni, Takeoff Minimums and Obstacle DP, Orig-A
Centralia, IL, Centralia Muni, RNAV (GPS) RWY 18, Amdt 1B
Centralia, IL, Centralia Muni, RNAV (GPS) RWY 36, Amdt 1B
Chicago, IL, Chicago Midway Intl, RNAV (RNP) Y RWY 31C, Orig-C
Chicago, IL, Chicago O'Hare Intl, ILS OR LOC RWY 28R, ILS RWY 28R SA CAT I, ILS RWY 28R CAT II, ILS RWY 28R CAT III, Amdt 18B
Olney-Noble, IL, Olney-Noble, NDB RWY 4, Amdt 14A
Olney-Noble, IL, Olney-Noble, RNAV (GPS) RWY 4, Orig-C
Olney-Noble, IL, Olney-Noble, Takeoff Minimums and Obstacle DP, Orig-A
Pittsfield, IL, Pittsfield Penstone Muni, RNAV (GPS) RWY 13, Amdt 1
Pittsfield, IL, Pittsfield Penstone Muni, RNAV (GPS) RWY 31, Orig-A
Vandalia, IL, Vandalia Muni, RNAV (GPS) RWY 18, Orig-A
Vandalia, IL, Vandalia Muni, RNAV (GPS) RWY 36, Orig-A
Fort Wayne, IN, Smith Field, RNAV (GPS) RWY 13, Orig-A
Fort Wayne, IN, Smith Field, RNAV (GPS) RWY 23, Amdt 1A
Indianapolis, IN, Indianapolis Intl, RNAV (RNP) Z RWY 14, Amdt 2A
Richmond, IN, Richmond Muni, ILS OR LOC RWY 24, Amdt 2, CANCELLED
Sheridan, IN, Sheridan, VOR–A, Amdt 6B
Valparaiso, IN, Porter County Rgnl, RNAV (GPS) RWY 9, Amdt 1A
Chanute, KS, Chanute Martin Johnson, RNAV (GPS) RWY 36, Orig-C
Lexington, KY, Blue Grass, ILS OR LOC RWY 4, Amdt 17C
Lexington, KY, Blue Grass, ILS OR LOC RWY 22, Amdt 20C
Lexington, KY, Blue Grass, VOR–A, Amdt 9B
Richmond, KY, Central Kentucky Rgnl, VOR RWY 18, Amdt 7C
Alexandria, LA, Alexandria Intl, VOR RWY 14, Orig-D
Patterson, LA, Harry P Williams Memorial, ILS OR LOC RWY 24, Amdt 2F
Springhill, LA, Springhill, RNAV (GPS) RWY 18, Orig
Springhill, LA, Springhill, RNAV (GPS) RWY 36, Amdt 1
Bedford, MA, Laurence G Hanscom Fld, ILS OR LOC RWY 11, Amdt 27
Bedford, MA, Laurence G Hanscom Fld, ILS OR LOC RWY 29, Amdt 9
Bedford, MA, Laurence G Hanscom Fld, VOR RWY 23, Amdt 10, CANCELLED
Westfield/Springfield, MA, Westfield-Barnes Rgnl, Takeoff Minimums and Obstacle DP, Amdt 5
Baltimore, MD, Martin State, RNAV (GPS) RWY 15, Amdt 1B
Oakland, MD, Garrett County, VOR RWY 9, Orig-B
Stevensville, MD, Bay Bridge, RNAV (GPS) RWY 11, Amdt 1A
Westminster, MD, Clearview Airpark, RNAV (GPS) RWY 14, Amdt 1B
Bangor, ME, Bangor Intl, RNAV (GPS) RWY 33, Amdt 1A
Bethel, ME, Bethel Rgnl, RNAV (GPS) Y RWY 32, Orig
Bethel, ME, Bethel Rgnl, Takeoff Minimums and Obstacle DP, Orig
Frenchville, ME, Northern Aroostook Rgnl, RNAV (GPS) RWY 32, Amdt 2
Lincoln, ME, Lincoln Rgnl, RNAV (GPS) RWY 35, Amdt 1A
Rockland, ME, Knox County Rgnl, RNAV (GPS) RWY 3, Orig-B
Sanford, ME, Sanford Seacoast Rgnl, ILS OR LOC RWY 7, Amdt 5
Allegan, MI, Padgham Field, VOR RWY 29, Amdt 14A, CANCELLED
Alpena, MI, Alpena County Rgnl, ILS OR LOC RWY 1, Amdt 9B
Boyne City, MI, Boyne City Muni, RNAV (GPS) RWY 27, Orig-D
Boyne City, MI, Boyne City Muni, Takeoff Minimums and Obstacle DP, Amdt 1
East Tawas, MI, Iosco County, VOR–A, Amdt 8, CANCELLED
Holland, MI, West Michigan Rgnl, VOR–A, Amdt 10D, CANCELLED
Mackinac Island, MI, Mackinac Island, RNAV (GPS) RWY 8, Amdt 1C
Ray, MI, Ray Community, RNAV (GPS)-A, Orig-B
Ray, MI, Ray Community, Takeoff Minimums and Obstacle DP, Orig-A
Baudette, MN, Baudette Intl, Takeoff Minimums and Obstacle DP, Amdt 1A
Bemidji, MN, Bemidji Rgnl, ILS OR LOC RWY 31, Amdt 6
Ely, MN, Ely Muni, VOR/DME RWY 30, Amdt 5, CANCELLED
Jackson, MN, Jackson Muni, RNAV (GPS) RWY 13, Amdt 1B
Jackson, MN, Jackson Muni, RNAV (GPS) RWY 31, Amdt 1B
Mankato, MN, Mankato Rgnl, RNAV (GPS) RWY 4, Orig-A
Morris, MN, Morris Muni—Charlie Schmidt Fld, VOR RWY 14, Amdt 1C
Morris, MN, Morris Muni—Charlie Schmidt Fld, VOR RWY 32, Amdt 5C
Marshall, MO, Marshall Memorial Muni, NDB RWY 36, Amdt 4A, CANCELLED
Marshall, MO, Marshall Memorial Muni, RNAV (GPS) RWY 36, Amdt 3B

Columbus/W Point/Starkville, MS, Golden Triangle Rgnl, RNAV (GPS) RWY 36, Amdt 1B
Baker, MT, Baker Muni, NDB RWY 13, Orig-C, CANCELLED
Baker, MT, Baker Muni, NDB RWY 31, Orig-C, CANCELLED
Forsyth, MT, Tillitt Field, NDB RWY 27, Amdt 5, CANCELLED
Glendive, MT, Dawson Community, NDB RWY 12, Amdt 4C, CANCELLED
Malta, MT, Malta, RNAV (GPS) RWY 8, Amdt 2
Malta, MT, Malta, RNAV (GPS) RWY 26, Amdt 2
Sidney, MT, Sidney-Richland Rgnl, NDB RWY 19, Amdt 5, CANCELLED
Stevensville, MT, Stevensville, RNAV (GPS)-A, Orig-E
Twin Bridges, MT, Twin Bridges, RNAV (GPS) RWY 17, Orig-A
Twin Bridges, MT, Twin Bridges, RNAV (GPS) RWY 35, Orig-A
North Wilkesboro, NC, Wilkes County, Takeoff Minimums and Obstacle DP, Amdt 1A
Roanoke Rapids, NC, Halifax-Northampton Rgnl, RNAV (GPS) RWY 2, Amdt 2A
Roanoke Rapids, NC, Halifax-Northampton Rgnl, RNAV (GPS) RWY 20, Amdt 2A
Wallace, NC, Henderson Field, RNAV (GPS) RWY 9, Orig-A
Wallace, NC, Henderson Field, RNAV (GPS) RWY 27, Orig-B
Wilmington, NC, Wilmington Intl, ILS Y OR LOC RWY 35, Amdt 22D
Gothenburg, NE, Gothenburg Muni, RNAV (GPS) RWY 3, Orig-D
Gothenburg, NE, Gothenburg Muni, RNAV (GPS) RWY 21, Orig-D
Holdrege, NE, Brewster Field, Takeoff Minimums and Obstacle DP, Amdt 3
Lexington, NE, Jim Kelly Field, RNAV (GPS) RWY 14, Amdt 1C
Lexington, NE, Jim Kelly Field, RNAV (GPS) RWY 32, Amdt 1A
Lexington, NE, Jim Kelly Field, Takeoff Minimums and Obstacle DP, Amdt 2A
Oshkosh, NE, Garden County/King Rhiley Field, NDB RWY 12, Amdt 1D
Oshkosh, NE, Garden County/King Rhiley Field, RNAV (GPS) RWY 12, Amdt 2B
Oshkosh, NE, Garden County/King Rhiley Field, RNAV (GPS) RWY 30, Amdt 1A
Thedford, NE, Thomas County, VOR RWY 29, Amdt 1A
Manchester, NH, Manchester, ILS OR LOC RWY 35, ILS RWY 35 SA CAT I, ILS RWY 35 CAT II, ILS RWY 35 CAT III, Amdt 4
Belmar/Farmingdale, NJ, Monmouth Executive, Takeoff Minimums and Obstacle DP, Amdt 3
Caldwell, NJ, Essex County, LOC RWY 22, Amdt 4A
Caldwell, NJ, Essex County, RNAV (GPS) RWY 22, Amdt 2A
West Milford, NJ, Greenwood Lake, RNAV (GPS) RWY 24, Orig-C
Fallon, NV, Fallon Muni, RNAV (GPS)-C, Orig-A
Fallon, NV, Fallon Muni, VOR–B, Amdt 4A
Akron, NY, Akron/Jesson Field, RNAV (GPS) RWY 7, Amdt 2E
Akron, NY, Akron/Jesson Field, RNAV (GPS) RWY 25, Amdt 2E
Akron, NY, Akron/Jesson Field, Takeoff Minimums and Obstacle DP, Amdt 1A
Brockport, NY, Ledgedale Airpark, RNAV (GPS) RWY 28, Amdt 1C
Buffalo, NY, Buffalo Airfield, RNAV (GPS) RWY 6, Orig-B
Buffalo, NY, Buffalo Airfield, RNAV (GPS) RWY 24, Amdt 1B
Dansville, NY, Dansville Muni, RNAV (GPS) RWY 14, Orig-B
Elmira/Corning, NY, Elmira/Corning Rgnl, Takeoff Minimums and Obstacle DP, Amdt 10
Jamestown, NY, Chautauqua County/Jamestown, Takeoff Minimums and Obstacle DP, Amdt 6A
New York, NY, LaGuardia, RNAV (RNP) Z RWY 4, Amdt 1A
Ogdensburg, NY, Ogdensburg Intl, LOC RWY 27, Amdt 4A
Olean, NY, Cattaraugus County-Olean, LOC RWY 22, Amdt 7A
Olean, NY, Cattaraugus County-Olean, RNAV (GPS) RWY 4, Amdt 2A
Olean, NY, Cattaraugus County-Olean, RNAV (GPS) RWY 22, Amdt 2A
Poughkeepsie, NY, Hudson Valley Rgnl, ILS OR LOC RWY 6, Amdt 6E
Rome, NY, Griffiss Intl, VOR/DME RWY 15, Amdt 1, CANCELLED
Bowling Green, OH, Wood County, RNAV (GPS) RWY 10, Orig-E
Bowling Green, OH, Wood County, RNAV (GPS) RWY 28, Orig-D
Circleville, OH, Pickaway County Memorial, RNAV (GPS) RWY 1, Orig-A
Circleville, OH, Pickaway County Memorial, RNAV (GPS) RWY 19, Orig-A
Circleville, OH, Pickaway County Memorial, VOR RWY 19, Amdt 3A
Gallipolis, OH, Gallia-Meigs Rgnl, Takeoff Minimums and Obstacle DP, Amdt 3
Medina, OH, Medina Muni, RNAV (GPS) RWY 27, Orig-B
Middletown, OH, Middletown Regional/Hook Field, RNAV (GPS) RWY 5, Orig-D
Middletown, OH, Middletown Regional/Hook Field, RNAV (GPS) RWY 23, Orig-C
Newark, OH, Newark-Heath, LOC RWY 9, Orig-A
Toledo, OH, Toledo Express, Takeoff Minimums and Obstacle DP, Amdt 3
Willard, OH, Willard, VOR–A, Orig-C
Chickasha, OK, Chickasha Muni, RNAV (GPS) RWY 18, Amdt 1B
Chickasha, OK, Chickasha Muni, RNAV (GPS) RWY 36, Amdt 1B
Holdenville, OK, Holdenville Muni, RNAV (GPS) RWY 17, Orig-A
Holdenville, OK, Holdenville Muni, RNAV (GPS) RWY 35, Orig-A
Oklahoma City, OK, Wiley Post, VOR RWY 17L, Amdt 11C
Prague, OK, Prague Muni, RNAV (GPS) RWY 17, Orig-C
Prague, OK, Prague Muni, RNAV (GPS)-A, Orig-A
Tulsa, OK, Richard Lloyd Jones Jr, Takeoff Minimums and Obstacle DP, Amdt 8
Ontario, OR, Ontario Muni, NDB RWY 33, Amdt 6A, CANCELLED
Bedford, PA, Bedford County, RNAV (GPS) RWY 14, Amdt 2A
Ebensburg, PA, Ebensburg, RNAV (GPS) RWY 25, Orig-D
Somerset, PA, Somerset County, LOC RWY 25, Amdt 4C
Somerset, PA, Somerset County, NDB RWY 25, Amdt 7B
Pierre, SD, Pierre Rgnl, ILS OR LOC RWY 31, Amdt 12D
Baytown, TX, RWJ Airpark, RNAV (GPS) RWY 26, Amdt 1B, CANCELLED
Baytown, TX, RWJ Airpark, RNAV (GPS)-A, Orig
Brownsville, TX, Brownsville/South Padre Island Intl, RNAV (GPS) RWY 18, Orig-A
Brownsville, TX, Brownsville/South Padre Island Intl, VOR OR TACAN–A, Amdt 1D
Canadian, TX, Hemphill County, Takeoff Minimums and Obstacle DP, Amdt 3A
Crockett, TX, Houston County, RNAV (GPS) RWY 20, Amdt 1
Fort Hood/Killeen, TX, Robert Gray AAF, ILS OR LOC RWY 33, Amdt 1D
Fredericksburg, TX, Gillespie County, RNAV (GPS) RWY 14, Amdt 1C
Fredericksburg, TX, Gillespie County, RNAV (GPS) RWY 32, Amdt 1D
Graham, TX, Graham Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Greenville, TX, Majors, ILS Y OR LOC Y RWY 17, Amdt 1A
Greenville, TX, Majors, ILS Z OR LOC Z RWY 17, Amdt 8A
Hamilton, TX, Hamilton Muni, RNAV (GPS) RWY 18, Amdt 1B
Hamilton, TX, Hamilton Muni, RNAV (GPS) RWY 36, Amdt 1B
Hondo, TX, South Texas Rgnl At Hondo, RNAV (GPS) RWY 17L, Amdt 1A
Houston, TX, Sugar Land Rgnl, ILS OR LOC RWY 35, Amdt 5
Houston, TX, Sugar Land Rgnl, VOR/DME–A, Amdt 2, CANCELLED
Levelland, TX, Levelland Muni, RNAV (GPS) RWY 17, Amdt 1B
Levelland, TX, Levelland Muni, RNAV (GPS) RWY 35, Amdt 1B
Paducah, TX, Dan E Richards Muni, RNAV (GPS) RWY 36, Orig
Paducah, TX, Dan E Richards Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Paducah, TX, Dan E Richards Muni, VOR/DME OR GPS RWY 35, Amdt 1, CANCELLED
Waco, TX, TSTC Waco, ILS OR LOC RWY 17L, Amdt 13B
Wichita Falls, TX, Kickapoo Downtown, Takeoff Minimums and Obstacle DP, Amdt 3
Danville, VA, Danville Rgnl, RNAV (GPS) RWY 31, Orig-B
Newport News, VA, Newport News/Williamsburg Intl, ILS OR LOC RWY 25, Amdt 2A
Newport News, VA, Newport News/Williamsburg Intl, RNAV (GPS) RWY 25, Amdt 3A
Bremerton, WA, Bremerton National, ILS OR LOC RWY 20, Amdt 17A
Bremerton, WA, Bremerton National, RNAV (GPS) RWY 20, Amdt 1B
Seattle, WA, Seattle-Tacoma Intl, RNAV (RNP) Z RWY 34C, Amdt 2B
Seattle, WA, Seattle-Tacoma Intl, RNAV (RNP) Z RWY 34R, Amdt 1B
Shelton, WA, Sanderson Field, NDB–A, Amdt 3, CANCELLED
Baraboo, WI, Baraboo-Wisconsin Dells Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1B
La Crosse, WI, La Crosse Rgnl, ILS OR LOC RWY 18, Amdt 22
La Crosse, WI, La Crosse Rgnl, VOR RWY 13, Amdt 31A, CANCELLED

La Crosse, WI, La Crosse Rgnl, VOR RWY 36, Amdt 32A, CANCELLED
Menomonie, WI, Menomonie Muni-Score Field, RNAV (GPS) RWY 9, Amdt 1
Menomonie, WI, Menomonie Muni-Score Field, RNAV (GPS) RWY 27, Amdt 1
Menomonie, WI, Menomonie Muni-Score Field, Takeoff Minimums and Obstacle DP, Amdt 2
West Bend, WI, West Bend Muni, LOC RWY 31, Orig-D, CANCELLED
Berkeley Springs, WV, Potomac Airpark, RNAV (GPS) RWY 11, Amdt 1A
Berkeley Springs, WV, Potomac Airpark, RNAV (GPS) RWY 29, Amdt 1A
Berkeley Springs, WV, Potomac Airpark, Takeoff Minimums and Obstacle DP, Amdt 2
Parkersburg, WV, Mid-Ohio Valley Rgnl, ILS OR LOC RWY 3, Amdt 14C
Parkersburg, WV, Mid-Ohio Valley Rgnl, RNAV (GPS) RWY 3, Amdt 2C
Parkersburg, WV, Mid-Ohio Valley Rgnl, RNAV (GPS) RWY 10, Orig-C
Parkersburg, WV, Mid-Ohio Valley Rgnl, RNAV (GPS) RWY 21, Amdt 2D
Parkersburg, WV, Mid-Ohio Valley Rgnl, RNAV (GPS) RWY 28, Orig-C
Parkersburg, WV, Mid-Ohio Valley Rgnl, VOR RWY 21, Amdt 17D
Casper, WY, Casper/Natrona County Intl, LOC RWY 8, Orig, CANCELLED
Powell, WY, Powell Muni, NDB RWY 31, Amdt 2C
Powell, WY, Powell Muni, RNAV (GPS) RWY 13, Orig-C
Powell, WY, Powell Muni, RNAV (GPS) RWY 31, Orig-C

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DEPARTMENT OF STATE

22 CFR Parts 41 and 42

[Public Notice 10481]

RIN 1400–AE64

Refusal Procedures for Visas

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule is largely technical in nature and conforms a narrow aspect of the Department's visa regulations to the law. The current regulation requires consular officers either to grant or deny every visa application; however, the law requires consular officers to take a different action, *i.e.,* discontinue granting visas, when a country has been sanctioned for denying or delaying accepting one or more of its nationals subject to a final order of removal from the United States. This rule will modify the current regulation to reflect this option for consular officers to discontinue granting visas to individuals in sanctioned countries.

DATES: This rule is effective on April 22, 2019.

FOR FURTHER INFORMATION CONTACT: Taylor Beaumont, Acting Chief, Legislation and Regulations Division, Office of Visa Services, Bureau of Consular Affairs, Department of State, 600 19th St. NW, Washington, DC 20006, (202) 485–8910, *VisaRegs@state.gov.*

SUPPLEMENTARY INFORMATION:

Why is the Department promulgating this rule?

The Department of State is promulgating this rule to provide guidance to consular officers implementing section 243(d) of the Immigration and Nationality Act, as amended, codified at 8 U.S.C. 1253(d) (hereinafter INA 243(d)), which is a tool for the U.S. government to use to stop the growth of an alien population in the United States that the U.S. government is having difficulty removing, due to a lack of cooperation by the country of nationality. At the same time compelling foreign governments to cooperate on removing from the United States aliens subject to final orders of removal is an important U.S. government objective. This rule makes clear that discontinuation of visa granting is an acceptable alternative to issuing or refusing a properly executed visa application, and sets out procedures for discontinuation of visa issuance when INA 243(d) applies.

Section 243(d) of the INA provides that the Secretary of State—following notification from the Secretary of Homeland Security that the government of a foreign country has denied or unreasonably delayed accepting an alien who is the citizen, subject, national, or resident of that country and is subject to a final order of removal from the United States—shall order consular officers in that foreign country to ''discontinue granting'' immigrant visas, nonimmigrant visas, or both to citizens, subjects, nationals, or residents in that country. This provision initially existed in Section 243(g) of the INA, but was limited to immigrant visas. In 1996, Congress re-designated the provision as Section 243(d) and added discontinuation of the granting of nonimmigrant visas by U.S. consular officers in the country as a potential additional sanction against a country that denies or unreasonably delays accepting a covered individual. The Secretary of State imposes such visa sanctions by issuing an order to consular officers that describes the category or categories of visas and applicants subject to discontinuation of visa granting; the order can include escalation measures if initial sanctions prove ineffective at encouraging the foreign government's cooperation on removals. For example, the Secretary could order consular officers to discontinue granting B–1 and B–2 visas for personal travel by ministers of a foreign government, with an escalation measure that requires discontinuation of F-category student visas for members of the same foreign officials' families after 6 months, if the country remains uncooperative on removals.

Current regulations describing a consular officer's authority to refuse visas state that the officer must issue or refuse a visa when a ''properly completed and executed'' visa application is submitted (*see* 22 CFR 41.121(a) and 22 CFR 42.81(a) (relating to nonimmigrant and immigrant visas, respectively)), but make no reference to a consular officer ''discontinuing granting'' a visa when the Secretary of State issues an INA 243(d) order. INA 243(d) sanctions are referenced only in 22 CFR 42.71(a), prohibiting a consular officer from issuing an immigrant visa when barred by sanctions under INA 243(d), unless the sanction has been waived by DHS. This rule will better inform the public of the third option established by statute, by inserting language in 22 CFR 41.121(a) and 22 CFR 42.81(a) indicating that the consular officer may discontinue granting (*i.e.,* suspend issuance of) a visa, as an alternative to issuance or refusal, in the manner described in the two new sections.

Two new sections, 22 CFR 41.123 and 22 CFR 42.84, (relating to nonimmigrant and immigrant visas, respectively), describe procedures for consular officers who discontinue granting visas to applicants who fall within the scope of an INA 243(d) order. These sections explain, among other things, that beginning on the effective date of the Secretary's INA 243(d) order, no visas that fall within the scope of the order may be issued, but, in cases where an alien has applied for a visa that falls within that scope of the order and the alien is found to be ineligible for such visa, the application may be refused. The new sections also explain that discontinuance of granting may not be waived, but once the sanction under INA 243(d) is lifted, consular officers within the affected post must complete adjudication of the visa application, consistent with regulations and Department guidance, such as the Foreign Affairs Manual (FAM).

Regulatory Findings

Administrative Procedure Act

The Department is publishing this rule as a final rule because it is exempt from notice and comment under the foreign affairs exemption of the Administrative Procedure Act (APA), 5 U.S.C. 553(a). In light of the impact sanctions have on bilateral relations, it is clear this rule ''implicates matters of diplomacy directly.'' *City of N.Y.* v. *Permanent Mission of India to the U.N.,* 618 F.3d 172, 202 (2d Cir. 2010).

In addition to providing a tool for the U.S. government to stem the growth of populations of an alien population in the United States that the U.S. government is having difficulty removing, due to a lack of cooperation by the country of nationality, INA 243(d) creates a tool for use in U.S. diplomatic efforts: A means of prompting foreign governments to acquiesce in a request by the United States to take back the foreign government's nationals by discontinuing grants of visas to that government's nationals. Indeed, Section 243(d) is a key component of U.S. diplomatic efforts. The provision comes into play only after notification to the Secretary of State that the Secretary of Homeland Security has exhausted all appropriate efforts for a foreign government to accept its nationals who have been ordered removed from the United States and the foreign government has refused to make any significant progress on the issue. It functions by lending weight to the efforts of the Secretary of Homeland Security and incentivizing a recalcitrant government to retract its refusal. And it ceases to operate when the Secretary of State is notified that the government at issue has acceded to the Secretary of Homeland Security's request. Thus, every exercise of Section 243(d) directly implicates actual diplomacy; a regulation creating the procedure for using this tool likewise has similar consequences. Therefore, this regulation is exempt from 5 U.S.C. 553 of the APA because it involves a foreign affairs function of the United States.

Regulatory Flexibility Act/Executive Order 13272: Small Business

Because this final rule is exempt from notice and comment rulemaking under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth by the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities. Any economic impact the rule may seem to have actually is attributable to the underlying law, INA 243(d), which this rule directly implements.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804. The Department is aware of no monetary effect on the economy that would directly result from this rulemaking, nor will there be any increase in costs or prices; or any effect on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and import markets.

Executive Order 12866/Executive Order 13563

The Department of State has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866. This rule governs the technical aspects of visa procedures required for implementation of INA 243(d), ensuring that guidance regarding that statue is clear and consistent across visa categories and posts.

The exercise of authority under INA 243(d), consistent with this regulation, would restrict the ability of some visa applicants, including potentially large numbers of visa applicants from a given country who apply for visas in that country, from obtaining U.S. visas—, which could in turn have economic impact on individual transactions within the United States associated with the applicant's proposed purpose of travel. Consular officers may not discontinue granting visas under this regulation for any purpose beyond that explicitly authorized already by INA 243(d), which authorizes the Secretary of Homeland Security to notify the Secretary of State that a country has denied or unreasonably delayed accepting an alien subject to a final order of removal, and thereafter requires the Secretary of State to issues an order describing the scope of visa sanctions to be imposed.

Historically, the Secretary of State has strategically tailored visa sanctions to achieve critical foreign policy objectives, taking into account the circumstances of the country or population being targeted by the sanctions. There is no set formula, though, notably State has never issued a blanket refusal for visas from the country in question. For some countries, sanctions begin by targeting officials who work in the ministries responsible for accepting the return of that country's nationals, with escalation scenarios that target family members of those officials and, potentially, officials of other ministries, and then other categories of applicants, if initial sanctions do not prove effective at encouraging greater cooperation on removals by the targeted government. For other countries, sanctions could begin more broadly. As provided for in INA 243(d), any country that fails to cooperate in the repatriation of its nationals subject to final orders of removal from the United States may be subject to sanctions, the scope of which will depend on the circumstances at the time the sanctions are implemented.

Since the law was modified to cover nonimmigrant visas in 1996, 318 visa applicants have been affected, and sanctions have been imposed on 10 countries: Guyana (2001), The Gambia (2016), Cambodia, Eritrea, Guinea, and Sierra Leone (2017); Burma and Laos (2018); and Ghana and Pakistan (2019). During this same time period, tens of millions of aliens have received nonimmigrant visas including, collectively, millions of applicants from the 10 countries affected. Given the scope of historic INA 243(d) sanctions, and the scale of nonimmigrant visa travel to the United States as a whole, the economic impact of INA 243(d) visa sanctions to date has been *de minimis,* but far broader sanctions could be imposed to achieve the objectives of INA 243(d). Because future application of these sanctions is based on unpredictable actions by foreign governments; complex assessments by DHS that cannot be pre-determined; and strategic foreign policy-related decisions by the Secretary of State, taking into account the circumstances of the bilateral relationship at the particular time, the Department is unable to estimate any particular future economic impact of INA 243(d) sanctions.

The Office of Management and Budget (OMB) has determined that this is a significant regulatory action under Executive Order 12866. As such, OMB has reviewed this regulation.

Executive Orders 12372 and 13132: Federalism

This regulation will 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. The rule will not have federalism implications warranting the application of Executive Orders 12372 and 13132.

Executive Order 12988: Civil Justice Reform

The Department has reviewed the regulation in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13563: Improving Regulation and Regulatory Review

The Department has considered this rule in light of Executive Order 13563, dated January 18, 2011, and affirms that this regulation is consistent with the guidance therein.

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

This rule is not subject to the requirements of Executive Order 13771, because its likely impact is *de minimis.*

Paperwork Reduction Act

This rule does not impose new or revised information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects

22 CFR Part 41

Aliens, Foreign officials, Immigration, Documentation of nonimmigrants, Passports and visas.

22 CFR Part 42

Immigration, Passports and visas.

For the reasons stated in the preamble, the Department of State amends 22 CFR parts 41 and 42 as follows:

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

■ 1. The authority citation for part 41 is revised to read as follows:

Authority: 22 U.S.C. 2651a; 8 U.S.C. 1104, 1201, 1202, 1253; 6 U.S.C. 236; Public Law 105–277, 112 Stat. 2681–795 through 2681–801; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108–458, as amended by section 546 of Pub. L. 109–295).

■ 2. In § 41.121, the section heading and paragraph (a) are revised to read as follows:

§ 41.121 Refusal of nonimmigrant visas.

(a) *Grounds for refusal.* Nonimmigrant visa refusals must be based on legal grounds, such as one or more provisions of INA 212(a), INA 212(e), INA 214(b) or (f) or (l) (as added by Section 625 of Pub. L. 104–208), INA 221(g), INA 222(g), or other applicable law. Certain classes of nonimmigrant aliens are exempted from specific provisions of INA 212(a) under INA 102 and, upon a basis of reciprocity, under INA 212(d)(8). When a visa application has been properly completed and executed in accordance with the provisions of the INA and the implementing regulations, the consular officer must issue the visa, refuse the visa, or, pursuant to an outstanding order under INA 243(d), discontinue granting the visa.

* * * * *

■ 3. Add § 41.123 to read as follows:

§ 41.123. Discontinuance of Granting Nonimmigrant Visa Pursuant to INA 243(d).

(a) *Grounds for discontinuance of granting a visa.* Consular officers in a country subject to an order by the Secretary under INA 243(d) shall discontinue granting nonimmigrant visas for categories of nonimmigrant visas specified in the order of the Secretary (or his or her designee), and pursuant to procedures dictated by the Department.

(b) *Discontinuance procedure*—(1) *Applications refused or discontinued only.* Starting on the day the Secretary's (or designee's) order to discontinue granting visas takes effect (effective date), no visas falling within the scope of the order, as described by the order, may be issued in the referenced country to an applicant who falls within the scope of the order, except as otherwise expressly provided in the order or related Department instructions. Beginning on the effective date, a consular officer must refuse the visa if the individual is not eligible for the visa under INA 212(a), INA 221(g), or other applicable law, but if the applicant is otherwise eligible, must process the application by discontinuing granting, regardless of when the application was filed, if the applicant falls within the scope of the order and no exception applies. The application processing fee will not be refunded. The requirement to discontinue issuance may not be waived, and continues until the sanction is terminated as described below.

(2) *Geographic applicability.* Visa sanctions under INA 243(d) only apply to visa issuance in the country that is sanctioned. If a consular officer has a reason to believe that a visa applicant potentially subject to INA 243(d) sanctions is applying at a post outside the sanctioned country to evade visa sanctions under INA 243(d) (*e.g.,* the applicant provides no credible explanation for applying outside the country), the consular officer will transfer the case to the consular post in the consular district where INA 243(d) sanctions apply, review any other applicable Department instructions, and proceed accordingly. When cases are transferred to a consular district where INA 243(d) sanctions apply, the adjudication will be subject to the discontinuation of issuance under the sanctions.

(c) *Termination of sanction.* The Department shall notify consular officers in an affected country when the sanction under INA 243(d) has been lifted. After notification, normal consular operations may resume consistent with these regulations and guidance from the Department. Once the sanction under INA 243(d) is lifted, no new application processing fee is required in cases where issuance has been discontinued pursuant to an INA 243(d) order, and consular officers in the affected post must adjudicate the visa consistent with regulations and Department guidance. Consular officers may require applicants to update the visa application forms, must conduct any necessary adjudicatory steps, and may re-interview the applicant to determine eligibility.

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

■ 4. The authority citation for part 42 continues to read as follows:

Authority: 22 U.S.C. 2651a; 8 U.S.C. 1104, 1201, 1202, 1253; 6 U.S.C. 236; Public Law 105–277, 112 Stat. 2681–795 through 2681–801; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108–458, as amended by section 546 of Pub. L. 109–295).

■ 5. In § 42.81, the section heading and paragraph (a) are revised to read as follows:

§ 42.81 Procedure in refusing immigrant visas.

(a) *Grounds for refusal.* When a visa application has been properly completed and executed before a consular officer in accordance with the provisions of the INA and the implementing regulations, the consular

officer must issue the visa, refuse the visa under INA 212(a) or 221(g) or other applicable law or, pursuant to an outstanding order under INA 243(d), discontinue granting the visa.

* * * * *

■ 6. Add § 42.84 to read as follows:

§ 42.84 Discontinuance of Granting Immigrant Visa Pursuant to INA 243(d).

(a) *Grounds for discontinuance of granting a visa.* Consular officers in a country subject to an order by the Secretary under INA 243(d) shall discontinue granting immigrant visas for categories of immigrant visas specified in the order of the Secretary (or his or her designee), and pursuant to procedures dictated by the Department.

(b) *Discontinuance procedure*—(1) *Applications refused or discontinued only.* Starting on the day the Secretary's (or designee's) order to discontinue granting visas takes effect (effective date), no visas falling within the scope of the order, as described by the order, may be issued in the referenced country to an applicant who falls within the scope of the order, except as otherwise expressly provided in the order or related Department instructions. Beginning on the effective date, a consular officer must refuse the visa if the individual is not eligible for the visa under INA 212(a), INA 221(g), or other applicable law, but if the applicant is otherwise eligible must process the application by discontinuing granting, regardless of when the application was filed, if the applicant falls within the scope of the order and no exception applies. The application processing fee will not be refunded. The requirement to discontinue issuance may not be waived, and continues until the sanction is terminated as described below. In the case of diversity immigrant selectees applying under INA 203(c), if the discontinuance of granting has not been lifted by the end of the fiscal year, the applicant will not be eligible for a diversity visa for that fiscal year, regardless of the status of the diversity immigrant visa application at the time 243(d) sanctions were imposed.

(2) *Geographic applicability.* Visa sanctions under INA 243(d) only apply to visa issuance in the country that is sanctioned. If a consular officer has a reason to believe that a visa applicant potentially subject to INA 243(d) sanctions is applying at a post outside the sanctioned country to evade visa sanctions under INA 243(d), (*e.g.,* the applicant provides no credible explanation for applying outside the country) the consular officer will transfer the case to the consular post in the consular district where INA 243(d) sanctions apply, review any other applicable Department instructions and proceed accordingly. When cases are transferred to a consular district where INA 243(d) sanctions apply, the adjudication will be subject to the discontinuation of issuance under the sanctions.

(b) *Termination of sanction.* The Department shall notify consular officers in an affected country the sanction under INA 243(d) has been lifted. After notification, normal consular operations may resume consistent with these regulations and guidance from the Department. Once the sanction under INA 243(d) is lifted, no new application processing fees are required in cases where issuance has been discontinued pursuant to an INA 243(d) order, and consular officers in the affected post must adjudicate the visa application consistent with regulations and Department guidance. Consular officers may require applicants to update the visa application forms, must conduct any necessary adjudicatory steps, and may re-interview to determine eligibility. In numerically controlled immigrant visa categories, an applicant's immigrant visa priority date may no longer be current once sanctions under INA 243(d) are lifted, in which case the applicant must await visa availability.

Dated: April 11, 2019

Carl C. Risch,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 2019–08061 Filed 4–19–19; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0160]

RIN 1625–AA00

Safety Zone; Sabine River, Orange, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Sabine River, extending the entire width of the river, adjacent to the public boat ramp located in Orange, TX. This action is necessary to protect persons and vessels from hazards associated with a high-speed Jet Ski race competition in Orange, TX. Entry of vessels or persons into this zone is prohibited unless authorized by the Captain of the Port Marine Safety Unit Port Arthur or a designated representative.

DATES: This rule is effective from 10 a.m. on April 27, 2019 through 6 p.m. on April 28, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0160 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Scott Whalen, Marine Safety Unit Port Arthur, U.S. Coast Guard; telephone 409–719–5086, email *Scott.K.Whalen@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Marine Safety Unit Port Arthur
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because it is impracticable. This safety zone must be established by April 27, 2019 and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone until after the dates of the high-speed races and compromise public safety.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to public interest because immediate action is needed to protect persons and vessels from the potential

hazards during a high-speed Jet Ski race on a navigable waterway.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined that the potential hazards associated with high-speed Jet Ski races are a safety concern for persons and vessels operating on the Sabine River. Possible hazards include risks of injury or death from near or actual contact among participant vessels and spectators or mariners traversing through the safety zone. This rule is needed to protect all waterway users, including event participants and spectators, before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 10 a.m. through 6 p.m. each day from April 27, 2019 through April 28, 2019. The safety zone covers all navigable waters of the Sabine River, extending the entire width of the river, adjacent to the public boat ramp located in Orange, TX bounded by the Navy Pier One between latitude 30°05′50″ N and latitude 30°05′33″ N. The duration of the safety zone is intended to protect participants, spectators, and other persons and vessels, in the navigable waters of the Sabine River during high-speed Jet Ski races and will include breaks and opportunity for vessels to transit through the regulated area.

No vessel or person is permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. They may be contacted on VHF–FM channel 13 or 16, or by phone at by telephone at 409–719–5070. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP or a designated representative to patrol the zone. All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators.

Spectator vessels desiring to transit the zone may do so only with prior approval of the COTP or a designated representative and when so directed by that officer must be operated at a minimum safe navigation speed in a manner that will not endanger any other vessels. No spectator vessel shall anchor, block, loiter, or impede the through transit of official patrol vessels in the zone during the effective dates and times, unless cleared for entry by or through the COTP or a designated representative. Any spectator vessel may anchor outside the zone, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the zone in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the zone and remain moored through the duration of the event.

The COTP or a designated representative may forbid and control the movement of all vessels in the zone. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the zone, citation for failure to comply, or both.

The COTP or a designated representative may terminate the operation of any vessel at any time it is deemed necessary for the protection of life or property. The COTP or a designated representative will terminate enforcement of the safety zone at the conclusion of the event.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. This safety zone encompasses a less than half-mile stretch of the Sabine River for eight hours on each of two days. Moreover, the Coast Guard will issue Broadcast Notice to Mariners (BNMs) via VHF–FM marine channel 16 about the zone, daily enforcement periods will include breaks that will provide an opportunity for vessels to transit through the regulated area, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 8 hours on each of two days that will prohibit entry on less than a one-half mile stretch of the Sabine River. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREA AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0160 to read as follows:

§ 165.T08–0160 Safety Zone; Sabine River, Orange, Texas.

(a) *Location.* The following area is a safety zone: All navigable waters of the Sabine River, extending the entire width of the river, adjacent to the public boat ramp located in Orange, TX bounded by the Navy Pier One between latitude 30°05′50″ N and latitude 30°05′33″ N.

(b) *Effective period.* This section is effective from 10 a.m. on April 27, 2019 through 6 p.m. on April 28, 2019.

(c) *Enforcement periods.* This section will be enforced from 10 a.m. through 6 p.m. daily. Breaks in the racing will occur during the enforcement periods, which will allow for vessels to pass through the safety zone. The Captain of the Port Marine Safety Unit Port Arthur (COTP) or a designated representative will provide notice of breaks as appropriate per paragraph (e) of this section.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry of vessels or persons into this zone is prohibited unless authorized by the COTP or a designated representative. They may be contacted on VHF–FM channel 13 or 16, or by phone at by telephone at 409–719–5070. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''.

(2) All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP or a designated representative to patrol the regulated area.

(3) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer will be operated at a minimum safe navigation speed in a manner which will not endanger participants in the regulated area or any other vessels.

(4) No spectator vessel shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(5) Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the regulated area and remain moored through the duration of the event.

(6) The COTP or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(7) The COTP or a designated representative may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) The COTP or a designated representative will terminate enforcement of the special local regulations at the conclusion of the event.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of

enforcement through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: April 10, 2019.

Jacqueline Twomey,

Captain, U.S. Coast Guard, Captain of the Port Marine Safety Unit Port Arthur.

[FR Doc. 2019–08058 Filed 4–19–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 414

[CMS–6080–N2]

Medicare Program; Update to the Required Prior Authorization List of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Items That Require Prior Authorization as a Condition of Payment

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Update to list.

SUMMARY: This document announces the addition of 12 Healthcare Common Procedure Coding System (HCPCS) codes to the Required Prior Authorization List of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Items that require prior authorization as a condition of payment.

DATES: Phase one of implementation is effective on July 22, 2019. Phase two of implementation is effective on October 21, 2019.

FOR FURTHER INFORMATION CONTACT:

Virginia Boulin, (410) 786–1079.

Erica Ross, (410) 786–7480.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 1832, 1834, and 1861 of the Social Security Act (the Act) establish that the provision of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) are covered benefits under Part B of the Medicare program.

Section 1834(a)(15) of the Act authorizes the Secretary to develop and periodically update a list of DMEPOS items that the Secretary determines, on the basis of prior payment experience, are frequently subject to unnecessary utilization and to develop a prior authorization process for these items.

In the December 30, 2015 final rule (80 FR 81674) titled ''Medicare Program; Prior Authorization Process for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies,'' we implemented section 1834(a)(15) of the Act by establishing an initial Master List (called the Master List of Items Frequently Subject to Unnecessary Utilization) of certain DMEPOS that the Secretary determined, on the basis of prior payment experience, are frequently subject to unnecessary utilization and by establishing a prior authorization process for these items. In the same final rule, we also stated that we would inform the public of those DMEPOS items on the Required Prior Authorization List in the **Federal Register** with 60-day notice before implementation. The Required Prior Authorization List specified in § 414.234(c)(1) is selected from the Master List of Items Frequently Subject to Unnecessary Utilization (as described in § 414.234(b)(1)), and items on the Required Prior Authorization List require prior authorization as a condition of payment.

In addition to the prior authorization process for certain DMEPOS items that we established under section 1834(a)(15) of the Act, on September 1, 2012, we implemented the Medicare Prior Authorization for Power Mobility Devices (PMDs) Demonstration that would operate for a period of 3 years (September 1, 2012 through August 31, 2015). This demonstration was established under section 402(a)(1)(J) of the Social Security Amendments of 1967 (42 U.S.C. 1395b–1(a)(1)(J)), which authorizes the Secretary to conduct demonstrations designed to develop or demonstrate improved methods for the investigation and prosecution of fraud in the provision of care or services provided under the Medicare program. The demonstration was initially implemented in California, Florida, Illinois, Michigan, New York, North Carolina, and Texas. These states were selected for the demonstration based upon their history of having high levels of improper payments and incidents of fraud related to PMDs. On October 1, 2014, we expanded the demonstration to 12 additional states (Pennsylvania, Ohio, Louisiana, Missouri, Washington, New Jersey, Maryland, Indiana, Kentucky, Georgia, Tennessee, and Arizona) that had a history of high expenditures and improper payments for PMDs based on 2012 billing data. On July 15, 2015, we announced we were extending the demonstration for 3 years, through August 31, 2018. The demonstration ended as scheduled on August 31, 2018.

In a June 5, 2018 **Federal Register** document, we announced that, effective September 1, 2018, we would add 31 HCPCS codes that were a part of the PMD demonstration to the Required Prior Authorization List (83 FR 25947).

II. Provisions of the Document

The purpose of this document is to inform the public that we are updating the Required Prior Authorization List of DMEPOS items that require prior authorization as a condition of payment to include seven additional power mobility devices and five pressure reducing support surfaces. These 12 items are on the Master List of Items Frequently Subject to Unnecessary Utilization. To assist stakeholders in preparing for implementation of the prior authorization program, we are providing 90 days' notice.

The following seven HCPCS codes for PMDs are being added to the Required Prior Authorization List:

HCPCS code	Description
K0857	Power wheelchair, group 3 standard, single power option, captains chair, patient weight capacity up to and including 300 pounds.
K0858	Power wheelchair, group 3 heavy duty, single power option, sling/solid set/back, patient weight 301 to 450 pounds.
K0859	Power wheelchair, group 3 heavy duty, single power option, captains chair, patient weight capacity 301 to 450 pounds.
K0860	Power wheelchair, group 3 heavy duty, single power option, sling/solid seat/back, patient weight capacity 451 to 600 pounds.
K0862	Power wheelchair, group 3 heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 301 to 450 pounds.
K0863	Power wheelchair, group 3 heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 451 to 600 pounds.
K0864	Power wheelchair, group 3 extra heavy duty, multiple power option, sling/solid seat/back, patient weight capacity 601 pounds or more.

In phase one of implementation, which begins as specified in the **DATES** section of this document, we will implement a prior authorization program for these seven HCPCS codes for PMDs nationwide. The nationwide prior authorization program for these seven HCPCS codes will continue during phase 2. We believe prior authorization of these seven additional HCPCS codes for PMDs will help further our program integrity goals of reducing fraud, waste, and abuse, while protecting access to care.

The following five HCPCS codes for Support Surfaces are also being added to the Required Prior Authorization List:

HCPCS code	Description
E0193 ...	Powered Air Flotation Bed (Low Air Loss Therapy).
E0277 ...	Powered pressure-reducing air mattress.
E0371 ...	Nonpowered advance pressure reducing overlay for mattress length and width.
E0372 ...	Powered air overlay for mattress, standard mattress length and width.
E0373 ...	Nonpowered advanced pressure reducing mattress.

The CMS' Comprehensive Error Rate Testing (CERT) program continues to estimate high rates of improper payments for support surface codes. Since 2015, the estimated improper payment rate for these codes is over 59 percent, with an estimated improper payment rate of 75.2 percent, or over $18 million in projected improper payments for fiscal year 2018.

We will implement a prior authorization program for these five HCPCS codes for Support Surfaces in two phases. This phased-in approach will allow us to identity and resolve any unforeseen issues by using a smaller claim volume in phase one before nationwide implementation occurs in phase two. In phase one of implementation, which begins as specified in the **DATES** section of this document, we will limit the prior authorization requirement to one state in each of the four DME Medicare Administrative Contractors (MAC) geographic jurisdictions, as follows: California, Indiana, New Jersey, and North Carolina. In phase two, which begins as specified in the **DATES** section of this document, we will expand the program to the remaining states.

We believe prior authorization of these five HCPCS codes for Support Surfaces will help further our program integrity goals of reducing fraud, waste, and abuse, while protecting access to care.

These additional 12 HCPCS codes will be subject to the requirements of the prior authorization program for certain DMEPOS items as outlined in § 414.234. All 33 HCPCS codes currently on the Required Prior Authorization List (81 FR 93636 and 83 FR 25947) will continue to be subject to the requirements of prior authorization as well.

Prior to furnishing the item to the beneficiary and prior to submitting the claim for processing, a requester must submit a prior authorization request that includes evidence that the item complies with all applicable Medicare coverage, coding, and payment rules. Consistent with § 414.234(d), such evidence must include the order, relevant information from the beneficiary's medical record, and relevant supplier-produced documentation. After receipt of all applicable required Medicare documentation, CMS or one of its review contractors will conduct a medical review and communicate a decision that provisionally affirms or non-affirms the request.

We will issue specific prior authorization guidance in subregulatory communications, including final timelines, which are customized for the DMEPOS items subject to prior authorization, for communicating a provisionally affirmed or non-affirmed decision to the requester. In the December 30, 2015 final rule (80 FR 81694), to allow us to safeguard beneficiary access to care, we stated that this approach to final timelines provides the flexibility to develop a process that involves fewer days, as may be appropriate. If at any time we become aware that the prior authorization process is creating barriers to care, we can suspend the program.

The updated Required Prior Authorization list is available in the download section of the following CMS website: *https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medicare-FFS-Compliance-Programs/DMEPOS/Prior-Authorization-Process-for-Certain-Durable-Medical-Equipment-Prosthetic-Orthotics-Supplies-Items.html.* We will post additional educational resources to the website.

III. Collection of Information Requirements

This document announces the addition of DMEPOS items on the Required Prior Authorization List and does not impose any new information collection burden under the Paperwork Reduction Act of 1995. However, there is an information collection burden associated with this program that is currently approved under OMB control number 0938–1293 which expires on March 31, 2022.

Dated: March 19, 2019.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2019–08031 Filed 4–18–19; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 414

[CMS–6078–N2]

Medicare Program; Prior Authorization Process for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Items; Update to the Master List of Items Frequently Subject to Unnecessary Utilization

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Master list additions.

SUMMARY: This document announces the addition of four Healthcare Common Procedure Coding System (HCPCS) codes to the Master List of Items Frequently Subject to Unnecessary Utilization that could be potentially subject to Prior Authorization as a condition of payment.

DATES: This action is effective on May 22, 2019.

FOR FURTHER INFORMATION CONTACT: Erica Ross, (410) 786–7480, Emily Calvert, (410) 786–4277.

SUPPLEMENTARY INFORMATION:

I. Background

In the December 30, 2015 final rule (80 FR 81674) titled ''Medicare Program; Prior Authorization Process for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS),'' we implemented section 1834(a)(15) of the Social Security Act (the Act) by establishing an initial Master List (called the Master List of Items Frequently Subject to Unnecessary Utilization) of certain DMEPOS that the Secretary determined, on the basis of prior payment experience, are frequently subject to unnecessary utilization and by establishing a prior authorization process for these items. The Master List

includes items that meet the following criteria:

• Appear on the DMEPOS Fee Schedule list.

• Have an average purchase fee of $1,000 or greater (adjusted annually for inflation) or an average monthly rental fee of $100 or greater (adjusted annually for inflation). (These dollar amounts are referred to as the ''Payment Threshold'').

• Meet either of the following criteria:

++ Identified in a Government Accountability Office (GAO) or Department of Health and Human Services Office of Inspector General (OIG) report that is national in scope and published in 2007 or later as having a high rate of fraud or unnecessary utilization.

++ Listed in the 2011 or later Comprehensive Error Rate Testing (CERT) program's Annual Medicare Fee-For-Service (FFS) Improper Payment Rate Report DME and/or DMEPOS Service Specific Report(s).

The rule described the maintenance process of the Master List as follows:

• The Master List is self-updating annually. That is, items on the DMEPOS Fee Schedule that meet the Payment Threshold are added to the list when the item is listed in a future OIG or GAO report of a national scope or listed in a future CERT DME and/or DMEPOS Service Specific Report(s).

• Items remain on the Master List for 10 years from the date the item was added to the Master List.

• Items are updated on the Master List when the Healthcare Common Procedure Coding System (HCPCS) codes representing an item have been discontinued and cross-walked to an equivalent item.

• Items are removed from the list sooner than 10 years if the purchase amount drops below the Payment Threshold.

• Items that age off the Master List because they have been on the list for 10 years can remain on or be added back to the Master List if a subsequent GAO/OIG, or CERT DME and/or DMEPOS Service Specific Report(s) identifies the item to be frequently subject to unnecessary utilization.

• Items already on the Master List that are identified by a GAO/OIG, or CERT DME and/or DMEPOS Service Specific Report(s) will remain on the list for 10 years from the publication date of the new report(s).

• We will notify the public annually of any additions and deletions from the Master List by posting the notification in the **Federal Register** and on the CMS Prior Authorization website.

II. Provisions of the Document

In the December 30, 2015 final rule (80 FR 81674), we stated that we would notify the public annually of any additions and deletions from the Master List by posting the notification in the **Federal Register** and on the CMS Prior Authorization website. This document is to provide the annual update to the Master List of Items Frequently Subject to Unnecessary Utilization.

As noted previously, we adjust the Payment Threshold each year for inflation. More specifically, we stated in the preamble to the December 2015 final rule (80 FR 81679) that we will apply the same percentage adjustment to the Payment Threshold as we do to the DMEPOS fee schedule. In accordance with section 1834(a)(14) of the Act, certain DMEPOS fee schedule amounts are updated annually by the percentage increase in the consumer price index for all urban consumers (CPI–U), United States city average, for the 12-month period ending June 30 of the previous year. The CPI–U is then adjusted by the change in the economy-wide productivity equal to the 10-year moving average of changes in annual economy-wide private non-farm business multi-factor productivity (MFP). We use this same methodology to adjust the Master List Payment Threshold for inflation.

For calendar year (CY) 2018, the adjusted Payment Threshold was $1,018 and the adjusted monthly rental threshold was $102. For more information about how we arrived at these figures, see the March 30, 2018 **Federal Register** notification (83 FR 13677).

For CY 2019, the MFP adjustment is 0.6 percent and the CPI–U percentage increase is 2.9 percent. Thus, the 2.9 percentage increase in the CPI–U is reduced by the 0.6 percentage increase in the MFP resulting in a net increase of 2.3 percent to be used as the update factor. We applied the 2.3 percent update factor to the CY 2018 average purchase fee of $1,018, resulting in a CY 2019 adjusted payment threshold of $1,041.41 ($1,018 × 1.023). Rounding this figure to the nearest whole dollar amount resulted in a CY 2019 adjusted payment threshold amount of $1,041. We also applied the update factor of 2.3 percent to the CY 2018 average monthly rental fee of $102, resulting in an adjusted payment threshold of $104.35 ($102 × 1.023). Rounding this figure to the nearest whole dollar amount resulted in a CY 2019 adjusted monthly rental fee threshold of $104.

This update reflects the addition of four new items that meet the updated Payment Threshold that are listed in an OIG or GAO report of a national scope or a CERT DME and/or DMEPOS Service Specific Report(s). The following four HCPCS codes are included on the Master List of Items Frequently Subject to Unnecessary Utilization because they have a DMEPOS fee schedule amount of $1,041 or greater or an average monthly rental fee of $104 or greater, and are listed in the 2018 Medicare FFS Supplemental Improper Payment Report [1]:

HCPCS	Description
E1390	Oxygen concentrator, single delivery port, capable of delivering 85 percent or greater oxygen concentration at the prescribed flow rate.
E0466	Home ventilator, any type, used with non-invasive interface, (e.g., mask, chest shell).
E0784	External Ambulatory infusion pump, insulin.
L0650	Lumbar-sacral orthosis, sagittal-coronal control, with rigid anterior and posterior frame/panel(s), posterior extends from sacrococcygeal junction to t–9 vertebra, lateral strength provided by rigid lateral frame/panel(s), produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, prefabricated, off-the-shelf.

The full updated list is also available in the download section of the following CMS website: *https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medicare-FFS-Compliance-Programs/DMEPOS/Prior-*

[1] The 2018 Medicare FFS Supplemental Improper Payment Report can be found at *https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medicare-FFS-Compliance-Programs/CERT/Downloads/2018MedicareFFSSuplementalImproperPaymentData.pdf.*

Authorization-Process-for-Certain-Durable-Medical-Equipment-Prosthetic-Orthotics-Supplies-Items.html.

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Regulatory Impact Statement

We have examined the impact of this action as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

Executive Orders 12866 and 13563 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, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This document does not reach the economic threshold and thus is not considered a major rule.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $7.5 million to $38.5 million in any 1 year. Individuals and states are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this document will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this action will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2019, that threshold is approximately $154 million. This action will have no consequential effect on state, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. Since this action does not impose any costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

Executive Order 13771, titled Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017 and requires that the costs associated with significant new regulations ''shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.'' OMB's interim guidance, issued on April 5, 2017, *https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-21-OMB.pdf,* explains that for Fiscal Year 2017 the above requirements only apply to each new ''significant regulatory action that imposes costs.'' It has been determined that this document is not a ''significant regulatory action'' and thus does not trigger the aforementioned requirements of Executive Order 13771.

In accordance with the provisions of Executive Order 12866, this document was reviewed by the Office of Management and Budget.

Dated: March 19, 2019.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2019–08032 Filed 4–18–19; 4:15 pm]

BILLING CODE 4120–01–P

Proposed Rules

Federal Register
Vol. 84, No. 77
Monday, April 22, 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.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 360

RIN 3064–AF05

Resolution Plans Required for Insured Depository Institutions With $50 Billion or More in Total Assets

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The FDIC invites comments on this advance notice of proposed rulemaking (ANPR) concerning how to tailor and improve its rule requiring certain insured depository institutions to submit resolution plans.

DATES: Comments must be received by June 21, 2019.

ADDRESSES: You may submit comments, identified by RIN 3064–AF05, by any of the following methods:

- *Agency website: https://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the Agency website.
- *Email: Comments@FDIC.gov.* Include ''RIN 3064–AF05'' on the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments/RIN 3064–AF05, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery/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 a.m. and 5 p.m.

All comments received must include the agency name (FDIC) and RIN 3064–AF05 and will be posted without change to *http://www.fdic.gov/regulations/laws/federal,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: F. Angus Tarpley III, Counsel, (703) 562–2434, *ftarpley@fdic.gov,* James P. Sheesley, Counsel, (703) 562–2047, *jsheesley@fdic.gov,* Ryan M. Rappa, Counsel, (202) 898–6767, Legal Division; Lori J. Quigley, Deputy Director, (202) 898–3799, Robert C. Connors, Associate Director, (202) 898–3834, Division of Risk Management Supervision; Marc Steckel, Deputy Director, (571) 858–8224, Division of Resolutions and Receiverships; Jason C. Cave, Corporate Expert, (202) 898–3548, Office of Complex Financial Institutions.

SUPPLEMENTARY INFORMATION:

I. Introduction

The FDIC is undertaking a review of its rule requiring certain insured depository institutions (IDIs) to submit resolution plans (IDI Rule).[1] This ANPR is part of that review process. The FDIC is considering how to tailor and improve the IDI Rule, as described below. Specifically, the FDIC invites comments on certain approaches under consideration: (1) Creation of tiered resolution planning requirements based on institution size, complexity, and other factors; (2) revisions to the frequency and required content of plan submissions, including elimination of plan submissions for a category of smaller and less complex IDIs; and (3) improvements to the process for periodic engagement between the FDIC and institutions on resolution-related matters. The FDIC is also seeking comment on whether to revise the $50 billion asset size threshold in the IDI Rule.

The FDIC is currently considering several approaches for revising the IDI Rule. Specifically, under one alternative approach, the FDIC is considering categorizing IDIs subject to the IDI Rule into three groups. The IDIs in the first group, Group A (as defined below), comprising the largest and most complex IDIs, would be required to submit Resolution Plans (as defined below) with content requirements that would be streamlined compared to the current IDI Rule. IDIs in the second group, Group B (as defined below), which would include larger, more complex regional IDIs, would be required to submit further streamlined Resolution Plans, reduced in content compared to the Resolution Plans required for Group A. The IDIs in the third group, Group C (as defined below) would be smaller and less complex than those in Group A or Group B, and would no longer be required to submit Resolution Plans. The FDIC would engage with Group A, Group B, and Group C IDIs on a periodic basis regarding a limited number of items related to resolution planning; these IDIs also would continue to be subject to periodic testing of certain capabilities relating to resolution planning and implementation.

Under a second alternative approach, the FDIC is considering grouping IDIs subject to the IDI Rule into two groups: Larger IDIs (comprising Group A and Group B IDIs) and Group C IDIs. Larger IDIs would be required to submit Resolution Plans with streamlined content requirements individually targeted to each institution's size, complexity, and other factors related to resolvability. For example, where a complex, larger IDI operates multiple business lines involving affiliated, interconnected legal entities and an extensive, globally dispersed branch network, the Resolution Plan for this large IDI would provide relatively greater content on complexity and cross-border elements. For a larger IDI that has a simpler footprint with minimal cross-jurisdictional exposures, the relevant content requirements would be streamlined or omitted. As in the first alternative approach, the IDIs in Group C would no longer be required to submit Resolution Plans. Also as in the first alternative approach, the FDIC would engage with larger IDIs and Group C IDIs on a periodic basis regarding a limited number of items related to resolution planning; these IDIs also would continue to be subject to periodic testing of certain capabilities relating to resolution planning and implementation.

II. Background

A. The IDI Rule

The IDI Rule was proposed in 2010[2] and became effective in 2012.[3] The IDI Rule requires IDIs with $50 billion or more in total assets (covered insured depository institutions or CIDIs) to periodically submit plans (Resolution Plans) that should enable the FDIC, as receiver, to resolve the CIDI in the event of its insolvency under the Federal

[1] 12 CFR 360.10.

[2] 75 FR 27464 (May 17, 2010).

[3] Interim Final Rule, 76 FR 58379 (September 21, 2011) and Final Rule, 77 FR 3075 (January 23, 2012).

Deposit Insurance Act (FDI Act) in a manner that ensures that depositors receive access to their insured deposits within one business day of the CIDI's failure (two business days if the failure occurs on a day other than Friday), maximizes the net present value return from the sale or disposition of its assets, and minimizes the amount of any loss realized by the creditors in the resolution.

The FDIC proposed the IDI Rule in response to challenges identified in the resolution of IDIs during the 2008 financial crisis, prior to enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The IDI Rule was intended to ensure that the FDIC has timely access to information concerning a CIDI's structure, operations, business practices, financial responsibilities, and risk exposure, which the FDIC would need to handle a resolution of a CIDI under the FDI Act.

Separate from the FDI Act and IDI Rule requirements, section 165(d) of the Dodd-Frank Act mandates that certain bank holding companies and nonbank financial companies (Covered Companies) submit resolution plans (DFA Resolution Plans) for the rapid and orderly resolution of the Covered Company under the U.S. Bankruptcy Code.[4] DFA Resolution Plans have a specific goal different from that of Resolution Plans under the IDI Rule: To reduce the likelihood that the financial distress or failure of a Covered Company would have serious adverse effects on financial stability in the United States. The interim final IDI Rule and the final rule regarding DFA Resolution Plans (Section 165(d) Rule)[5] were issued concurrently with aligned asset thresholds for CIDIs and Covered Companies. Since then, the Dodd-Frank Act has been amended to revise the threshold for DFA Resolution Plans.[6]

Since issuing the final IDI Rule, the FDIC and CIDIs have been through multiple Resolution Plan submission cycles. Through this experience, the FDIC has learned what aspects of the resolution planning process are most valuable and has gained an understanding of the resources, internal and external, that CIDIs expend in meeting the requirements of the IDI Rule. The FDIC has also gained additional resolution capabilities relevant to CIDI resolution through rulemakings subsequent to the issuance of the IDI Rule that provide information related to that called for under the IDI Rule. Given what the FDIC has learned, now is an appropriate time to review the IDI Rule in light of these changes.

B. Distinctions Between IDI Rule and Section 165(d) Rule

Though the IDI Rule and the Section 165(d) Rule both require planning for resolution of large, complex financial institutions to minimize the cost and disruption of failures, resolution planning under the two rules involves distinct entities, objectives, and legal frameworks. The IDI Rule applies only to IDIs and involves resolution under the FDI Act by the FDIC. The Section 165(d) Rule focuses on the resolution of Covered Companies. Currently, all Covered Companies are bank holding companies, which would be resolved under the U.S. Bankruptcy Code.

The IDI Rule's objective is to ensure that the FDIC can effectively resolve a CIDI under the FDI Act, protecting its insured depositors and the Deposit Insurance Fund (DIF) and maximizing value for the benefit of creditors of the CIDI. The Section 165(d) Rule's aim is ensuring that the bankruptcy of a Covered Company can be accomplished in a manner that substantially mitigates the risk that the failure of the Covered Company would have serious adverse effects on financial stability in the United States.

Under an FDI Act resolution, a CIDI's legal existence would terminate upon entry into resolution, and its management would not control the resolution. By contrast, under the resolution strategies used in the DFA Resolution Plans, a Covered Company in bankruptcy generally could continue its corporate existence, in which case some of its most senior management may remain in place to manage the reorganization.

The largest, most complex U.S. firms and a number of foreign-based banking organizations present a single point of entry resolution strategy in their DFA Resolution Plans. The single point of entry resolution strategy does not anticipate that an IDI subsidiary will enter resolution proceedings; instead an explicit goal of the single point of entry strategy is to keep certain material subsidiaries, including each IDI subsidiary, open and operating. However, the single point of entry strategy remains untested, and may not be available under all failure scenarios. For those reasons, a separate plan for the CIDI is important.

For other DFA Resolution Plan filers where a single point of entry resolution strategy is not proposed, especially in cases in which the vast majority of the consolidated firm's total assets and business lines are within the IDI, IDI resolution is likely to be a component of any resolution involving the Covered Company.

C. Resolutions Under the FDI Act

The FDIC is charged by Congress with the responsibility for insuring the deposits of IDIs in the United States and with serving as receiver of such institutions following failure. To fulfill its responsibilities, the FDIC has developed strategies and capabilities to manage the failure of any IDI. Since 2008, the FDIC has served as receiver for over 525 failed IDIs. These failures caused the DIF temporarily to become insolvent and threatened its liquidity, yet the FDIC remained able to discharge its duties through collection of prepaid and special assessments and recoveries from failed bank receiverships. Appropriate resolution planning is important to ensure that the FDIC maintains the capabilities required to ensure depositors have access to insured deposits as soon as possible and to minimize potential losses to the DIF and other creditors. The FDIC's primary resolution strategies for resolving an IDI are outlined below.

1. The Purchase and Assumption Transaction

Approximately 95 percent of resolutions conducted by the FDIC since 2007 involved the sale of the IDI's franchise and assets to an open institution in an assisted transaction, generally involving a single acquirer assuming nearly all of the failed IDI's liabilities. This transaction, termed a purchase and assumption or ''P&A'' transaction, is often both the easiest for the FDIC to execute and the least disruptive to the depositors of the failed IDI. This is especially so where the transaction involves the assumption of all the failed IDI's deposits by the assuming institution (an all-deposit transaction).

The P&A option is not always available to the FDIC. P&A transactions require lead time to identify potential buyers and allow investigation and auction of the failing IDI's assets and banking business, also termed its franchise. These transactions may only

[4] The DFA Resolution Plan of a foreign-based Covered Company provides for the resolution of its U.S. operations and entities.

[5] 12 CFR parts 243 & 381; 76 FR 67323 (January 23, 2012). On April 8 and 16, 2019, respectively, the Board of Governors of the Federal Reserve System and the FDIC's Board of Directors considered proposed amendments to the Section 165(d) Rule to reflect improvements identified during the eight years the Section 165(d) Rule has been in effect and to address amendments to the Dodd-Frank Act made by the Economic Growth, Regulatory Relief, and Consumer Protection Act.

[6] Economic Growth, Regulatory Relief, and Consumer Protection Act, Sec. 401, Public Law 115–174, 132 Stat. 1296. See further discussion in section II.E.3. below.

be conducted following a determination, required by statute, that such transaction results in the least cost to the DIF of all possible resolution options,[7] including paying out the insured deposits of the failed IDI.

2. Other Resolution Strategies

If no P&A transaction that meets the least costly resolution requirement can be accomplished, the FDIC must pursue an alternative resolution strategy. The primary alternative resolution strategies are the payout liquidation and the bridge bank. Both of these strategies present significant operational challenges and the potential for significant disruption in the case of large IDIs.

Payout. The FDIC conducts payout liquidations by paying insured deposits in cash or transferring the insured deposits to an existing institution or a new institution organized by the FDIC to assume the insured deposits.[8] In payout liquidations, the FDIC as receiver retains substantially all of the failed IDI's assets for later sale, and the franchise value of the failed IDI is lost.

Bridge Bank. If the FDIC determines that continuing the operations of the failed IDI is less costly than a payout liquidation, it may organize a nationally-chartered IDI of limited duration (a bridge bank) to purchase certain assets and assume certain liabilities of the failed IDI, in what may be either an all-deposit transaction or a transaction in which the acquirer assumes only the insured deposits (an insured deposit only transaction). Once the FDIC has transferred assets from the failed bank to the newly established bridge bank, the FDIC will manage and operate the new institution, potentially for a significant length of time.

D. Challenges to Resolving CIDIs

The FDIC's sole experience with resolving a failed institution over the current asset size threshold for a CIDI, Washington Mutual Bank, involved an all-deposit P&A transaction that resulted in no losses to the DIF. The availability of this low-risk, efficient resolution strategy cannot be assumed for future CIDI failures. The largest bank failure resolved by the FDIC without use of a P&A transaction was that of IndyMac Bank, a complicated resolution that caused significant losses for the DIF and posed considerable operational challenges. The overall risk profile associated with the size, complexity, and funding structure of some CIDIs reduces the likelihood that they could be resolved through a P&A transaction, whether an all-deposit transaction or an insured deposit only transaction. Further, these factors also present significant challenges to conducting a resolution involving use of a bridge bank. The purpose of IDI resolution planning is to prepare for the failure of such IDIs, with a focus on the challenges that resolution involving a bridge bank would entail.

1. Size

The size of a failing CIDI may restrict the FDIC's resolution options by significantly reducing the number of potential P&A acquirers. Certain CIDIs may be too large to be acquired by any other open institution in a P&A transaction, due to legal limitations on liability concentration or operational or economic conditions.[9] Alternatively, a failed CIDI's concentration within certain market areas may raise antitrust issues or otherwise preclude potential acquirers from bidding.

2. Complexity

Many CIDIs exhibit a degree of complexity not found in smaller IDIs which the FDIC has usually resolved through use of a P&A transaction. This complexity manifests within the CIDI's operations and in its relationships with affiliates, counterparties, and the economy. CIDIs generally operate multiple business lines, frequently involving affiliated, interconnected legal entities and extensive, geographically dispersed branch networks. Many CIDIs rely on affiliate legal entities, foreign branches, or contractual counterparties to carry out one or more critical services necessary for continuing day-to-day operations. In addition, many CIDIs conduct capital markets activities in multiple jurisdictions, and may participate in multiple payment, clearing, and settlement systems. These activities all rely on a larger workforce containing a higher number of specialized, key personnel than the typical IDI, and necessitate use of specialized management information systems for risk management, accounting, and reporting.

CIDI complexity presents challenges to resolution by P&A or bridge bank. Use of either resolution strategy generally requires separation of the CIDI from its parent and affiliate entities, including both organizational and contractual connections, in a manner that preserves the value and allows the continuation of the business of the CIDI either by a bridge bank or as a component of an acquirer's business. This task requires both a comprehensive understanding of these relationships and the capabilities to carry out a plan that effects such separation. Absent planning and preparation, CIDI complexity may present too great a challenge for any potential acquirer to value, especially in a time of financial distress or market disruption. Similarly, incomplete awareness of interconnectedness and key dependencies in the CIDI's organizational structure and the lack of arrangements necessary for organizational separation and operational continuity in resolution would greatly impact a bridge bank resolution, where the FDIC would be tasked with continuing these operations to avoid disruptions to depositors and to maximize value to the receivership in the ultimate disposition of the bridge bank.

3. Funding

Larger IDIs tend to rely to a greater extent than smaller IDIs on uninsured deposits and market funding. This funding structure impacts both the timing of a resolution and the availability of resolution options. Funding structures less reliant on insured deposits generally compress the failure timeline. Uninsured deposits and market funding are more likely to be withdrawn rapidly should an IDI exhibit signs of financial distress. While IDI failures resulting solely from capital inadequacy typically unfold over months (or longer), a failure triggered by an IDI's lack of liquidity can arise much more quickly, requiring advance planning to facilitate an orderly resolution. Liquidity issues may also require the resolution to occur on a day other than Friday, which could further complicate the FDIC's ability to complete a successful resolution transaction.

A larger share of liabilities in the form of uninsured deposits makes an all-deposit transaction less likely because an assuming institution would need to pay a greater premium to effect an all-deposit transaction that satisfies the least costly resolution requirement. An insured deposit only transaction requires an insurance determination. While the FDIC's recordkeeping rule for timely deposit insurance determinations (described below) will improve the FDIC's ability to conduct such a determination for certain IDIs over the weekend following the IDI's closing, such a determination for a CIDI would still be complex and would be the largest in FDIC history.

[7] 12 U.S.C. 1823(c)(4)(A).

[8] *See* 12 U.S.C. 1821(f), (m).

[9] *See, e.g.* 12 U.S.C. 1852 (concentration limits on large financial firms).

The FDIC must also make determinations regarding the transfer of non-deposit liabilities in a P&A or bridge bank resolution. Some liabilities would be transferred to the acquirer or bridge bank, generally resulting in the counterparty receiving full payment and performance of those obligations, while other non-deposit liabilities would likely be left with the receivership, to be satisfied from any proceeds of the receiver's asset disposition efforts (including the ultimate disposition of a bridge bank, if this strategy is used) available for distribution after satisfaction of administrative and deposit claims. The FDIC must be in a position to estimate the value of these liabilities and determine which should be transferred. Settlement of claims left with the receiver requires advance planning and capabilities enhancement on the FDIC's part. The FDIC has an established process for receiving proofs of receivership claims and making final claims determinations, but it has never utilized that process in a bridge bank resolution in excess of the size of IndyMac. The FDIC expects that a CIDI claims process would be significantly more complex.

E. Resolution Plan Experience and Recent Developments

In the years following the 2008 financial crisis, the FDIC instituted several rulemakings that support its mission as deposit insurer to make timely insured deposit payments and as resolution authority to resolve a failed IDI in the manner that is least costly to the DIF. In addition to the current IDI Rule, these include Recordkeeping for Timely Deposit Insurance Determination (Part 370) and Recordkeeping Requirements for Qualified Financial Contracts (Part 371). These rules address certain of the difficulties the FDIC could face in the closing of a large, complex IDI. As noted in section II.A. above, changes to the Dodd-Frank Act enacted since issuance of the IDI Rule also warrant reconsideration of IDI resolution planning requirements.

1. Recordkeeping for Timely Deposit Insurance Determination (Part 370)

Part 370 requires covered institutions, IDIs with two million or more deposit accounts, to put in place mechanisms to facilitate prompt deposit insurance determinations. Covered institutions must (a) configure their information technology systems to be able to calculate the insured and uninsured portion of each deposit account by ownership right and capacity; and (b) maintain complete and accurate information needed by the FDIC to determine deposit insurance coverage for each deposit account. These requirements are designed to assist the FDIC in fulfilling its statutory mandate in promptly making insurance determinations, providing liquidity to insured depositors, and administering the claims process for uninsured depositors. The capabilities to be implemented by CIDIs subject to Part 370 would enhance the ability of the FDIC to conduct a resolution of any type, potentially reducing the importance of some Resolution Plan content relating to deposit accounts.

2. Recordkeeping Requirements for Qualified Financial Contracts (Part 371)

Part 371 requires institutions in troubled condition to keep enhanced records in standard format regarding their qualified financial contracts. This information would be used by the FDIC, were it appointed receiver, in making a determination of whether to transfer qualified financial contracts entered into by the failed institution within the brief statutory window. Part 371 provides significantly greater requirements for larger institutions in recognition of the informational and logistical needs that the FDIC, as receiver, would have as a result of the significant and more complex qualified financial contract portfolios that such institutions are likely to hold. This rule improves the ability of the FDIC to make a timely qualified financial contract determination, potentially reducing the scope of information and planning required to be included in a Resolution Plan relating to qualified financial contracts.

3. Changes to DFA Resolution Plan Requirements Under the Economic Growth, Regulatory Relief, and Consumer Protection Act

The filing threshold established in the IDI Rule was initially aligned to the filing threshold established by the Dodd-Frank Act for bank holding companies required to submit DFA Resolution Plans, and the IDI Rule was intended to complement the Dodd-Frank Act and the Section 165(d) Rule.

On May 24, 2018, the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA) was enacted. Among other changes, EGRRCPA raised the $50 billion minimum asset threshold for general application of the resolution planning requirement of Section 165(d) of the Dodd-Frank Act to $250 billion in total consolidated assets, and provided the Board of Governors of the Federal Reserve System with discretion to apply the resolution planning requirement to bank holding companies with total consolidated assets of $100 billion or more, but less than $250 billion. As noted in section II.A. above, while the resolution planning conducted pursuant to Section 165(d) of the Dodd-Frank Act and the resolution planning required by the IDI Rule are distinct in many ways, nevertheless this change in filing threshold warrants that the IDI Rule's $50 billion threshold be revisited.

III. Request for Comment

In light of the changes discussed and lessons learned, it is appropriate to review the IDI Rule requirements and consider certain updates. The FDIC is better prepared today to handle larger resolutions than it was during and in the immediate aftermath of the 2008 financial crisis. This is in part because of what has been learned through the resolution plan review process established by the IDI Rule and the complementary enhancements implemented through the issuance of Part 370 and the revisions to Part 371. In addition, seven years and multiple submissions from CIDIs have allowed the FDIC to identify best practices and to contemplate ways to enhance the utility of information provided by CIDIs. The FDIC feedback and guidance [10] provided since issuance of the IDI Rule indicate that the FDIC's experience in administering the IDI Rule has led to overall changes in its expectations regarding the process, as well as the value it places on individual components required in the Resolution Plans.

Experience with the IDI Rule indicates that in many cases, the greatest value of resolution planning comes from the insights into each CIDI's idiosyncratic risk profile and information on the particular CIDI that the Resolution Plans provide, rather than the strategies that each CIDI develops for resolution. Further, the FDIC's experience shows that the distinctions among individual CIDIs make certain elements called for in the IDI Rule more or less valuable, such that a one-size-fits-all approach may no longer be the best approach for specifying Resolution Plan content.

Moreover, the FDIC is aware of the considerable time and resources devoted by CIDIs to meet the requirements of the IDI Rule, as well as the requirements of Parts 370 and 371. Given the cumulative experience of the

[10] *See, e.g.,* Guidance for Covered Insured Depository Institution Resolution Plan Submissions (Dec. 17, 2014), *https://www.fdic.gov/news/news/press/2014/pr14109a.pdf.*

Resolution Plan review process and the new capabilities required by Parts 370 and 371, revisions to the requirements of the IDI Rule are warranted.

The agency is seeking comment on a number of questions intended to determine how the IDI Rule could be streamlined and otherwise improved to support the FDIC's mandate to administer orderly and least-costly resolutions of CIDIs while reducing the overall burden on CIDIs.

The FDIC is soliciting feedback from the public on potential changes to the IDI Rule to:

- Create tiered groups to tailor the requirements of the IDI rule based upon size, complexity, and other relevant factors;
- Improve the content requirements of the IDI Rule, including through the modification of certain items;
- Under one alternative, for the larger, more complex CIDIs, replace the requirement for a full resolution plan with two streamlined versions;
- Under a second alternative, maintain a single group of the larger, more complex global and regional CIDIs and require them to provide streamlined Resolution Plan information targeted to their size, complexity, and other factors;
- For the smaller, less complex regional-sized CIDIs, replace the requirement for a Resolution Plan with periodic engagement with the FDIC on certain specified resolution planning matters; and
- Reduce the frequency of requirements imposed by the IDI Rule.

This section III is divided into four parts, covering: Tiered approach; content; engagement and capabilities testing; and frequency. In addition to the initial proposals within each part, more specific questions are provided.

The FDIC also seeks comments from interested parties on all aspects of its large IDI resolution planning activities and process, this ANPR, and the IDI Rule. Commenters are invited to respond to the questions presented and to offer comments, data, or suggestions on any other issues related to IDI resolution planning requirements, including developments in the industry or broader economy that may impact how the FDIC evaluates comments provided. Comments should be as specific as possible.

A. Tiered Approach

1. Alternative One

The FDIC is considering revising the IDI Rule to provide for a tiered approach to resolution planning requirements. This tiered approach would comprise three groups:

- *Group A CIDIs:* ''Group A'' would include the largest, most complex, internationally active IDIs. Due to the size of a Group A CIDI, the global nature of its business, the critical importance of its operations, and its interconnections with affiliates, resolution planning would be required. A P&A transaction with an assuming institution is highly unlikely. Therefore, preparation for the potential use of a bridge bank transaction is needed. A Group A CIDI would submit a streamlined Resolution Plan as discussed below under ''Content.''
- *Group B CIDIs:* ''Group B'' would include larger, more complex regional IDIs. Due to the size of a Group B CIDI, the complexity of its operations, or the specialized nature of its business, it may be unlikely that an assuming institution would be available to purchase the assets and assume the liabilities of the failed CIDI at the time of its failure. Resolution planning is necessary to assist the FDIC in marketing the institution or preparing to continue its operations in a bridge bank. Because these institutions do not share certain of the characteristics of the Group A CIDIs, they would submit a further streamlined Resolution Plan as discussed below under ''Content.''
- *Group C CIDIs:* ''Group C'' would include smaller, less complex regional IDIs. Due to the relative lack of complexity of these institutions, there is a higher degree of likelihood that, given adequate advance preparation, an assuming institution would purchase the assets and assume the liabilities of the institution at the time of failure. Advance resolution planning would be an important factor in the success of such a resolution transaction for an institution of this size and complexity, including whether a Group C CIDI could be successfully marketed to an assuming institution or would need to be resolved using a bridge bank. Group C CIDIs would not be required to submit a Resolution Plan.

2. Alternative Two

As an alternative to the approach described immediately above, the FDIC is considering revising the IDI Rule to provide for a tiered approach comprising two groups:

- *Larger CIDIs:* Group A and Group B CIDIs (together, Larger CIDIs) would be subject to a continuum of disclosure obligations for their Resolution Plan submissions based upon the size, complexity, and other factors of the specific IDI, instead of the two Groups having distinct informational requirements. Larger CIDIs would be required to provide Resolution Plan information based upon their components of complexity,[11] as discussed below under ''Content—Alternative Two.''
- *Group C CIDIs:* Group C CIDIs would not have a Resolution Plan filing requirement under either Alternative.

Under both Alternative One and Alternative Two, all CIDIs subject to the IDI Rule would periodically engage with the FDIC on planning matters and undergo periodic capabilities testing to support the FDIC's resolution planning efforts, as discussed below under ''Engagement and capabilities testing.''

3. Solicitation for Input

The FDIC welcomes comments related to the tiered submission groups in response to these questions:

1. As mentioned above, an IDI is currently subject to the IDI Rule if it has $50 billion or more in total assets. How should the FDIC determine which institutions are subject to the IDI Rule? Should the FDIC continue to use a specific asset threshold? If so, what should the asset threshold be? Are there other specific metrics or criteria the FDIC should use? Are there specific metrics that measure complexity or risk that the FDIC should use?

2. Under both alternatives, how should the FDIC determine which CIDIs are in which group? Are there specific metrics or criteria the FDIC should use? Should the FDIC rely solely on asset thresholds or should the FDIC use additional or other metrics to measure relative complexity and risk? If so, what are the other metrics? Should the FDIC consider a measure of funding structure impact on resolution as a metric? Should the FDIC endeavor to align the groups with the categories being proposed for bank holding companies under the Section 165(d) Rule?

3. What are the pros and cons of Alternative One and Alternative Two? Which approach should the FDIC implement, and why? Are there other variations of either approach that the FDIC should consider?

4. Under Alternative Two, the FDIC is considering approaching size, complexity, and other factors related to resolvability as they arise in individual components at each CIDI, such that a particular informational Resolution Plan element would not be required unless a corresponding metric crossed a threshold. Is this a useful way to consider resolvability? Why or why not?

5. Is Alternative Two feasible? If so, what specific criteria should the FDIC

[11] Components of complexity include those features of an IDI which could have a bearing on its resolvability, triggering a corresponding informational requirement in the Resolution Plan.

consider for purposes of considering the size, complexity, and other factors related to resolvability of Larger CIDIs and mapping such factors to content requirements?

6. Should the FDIC have discretion to move a CIDI to a different group based on specific characteristics of the CIDI? If so, what factors should the FDIC consider in making such a determination? Does the appropriateness of such a discretionary authority vary depending on whether the groups are distinguished by asset thresholds alone or in combination with other factors?

B. Content

1. Alternative One

In line with the tiered approach to resolution planning requirements discussed in ''Tiered Approach—Alternative One,'' above, the FDIC is considering an approach whereby Resolution Plan requirements would align more closely to the size, complexity, and other factors of the subject CIDIs. Content requirements would differ substantially between Group A and Group B CIDIs. Group C CIDIs would not be required to file a formal Resolution Plan. All CIDIs would be required to periodically engage with FDIC resolution staff on certain specified resolution planning matters and would continue to be subject to capabilities testing, as discussed below under ''Engagement and capabilities testing.''

Group A CIDIs

Group A CIDIs would be subject to all content requirements specified in the amended IDI Rule. The content requirements would be modified from those in the current IDI Rule.

The current IDI Rule requires CIDIs to develop strategies for resolution of the CIDI, including a strategy to unwind its operations from the organizational structure of its parent [12] and a strategy for the sale or other disposition of the deposit franchise.[13] Because the FDIC manages FDI Act resolutions, the FDIC is considering modifying these content requirements to clarify that the FDIC would develop the strategies and make the least cost test determination, with information provided by the CIDI.

The current IDI Rule also requires the CIDI to describe any contingency planning or other exercises undertaken to assess the viability of or to improve the resolution plan.[14] Contingency planning is an important component of resolution planning, and one for which CIDIs are an integral part. CIDIs may not be in the best position, however, to assess their Resolution Plan, and the contingency planning exercises should not necessarily be seen as a reflection of the merit of the Resolution Plan submissions. Similarly, while there is value in confirming that a CIDI treats preparation of the Resolution Plan with the appropriate degree of commitment and level of attention, detailed information concerning the corporate governance structure for developing, approving, and filing the Resolution Plan may have limited relevance to the FDIC's resolution planning efforts.[15] Information concerning how resolution planning is integrated into the CIDI's corporate governance structure may be of greater utility.[16] Accordingly, the FDIC is reconsidering these content requirements.

As noted above, it is expected that a Group A CIDI would participate in resolution planning through the DFA Resolution Plan filed by its parent or affiliate. That DFA Resolution Plan may include important analysis relating to the IDI, for example, interconnections and interdependencies among the parent company, the CIDI, and certain other subsidiaries that, if disrupted, would materially affect the CIDI's funding or operations.[17]

To promote efficiency and reduce burden, the FDIC is encouraging the use of incorporation by reference to DFA Resolution Plan filings where practicable. In the past, the FDIC also has encouraged CIDIs to eliminate content not required in a particular submission through incorporating such content by reference to the prior submission.

In the past, the FDIC has provided waivers on Resolution Plan informational content where appropriate. This practice could be expanded for Group A (and Group B) CIDIs.

Group B CIDIs

The content requirements for a Group B CIDI would be further streamlined such that Group B CIDIs would submit a subset of the Resolution Plan required of Group A CIDIs. In addition to the content requirement modifications noted above, which would apply to both Group A and Group B CIDIs, certain informational requirements may be less relevant for certain Group B CIDIs due to their size, complexity, and other factors. The specific informational requirements would be determined in tandem with the determination of the scope of the Group B CIDIs, as discussed above under ''Tiered approach.''

Group C CIDIs

Group C CIDIs would no longer be required to file a Resolution Plan.

2. Alternative Two

The FDIC is considering a second approach under which there would be no bright-line distinction with regard to the informational requirements for Larger CIDIs. Under this approach, content requirements would exist along a continuum based upon the size, complexity, and other factors of the particular CIDI. This would naturally reduce plan content the most for CIDIs who operate less complex franchises, versus the more structured approach outlined in Alternative One.

Informational requirements that may in particular be impacted could include: Information concerning major counterparties of the CIDI; [18] a description of off-balance-sheet exposures; [19] information concerning the CIDI's pledged collateral; [20] information on the CIDI's trading, derivatives, and hedging activities; [21] a description of the systemically important functions of the CIDI and its affiliates; [22] and a description of cross-border elements of the CIDI's operations.[23] The FDIC is considering modifying these content requirements for Larger CIDIs for whom some of this information may be less material.

Informational requirements would be dictated by the components of complexity of the particular Larger CIDI. For example, a Larger CIDI which engages in significant cross-border operations would present the corresponding metrics for complexity that would trigger the requirement to include a robust discussion of those activities in its Resolution Plan.[24] This same institution may not have a significant qualified financial contract business or one that imposes significant risk on its business, and also may not provide systemically important functions.[25] Because those requirements relating to qualified financial contracts and systemically important functions would not be triggered, the Resolution Plan for this Larger CIDI potentially could provide streamlined content on

[12] See 12 CFR 360.10(c)(2)(v).

[13] See 12 CFR 360.10(c)(2)(vi).

[14] See 12 CFR 360.10(c)(2)(xxi).

[15] See 12 CFR 360.10(c)(2)(xx)(B) and (C).

[16] See 12 CFR 360.10(c)(2)(xx)(A).

[17] See 12 CFR 381.4(g).

[18] See 12 CFR 360.10(c)(2)(ix).

[19] See 12 CFR 360.10(c)(2)(x).

[20] See 12 CFR 360.10(c)(2)(xi).

[21] See 12 CFR 360.10(c)(2)(xii).

[22] See 12 CFR 360.10(c)(2)(xvii).

[23] See 12 CFR 360.10(c)(2)(xviii).

[24] See id.

[25] See 12 CFR 360.10(c)(2)(xii) and (xvii).

these items, or would not be required to respond to the informational item. Further, the FDIC is considering describing in regulatory text the specific metrics it would use to determine which specific informational requirements would be required.

As under Alternative One, Group C CIDIs would not file a Resolution Plan under Alternative Two. Also as under Alternative One, all CIDIs subject to the IDI Rule would be required to periodically engage with FDIC resolution staff on certain specified resolution planning matters and would continue to be subject to capabilities testing, as discussed below under ''Engagement and capabilities testing.''

3. Solicitation for Input

The FDIC welcomes comments related to content requirements in response to these questions:

7. What are the costs and benefits of the current IDI plan content requirements?

8. What current aspects of the resolution planning requirements are the most burdensome for CIDIs? Are there specific resolution planning requirements that commenters believe do not provide sufficient benefit to the FDIC to justify the cost, and if so, which ones and why?

9. How should the FDIC consider the costs and benefits of requiring Resolution Plans from CIDIs whose parent companies have adopted a single point of entry resolution strategy? What are the costs of requiring the submission of Resolution Plans for such CIDIs, and what is the expected value of the benefits of such advanced planning in the event that a resolution of a CIDI is necessary for such an institution?

10. Are there specific requirements of the IDI Rule that may not be necessary for CIDIs that have adopted a single point of entry resolution strategy specifically because they have adopted such a strategy?

11. Are there additional steps that the FDIC should take to remove duplication between the DFA Resolution Plans and the Resolution Plans for CIDIs without reducing the effectiveness of each Plan? If so, what are they and why would taking such steps be appropriate?

12. What content requirements should be modified for Larger CIDIs (under both Alternatives)? Why and in what manner?

13. What content requirements should be modified solely for Group B CIDIs under Alternative One? Why and in what manner?

14. Are waivers useful to help streamline and customize the informational requirements for CIDIs? Should the FDIC consider expanding the use of waivers, and if so how?

15. In Alternative Two, the FDIC is proposing to base informational requirements for the Larger CIDIs upon the components of complexity for each such institution. Should the FDIC base the informational requirements off of the individual characteristics of the CIDI? Why or why not?

16. Is there content not presently required by the IDI Rule that could improve the effectiveness of Resolution Plan submissions and resolution planning for all CIDIs or for one or more Groups of CIDIs?

17. Should the FDIC make any changes to help foster a transparent set of content requirements? What steps can the FDIC take to ensure transparency, while also exploring potential changes to the IDI Rule discussed above providing for a streamlined set of informational requirements based upon the nature of a CIDI's operations?

18. What changes (if any) should be required to the public portions of Resolution Plans to make the resolution planning process more transparent? Why?

19. Should the FDIC make any feedback letters it issues as part of the Resolution Plan process public? Why or why not?

20. What else should the FDIC consider that would tailor the burden involved in preparing and submitting Resolution Plan information without reducing the IDI Rule's effectiveness? Are there ways that the FDIC could use automated collection techniques or other forms of information technology to facilitate transmission of resolution planning information?

C. Engagement and Capabilities Testing

1. Discussion

Engagement

The current IDI Rule requires each CIDI to make its personnel available to assist the FDIC in assessing the credibility of the Resolution Plan and the ability of the CIDI to implement the Resolution Plan.[26] As discussed above, while the FDIC would retain a Resolution Plan submission requirement for Larger CIDIs under both Alternatives, certain informational requirements may be modified or eliminated. Among those may be informational requirements related to resolution strategies, which would instead be developed by the FDIC using information it receives from the CIDI. Accordingly, the FDIC is considering modifying the IDI Rule's requirement related to access to personnel from facilitating the FDIC's assessment of the Resolution Plan to engaging with the FDIC to provide feedback on the development of the FDIC's resolution strategy for the particular CIDI. Areas of focus likely would include:

- Operational continuity (for example, critical services, back office applications, and key personnel retention);
- Disposition of the CIDI's franchise component(s) (including treatment of interconnections and dependencies);
- Management information systems reporting capabilities (that is, the CIDI's ability to provide key information needed for resolution when the institution is in financial distress and throughout resolution); and
- Liquidity needs and liquidity management practices (particularly significant off-balance sheet activities, large intraday needs, foreign currency dependencies, and international time-zone funding books).

The direct engagement with CIDI staff would provide an opportunity for the FDIC to solicit feedback on the resolution strategy it develops for the institution. It would provide an opportunity to identify gaps in the FDIC's understanding of the particular institution and its potential challenges in resolution. The FDIC could use this opportunity to explore how identified gaps could be mitigated through additional data and analysis, future Resolution Plan submissions, or additional resolution strategy development.

The format for this engagement could include in-person meetings between FDIC staff and personnel from the CIDI; requests for data and analysis; or other in-person or electronic outreach.

In the case of Larger CIDIs, the engagement would cover the general informational requirements of their respective Resolution Plans. The FDIC would envision having an initial outreach session following the first Resolution Plan submission under the revised IDI Rule, followed by regular outreach sessions, in addition to any potential conditions-based supplemental resolution planning as discussed below under ''Frequency—Conditions-based supplemental resolution planning.'' The FDIC would also continue to make itself available to answer questions about Resolution Plan requirements.

For Group C CIDIs, the requirement to submit a Resolution Plan would be eliminated; instead, the FDIC would engage in periodic resolution planning outreach with Group C CIDIs in lieu of the submission. Due to the size,

[26] See 12 CFR 360.10(d)(1).

complexity, and operations of the Group C CIDIs, it is expected that the outreach would cover a limited number of items such as:

- Information on the structure and core business lines (including segmented financial analysis); [27]
- Information about critical services and providers of those services; [28] and
- Management information systems.[29]

Capabilities Testing

Additionally, all CIDIs subject to the IDI Rule would continue to be subject to periodic capabilities testing.[30] Capabilities testing would be intended to verify the accuracy of the Resolution Plan information provided to the FDIC, in the case of CIDIs that submit Resolution Plans, and the ability of the CIDI promptly to provide critical information if required to do so in exigent circumstances, in the case of all CIDIs subject to the IDI Rule. The capabilities testing would also be tailored according to the size, complexity, and other factors of the CIDI, based on the tiers described above.

Examples of areas that could be covered through capabilities testing could include:

- Liabilities data.
- Operational continuity and bridge bank management: Critical services; key personnel; subsidiaries and affiliates; key accounting processes; and key operational processes.
- Determination of franchise value: Capability to produce marketing plan; segmented financial reporting; and due diligence room.

2. Solicitation for Input

The FDIC welcomes comments related to engagement and capabilities testing in response to these questions:

21. What are the costs and benefits if the FDIC replaces the plan submission requirement with the engagement as described above for Group C CIDIs?

22. If the FDIC engages with the CIDIs to solicit their feedback on resolution strategies and plans developed by the FDIC, do commenters have specific recommendations regarding the format of that engagement?

23. The FDIC is considering undertaking regular capabilities testing to help ensure that a CIDI will be able to provide critical information promptly if called upon to do so in exigent circumstances. How should the FDIC approach testing of CIDI capabilities? For Group A CIDIs and potentially some Group B CIDIs, how should the FDIC approach such testing given the additional challenges posed by increased operational complexity? For Group C CIDIs, how should the FDIC approach such testing given the relatively reduced level of operational complexity?

24. Should the FDIC conduct simulations with CIDIs? If so, should any aspects of the simulations be made public?

D. Frequency

1. Discussion

Larger CIDIs

Currently, a CIDI is required to submit an initial Resolution Plan followed by a Resolution Plan submission on an annual basis, unless the submission date is extended by the FDIC. In recognition of the challenges associated with an annual resolution plan submission, over the last few submission cycles the FDIC has extended plan filing deadlines to provide generally at least two years between resolution plan submissions.

Under Alternative One, the FDIC is considering replacing the concurrent cycle with a staggered biennial/triennial cycle. Under this approach, Group A CIDIs would submit Resolution Plans biennially and Group B CIDIs would submit Resolution Plans every third year. Under Alternative Two, Larger CIDIs would submit Resolution Plans either biennially or triennially based on the characteristics of the CIDI.

The FDIC is also considering a schedule in which the filing cycle would alternate between Resolution Plan submissions and further streamlined content submissions (focusing, for example, on a subset of informational requirements).

Group C CIDIs

Group C CIDIs would no longer be required to submit Resolution Plans. Instead, the FDIC would engage with those institutions on certain resolution planning matters, as discussed above under ''Engagement and capabilities testing.'' That engagement would occur on a periodic basis, in addition to any conditions-based supplemental resolution planning as discussed immediately below.

Conditions-Based Supplemental Resolution Planning

While a CIDI is in a healthy, well-capitalized condition, the FDIC can reasonably limit its resolution readiness efforts to understanding and preparing for the general challenges that any type of failure or resolution of that CIDI would present. Once a CIDI begins to experience stress or becomes troubled, however, the particular circumstances surrounding these events may indicate a more specific and likely pathway to resolution. As these details become clear, the FDIC would need to quickly enhance its general readiness to resolve the institution to account for these actual circumstances. To ensure that the FDIC is prepared to resolve a CIDI, the FDIC is considering implementing supplemental resolution planning outreach and engagement if the FDIC determines that a CIDI is in stress or becomes troubled. The trigger could be linked to ratings, liquidity measures, market indicators, or other indicators.

Following such a triggering event, the FDIC would be able promptly to re-engage with the CIDI on resolution planning matters, even if the CIDI is not at the point in the cycle at which such engagement ordinarily would occur. The FDIC would retain discretion in determining whether to reengage with the CIDI following such a triggering event, depending on the condition of the CIDI. The conditions-based supplemental engagement would include the activities and subject matters described above under ''Engagement and capabilities testing.'' This would allow the FDIC to refresh its resolution strategy for the CIDI and update key data and analysis through direct engagement with the CIDI at the time when resolution planning and preparedness is most time-sensitive, useful, and cost-effective.

2. Solicitation for Input

The FDIC welcomes comments related to frequency in response to these questions:

25. How frequently should the FDIC require Resolution Plan submissions from Larger CIDIs under both alternatives? Under Alternative Two, what measures of complexity, risk, or other characteristics should be considered in determining a CIDI's filing frequency?

26. How frequently should the FDIC conduct resolution planning outreach with Larger CIDIs under both alternatives? How should this timeline coincide with the Resolution Plan submission timeline?

27. How frequently should the FDIC conduct resolution planning outreach with Group C CIDIs?

28. What are the costs and benefits of requiring Larger CIDIs to submit plans once every two/three years?

29. Should the FDIC consider a schedule of alternating between Resolution Plan submissions and streamlined content submissions (for example, focusing on a subset of

[27] See 12 CFR 360.10(c)(2)(ii).

[28] See 12 CFR 360.10(c)(2)(iii).

[29] See 12 CFR 360.10(c)(2)(xix).

[30] See 12 CFR 360.10(d)(2).

informational requirements)? Why or why not?

30. Should the FDIC endeavor to sync the Resolution Plan submission timeline for CIDIs with the timeline for DFA Resolution Plans for DFA Resolution Plan filers? If so, how?

31. Should the FDIC consider utilizing an ad hoc submission program with information regarding each pertinent content area due at various times throughout the submission cycle (similar to an ongoing large bank continuous examination program) instead of maintaining the requirement for a Resolution Plan submission due on a single date? Why or why not?

32. The FDIC is considering one or more conditions-based triggers to increase resolution planning engagement with a CIDI experiencing stress or in troubled condition. If the FDIC were to adopt such an approach, what condition-based trigger or triggers should the FDIC use, and why?

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on April 16, 2019.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2019–08077 Filed 4–19–19; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0249; Product Identifier 2019–NM–010–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 supersede Airworthiness Directive (AD) 2017–25–12, which applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. AD 2017–25–12 requires repetitive inspections for cracking of the webs of the stub beams at certain fuselage stations, and applicable on-condition actions. Since we issued AD 2017–25–12, we have received reports of horizontal cracking in the station (STA) 685 stub beam at the inboard end of the upper chord and the outboard end of the lower chord. AD 2017–25–12 did not require an inspection of the area where the horizontal cracks were found. This proposed AD would require repetitive inspections at certain fuselage stations for cracking of the stub beams, and applicable on-condition actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 6, 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–2019–0249.

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–2019–0249; 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: Galib Abumeri, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712 4137; phone: 562–627–5324; fax: 562 627 5210; email: *galib.abumeri@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–2019–0249; Product Identifier 2019–NM–010–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 issued AD 2017–25–12, Amendment 39–19126 (82 FR 59967, December 18, 2017) (''AD 2017–25–12''), for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. AD 2017–25–12 requires repetitive inspections for cracking of the webs of the stub beams at certain fuselage stations, and applicable on-condition actions. AD 2017–25–12 resulted from reports of cracking in the webs of the stub beams at certain fuselage stations. These cracks are a result of fatigue caused by cyclical loading from pressurization, wing loads, and landing loads. We issued AD 2017–25–12 to address cracking in the webs of the stub beams at certain fuselage stations, which, if not corrected, could result in the loss of structural integrity of the airframe during flight, collapse of the main landing gear, and failure of the pressure deck.

Actions Since AD 2017–25–12 Was Issued

Since we issued AD 2017–25–12, we have received reports of horizontal cracking in the STA 685 stub beam at the inboard end of the upper chord and the outboard end of the lower chord. These cracks were caused by overload of the stub beams, leading to ductile separation. Cracks have occurred in the stub beam webs at STA 685 on the left and right sides of airplanes having total flight cycles ranging between 11,167 and 45,892 at the time of the crack finding. If left undetected, such cracking could lead to the loss of structural integrity of the airframe during flight, collapse of the main landing gear, and possible failure of the pressure deck. AD

2017–25–12 did not require an inspection of the area where the horizontal cracks were found.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1364, Revision 1, dated October 25, 2018. The service information describes procedures for inspections at certain fuselage stations for cracking of the stub beams (which includes the web, upper chord, and lower chord), and applicable on-condition actions. The inspections include high frequency eddy current (HFEC) and detailed inspections for cracking of the fuselage stub beam webs below the passenger floor at STA 685, STA 695, and STA 706, general visual inspections for any existing repair in the STA 685 and STA 706 stub beam webs and HFEC inspections for cracking in repaired areas. 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 retain none of the requirements of AD 2017–25–12. This proposed AD would require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1364, Revision 1, dated October 25, 2018, described previously, 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–2019–0249.

Costs of Compliance

We estimate that this proposed AD affects 171 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
Inspections	Up to 13 work-hours × $85 per hour = $1,105 per inspection cycle.	$0	$1,105 per inspection cycle ...	$188,955 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions 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 removing Airworthiness Directive (AD) AD 2017–25–12, Amendment 39–19126 (82 FR 59967, December 18, 2017), and adding the following new AD:

The Boeing Company: Docket No. FAA–2019–0249; Product Identifier 2019–NM–010AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by June 6, 2019.

(b) Affected ADs

This AD replaces 2017–25–12, Amendment 39–19126 (82 FR 59967, December 18, 2017) (''AD 2017–25–12'').

(c) Applicability

This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of cracking in the webs of the stub beams at certain fuselage stations, and cracking of the stub beam at fuselage station 685 at the inboard end of the upper chord and the outboard end of the lower chord. We are issuing this AD to address such cracking, which, if not corrected, could result in the loss of structural integrity of the airframe during flight, collapse of the main landing gear, and failure of the pressure deck.

(f) Compliance

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

(g) Required Actions for Group 1 Airplanes

For airplanes identified as Group 1 in Boeing Alert Service Bulletin 737–53A1364, Revision 1, dated October 25, 2018, within 120 days after the effective date of this AD, inspect the stub beams and stub beam webs for any cracking or existing repairs, and do all applicable on-condition actions, using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(h) Required Actions for Groups 2 Through 6 Airplanes

Except as specified by paragraph (i) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1364, Revision 1, dated October 25, 2018, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1364, Revision 1, dated October 25, 2018.

(i) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Service Bulletin 737–53A1364, Revision 1, dated October 25, 2018, uses the phrase ''the revision 1 issue date of this service bulletin,'' this AD requires using ''the effective date of this AD,'' except where Boeing Alert Service Bulletin 737–53A1364, Revision 1, dated October 25, 2018, uses the phrase ''the original issue date of this service bulletin'' in a note or flag note.

(2) Where Boeing Alert Service Bulletin 737–53A1364, Revision 1, dated October 25, 2018, specifies contacting Boeing for repair instructions: This AD requires doing the repair before further flight using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles 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 (k)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-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, Los Angeles 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 specified by paragraph (i) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (j)(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.

(k) Related Information

(1) For more information about this AD, contact Galib Abumeri, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@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 10, 2019.

Michael J. Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–07937 Filed 4–19–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0208]

RIN 1625–AA00

Safety Zone; St. Lucie River, Stuart, Florida

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain navigable waters of the St. Lucie River in Stuart, Florida. This action is necessary to provide for the safety of life on these navigable waters east of the Roosevelt/U.S. Route 1 Bridge during the Stuart Air Show on July 4, 2019. The proposed rulemaking would prohibit vessels and persons from entering the safety zone unless specifically authorized by the Captain of the Port Miami (COTP). We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 22, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0208 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.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Omar Beceiro, Sector Miami Waterways Management Division, U.S. Coast Guard, telephone 305–535–4317, email *omar.beceiro@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On March 27, 2019, Stuart Airshow Inc. notified the Coast Guard that it would be sponsoring the Stuart Airshow from 6 p.m. through 7:30 p.m. on July 4, 2019. The air show would be conducted east of the Roosevelt/U.S. Route 1 Bridge in the St. Lucie River in

Stuart, Florida. The COTP has determined that potential hazards associated with the air show would be a safety concern for anyone within the safety zone.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within the safety zone during and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 6:00 p.m. through 7:30 p.m. on July 4, 2019. The safety zone would cover certain navigable waters within the St. Lucie River beginning approximately 400 yards east of the Roosevelt/U.S. Route 1 Bridge in Stuart, FL. The duration of the safety zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled air show. No vessels or persons would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone, which would affect a small-designated area of the St. Lucie River for approximately 90 minutes during the evening when vessel traffic is normally low. Moreover, the Coast Guard would notify mariners of the safety zone through a Broadcast Notice to Mariners via VHF–FM marine channel 16 and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting approximately 90 minutes that would prohibit entry to all vessels and persons during the event. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a

significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *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 or a final rule is published.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0208 to read as follows:

§ 165.T07–0208 Safety Zone; St. Lucie River, Stuart, Florida

(a) *Location:* The following coordinates define the temporary safety zone located in the St. Lucie River, Stuart, FL. All waters of St. Lucie River contained within the following points: commencing at 27°12′24″ N, 080°15′21″ W; thence southeast to 27°12′21″ N, 080°14′48″ W; thence southwest to 27°12′06″ N, 080°14′50″ W; then northwest to 27°12′10″ N, 080°15′23″ W; thence northeast to origin. All coordinates are North American Datum 1983.

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

(c) *Regulations.* (1) No person or vessel will be permitted to enter, transit, anchor, or remain within the regulated area unless authorized by COTP or a designated representative.

(2) Persons and vessels desiring to enter, transit, anchor, or remain within the regulated area may contact the COTP by telephone at 305–535–4313, or a designated representative via VHF radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP or a designated representative.

(d) Enforcement Period. This rule will be enforced from 6:00 p.m. through 7:30 p.m. on July 4, 2019.

Dated: April 12, 2019.

M.M. Dean,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 2019–07769 Filed 4–19–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 190130032–9324–01]

RIN 0648–XG758

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List Summer-Run Steelhead in Northern California as Threatened or Endangered Under the Endangered Species Act

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

ACTION: 90-day petition finding, request for information, and initiation of status review.

SUMMARY: We, NMFS, announce a 90-day finding on a petition to list Northern California (NC) summer-run steelhead (*Oncorhynchus mykiss*) as an Endangered distinct population segment (DPS) under the Endangered Species Act (ESA). We find that the petition presents substantial scientific information indicating the petitioned action may be warranted. We will conduct a status review of NC summer-run steelhead to determine if the petitioned action is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information pertaining to this species from any interested party.

DATES: Scientific and commercial information pertinent to the petitioned action must be received by June 21, 2019.

ADDRESSES: You may submit comments on this document, identified by ''Northern California summer-run steelhead Petition (NOAA–NMFS–2019–0003),'' by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0003,* click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.
- *Mail or hand-delivery:* Protected Resources Division, West Coast Region, NMFS, 1201 NE Lloyd Blvd., Suite #1100, Portland, OR 97232. Attn: Gary Rule.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments

received are a part of the public record and will generally be posted for public viewing on *http://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the petition and other materials are available on the NMFS West Coast Region website at *www.westcoast.fisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Gary Rule, NMFS West Coast Region, at *gary.rule@noaa.gov,* (503) 230–5424; or Heather Austin, NMFS Office of Protected Resources, at *heather.austin@noaa.gov,* (301) 427–8422.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 2018, the Secretary of Commerce received a petition from the Friends of the Eel River (hereafter, the Petitioner) to list NC summer-run steelhead as an endangered DPS under the ESA. Currently, NC summer-run steelhead are part of the NC steelhead DPS that combines winter-run and summer-run steelhead and is listed as threatened under the ESA (71 FR 833; January 5, 2006). The Petitioner is requesting that NC summer-run steelhead be considered as a separate DPS and listed as endangered. Copies of the petition are available as described above (see **FOR FURTHER INFORMATION CONTACT**).

ESA Statutory, Regulatory, Policy Provisions, and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When it is found that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned during which we will conduct a comprehensive review of the best available scientific and commercial information. In such cases, we conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage, a positive 90-day finding does not prejudge the outcome of the status review.

Under the ESA, a listing determination may address a species, which is defined to also include subspecies and, for any vertebrate species, any DPS that interbreeds when mature (16 U.S.C. 1532(16)). A joint NMFS–U.S. Fish and Wildlife Service (USFWS) (jointly, ''the Services'') policy clarifies the Services' interpretation of the phrase ''distinct population segment'' for the purposes of listing, delisting, and reclassifying a species under the ESA (DPS Policy; 61 FR 4722; February 7, 1996). A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered based on any one or a combination of the following five ESA section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of the species' habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting the species' continued existence (16 U.S.C. 1533(a)(1)(A)–(E), 50 CFR 424.11(c)(1)–(5)).

ESA-implementing regulations issued jointly by NMFS and USFWS (50 CFR 424.14(h)(1)(i)) define ''substantial scientific or commercial information'' in the context of reviewing a petition to list, delist, or reclassify a species as ''credible scientific or commercial information in support of the petition's claims such that a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted.'' Conclusions drawn in the petition without the support of credible scientific or commercial information will not be considered ''substantial information.'' In reaching the initial 90-day finding on the petition, we consider the information described in sections 50 CFR 424.14(c), (d), and (g) (if applicable).

Our determination as to whether the petition provides substantial scientific or commercial information indicating that the petitioned action may be warranted depends in part on the degree to which the petition includes the following types of information: (1) Information on current population status and trends and estimates of current population sizes and distributions, both in captivity and the wild, if available; (2) identification of the factors under section 4(a)(1) of the ESA that may affect the species and where these factors are acting upon the species; (3) whether and to what extent any or all of the factors alone or in combination identified in section 4(a)(1) of the ESA may cause the species to be an endangered species or threatened species (*i.e.,* the species is currently in danger of extinction or is likely to become so within the foreseeable future), and, if so, how high in magnitude and how imminent the threats to the species and its habitat are; (4) information on the adequacy of regulatory protections and effectiveness of conservation activities by States as well as other parties, that have been initiated or that are ongoing, that may protect the species or its habitat; and (5) a complete, balanced representation of the relevant facts, including information that may contradict claims in the petition. See 50 CFR 424.14(d).

If the petitioner provides supplemental information before the initial finding is made and states that it is part of the petition, the new information, along with the previously submitted information, is treated as a new petition that supersedes the original petition, and the statutory timeframes will begin when such supplemental information is received. See 50 CFR 424.14(g).

We also consider information readily available at the time the determination is made. We are not required to consider any supporting materials cited by the petitioner if the petitioner does not provide electronic or hard copies, to the extent permitted by U.S. copyright law, or appropriate excerpts or quotations from those materials (*e.g.,* publications, maps, reports, and letters from authorities). See 50 CFR 424.14(h)(1)(ii).

The ''substantial scientific or commercial information'' standard must be applied in light of any prior reviews or findings we have made on the listing status of the species that is the subject of the petition. Where we have already conducted a finding on, or review of, the listing status of that species (whether in response to a petition or on

our own initiative), we will evaluate any petition received thereafter seeking to list, delist, or reclassify that species to determine whether a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted despite the previous review or finding. Where the prior review resulted in a final agency action—such as a final listing determination, 90-day not-substantial finding, or 12-month not-warranted finding—a petitioned action will generally not be considered to present substantial scientific and commercial information indicating that the action may be warranted unless the petition provides new information or analyses not previously considered.

At the 90-day finding stage, we do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioner's sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person conducting an impartial scientific review would conclude it supports the petitioner's assertions. In other words, conclusive information indicating the species may meet the ESA's requirements for listing is not required to make a positive 90- day finding. We will not conclude that a lack of specific information alone necessitates a negative 90-day finding if a reasonable person conducting an impartial scientific review would conclude that the unknown information itself suggests the species may be at risk of extinction presently or within the foreseeable future.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, in light of the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species faces an extinction risk such that listing, delisting, or reclassification may be warranted; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species (*e.g.,* population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1) of the ESA.

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information indicating that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Northern California Steelhead

Following completion of a comprehensive status review of West Coast steelhead (*O. mykiss*) populations in Washington, Oregon, Idaho, and California, NMFS published a proposed rule to list 10 Evolutionarily Significant Units (ESUs) as threatened or endangered under the ESA on August 9, 1996 (61 FR 41541). One of these steelhead ESUs, the NC ESU, was proposed for listing as a threatened species. Because of scientific disagreements, NMFS deferred its final listing determination for five of these steelhead ESUs, including the NC ESU, on August 18, 1997 (62 FR 43937). After soliciting and reviewing additional information to resolve these disagreements, NMFS published a final determination on March 19, 1998 (63 FR 13347), that the NC ESU did not warrant listing under the ESA because available scientific information and conservation measures indicated the ESU was at a lower risk of extinction than at the time of the proposed rule. Because the State of California did not implement conservation measures that NMFS considered critically important in its decision to not list the NC steelhead ESU, NMFS completed an updated status review for the ESU and reassessed the State and Federal conservation measures that were in place to protect the ESU. Based on this reconsideration, NMFS proposed to list the NC steelhead ESU as a threatened species under the ESA on February 11, 2000 (65 FR 6960). After considering public comments on the proposed determination, NMFS issued a final rule to list the NC ESU of steelhead as a threatened species on June 7, 2000 (65 FR 36074). Within the NC ESU, only naturally spawned anadromous populations of steelhead (and their progeny) residing below naturally occurring and man-made impassable barriers (*e.g.,* impassable waterfalls and dams) were listed.

A court ruling in 2001 (*Alsea Valley Alliance* v. *Evans,* 161 F. Supp. 2d 1154 (D. Or. 2001)) determined that listing only a subset of a species or ESU/DPS, such as the anadromous portion of *O. mykiss,* was not allowed under the ESA. Because of this court ruling, NMFS conducted updated status reviews for all West Coast steelhead ESUs that took into account those non-anadromous populations below dams and other major migration barriers that were considered to be part of the steelhead ESUs (Good *et al.* 2005). Subsequently, NMFS used the joint USFWS–NMFS DPS Policy to delineate steelhead-only DPSs rather than ESUs that included both steelhead and the related non-anadromous forms. Using this DPS Policy, NMFS redefined the NC steelhead ESU as a steelhead-only DPS and reaffirmed that the NC steelhead DPS was a threatened species under the ESA (71 FR 834; January 5, 2006). The DPS includes both summer-run and winter-run steelhead. Since 2006, NMFS has conducted two status reviews (76 FR 50447; August 15, 2011 and 81 FR 33468; May 26, 2016) to evaluate whether the listing classification of NC steelhead remains accurate or should be changed. In both instances, after reviewing the best available scientific and commercial data, we concluded that no change in ESA-listing status for NC steelhead was warranted.

Section 4(d) of the ESA directs NMFS to issue regulations deemed necessary and advisable to conserve species listed as threatened. Under section 4(d), NMFS may prohibit ''take,'' which would include any act that kills or injures fish, and could include habitat modification. NMFS originally promulgated 4(d) protective regulations for NC steelhead in 2002 (67 FR 1116) and then subsequently modified those regulations in 2005 (70 FR 37160).

The ESA requires NMFS to designate critical habitat for any species it lists under the ESA. Critical habitat is defined as: (i) The specific areas within the geographical area occupied by the species, at the time it is listed . . . , on which are found those physical or biological features (I) essential to the conservation of the species, and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed . . . that . . . are essential for the conservation of the species. 16 U.S.C. 1532(5)(A)(i)–(ii). NMFS designated critical habitat for NC steelhead DPS in 2005 (70 FR 52488).

Evaluation of Petition and Information Readily Available in NMFS Files

The petition contains information and arguments in support of listing NC summer-run steelhead as an endangered DPS under the ESA. Based on biological, genetic, and ecological information compiled and reviewed as part of previous NC steelhead status reviews (Busby *et al.* 1996; NMFS 1997; Adams 2000), we included all summer-run and winter-run steelhead populations in river basins from Redwood Creek in Humboldt County, California, south to the Gualala River, inclusive, in the NC steelhead DPS (65 FR 36074; June 7, 2000). Busby *et al.* (1996) found that the few genetic analyses that had considered this issue indicated that summer-run and winter-run steelhead from the same river basin are more genetically similar to each other than to the same run type in another river basin. In our 1997 status review update (NMFS 1997), we examined additional genetic data and reconfirmed that summer-run and winter-run steelhead from the same geographic area typically are more genetically similar to one another compared to populations with similar run timing in different geographic areas.

The Petitioner presents new genetic evidence to suggest the summer-run steelhead populations may qualify as a separate DPS from the winter-run populations. The Petitioner contends the findings from recently published articles on the evolutionary basis of premature migration in Pacific salmon (Prince *et al.* 2017; Thompson *et al.* 2018) indicate that summer-run steelhead in the NC steelhead DPS should be considered a separate DPS. Prince *et al.* (2017) reported on a survey of genetic variation between mature- and premature-migrating populations of steelhead and Chinook salmon from California, Oregon, and Washington. Thompson *et al.* (2018) provide additional information about genetic differentiation between mature- and premature-migrating Chinook salmon in the Rogue River, Oregon. The authors of these studies suggest that their results indicate that premature migration (*e.g.,* summer-run steelhead) arose from a single evolutionary event within the species and, if lost, are not likely to re-evolve in time frames relevant to conservation planning. The Petitioner also asserts that Moyle *et al.* (2017) provides arguments in support of delineating NC summer-run steelhead as a DPS. Moyle *et al.* (2017) maintains that winter-run and summer-run are genetically discrete and separate units of migrating populations. Moyle *et al.* (2017) further asserts that NC summer-run steelhead are distinctive in their genetic makeup, behavior, and reproductive biology and require different conservation frameworks than winter-run steelhead. Therefore, the Petitioner contends that the new genetic information indicates that summer-run steelhead in the NC steelhead DPS satisfy the criteria for a species to be considered a DPS because it is: (1) Discrete in relation to the remainder of the species to which it belongs; and (2) significant to the species to which it belongs.

The Petitioner asserts that all five ESA section 4(a)(1) factors contribute to the need to list the NC summer-run steelhead as an endangered DPS. In support of this assertion, the Petitioner presents information from three sources: (1) The 2016 5-Year Review: Summary & Evaluation of California Coastal Chinook Salmon and Northern California Steelhead (NMFS 2016b); (2) the Coastal Multispecies Recovery Plan (CMP) (NMFS 2016a); and (3) State of Salmonids: Status of California's Emblematic Fishes (Moyle *et al.* 2017). Our status review and recovery plan describe the current status and threats facing the NC steelhead DPS. Moyle *et al.* (2017) presents additional scientific and technical information about the status of the NC summer-run steelhead populations.

Petition Finding

After reviewing the information contained in the petition, as well as information readily available in our files, we conclude the petition presents substantial scientific information indicating that the petitioned action to delineate a NC summer-run steelhead DPS may be warranted. Therefore, in accordance with section 4(b)(3)(A) of the ESA and NMFS' implementing regulations (50 CFR 424.14(h)(2)), we will commence a status review to determine whether the summer-run populations of steelhead constitute a DPS, and, if so, whether the NC summer-run steelhead DPS is in danger of extinction throughout all or a significant portion of its range, or likely to become so within the foreseeable future throughout all or a significant portion of its range. After the conclusion of the status review, we will make a finding as to whether listing the NC summer-run steelhead DPS as endangered or threatened is warranted as required by section 4(b)(3)(B) of the ESA.

Information Solicited

To ensure that our status review is informed by the best available scientific and commercial information, we are opening a 60-day public comment period to solicit information on summer- and winter-run steelhead in the NC steelhead DPS. We request information from the public, concerned governmental agencies, Native American tribes, the scientific community, agricultural and forestry groups, conservation groups, fishing groups, industry, or any other interested parties concerning the current and/or historical status of summer- and winter-run steelhead in the NC steelhead DPS. Specifically, we request information regarding: (1) Species abundance; (2) species productivity; (3) species distribution or population spatial structure; (4) patterns of phenotypic, genotypic, and life history diversity; (5) habitat conditions and associated limiting factors and threats; (6) ongoing or planned efforts to protect and restore the species and their habitats; (7) information on the adequacy of existing regulatory mechanisms, whether protections are being implemented, and whether they are proving effective in conserving the species; (8) data concerning the status and trends of identified limiting factors or threats; (9) information on targeted harvest (commercial and recreational) and bycatch of the species; (10) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes; and (11) information concerning the impacts of environmental variability and climate change on survival, recruitment, distribution, and/or extinction risk.

We request that all information be accompanied by: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

References Cited

The complete citations for the references used in this document can be obtained by contacting NMFS (See **FOR FURTHER INFORMATION CONTACT**) or on our web page at: *www.westcoast.fisheries.noaa.gov.*

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 17, 2019.

Patricia A. Montanio,

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

[FR Doc. 2019–07995 Filed 4–19–19; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 84, No. 77

Monday, April 22, 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

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to KIM–C1, LLC of Fresno, California an exclusive license to U.S. Patent No. 7,634,870, ''CYTOKININ ENHANCEMENT OF COTTON,'' issued on December 22, 2009.

DATES: Comments must be received on or before May 22, 2019.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: Brian T. Nakanishi of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as KIM–C1, LLC of Fresno, California has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2019–08018 Filed 4–19–19; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Huvepharma EOOD of Sofia, Bulgaria, an exclusive license for an experimental African Swine Fever vaccine claimed in U.S. Patent No. 9,463,234, ''ATTENUATED AFRICAN SWINE FEVER VIRUS STRAIN INDUCES PROTECTION AGAINST CHALLENGE WITH HOMOLOGOUS VIRULENT PARENTAL VIRUS GEORGIA 2007 ISOLATE'', issued on October 11, 2016.

DATES: Comments must be received on or before May 22, 2019.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: Brian T. Nakanishi of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Huvepharma EOOD of Sofia, Bulgaria has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2019–08019 Filed 4–19–19; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 17, 2019.

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

Comments regarding this information collection received by May 22, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

displays a currently valid OMB control number.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program—Supplemental Nutrition Assistance for Victims of Disasters.

OMB Control Number: 0584–0336.

Summary of Collection: The authority to operate the Disaster Supplemental Nutrition Assistance Program (D–SNAP) is found in section 5(h) of the Food and Nutrition Act of 2008, formerly the Food Stamp Act of 1977, as amended and the Disaster Relief Act of 1974, as amended by the Robert T. Stafford Disaster Relief and Assistance Act of 1988 authorizes the Secretary of Agriculture to establish temporary emergency standards of eligibility for victims of a disaster if the commercial channels of food distribution have been disrupted, and subsequently restored. D–SNAP is a program that is separate from the Supplemental Nutrition Assistance Program (SNAP) and is conducted for a specific period of time. In order for a State to request to operate a D–SNAP, an affected area in the State must have received a Presidential Declaration of ''Major Disaster'' with Individual Assistance.

Need and Use of the Information: This information collection concerns information obtained from State agencies seeking to operate D–SNAP. A State agency request to operate a D–SNAP must contain the following information: Description of incident; geographic area; application period; benefit period; eligibility criteria; ongoing household eligibility; affected population; electronic benefit card issuance process; logistical plans for Disaster SNAP rollout; staffing; public information outreach; duplicate participation check process; fraud prevention strategies; and employee application procedures. The Food and Nutrition Service reviews the request to ensure that all the necessary requirements to conduct a D–SNAP are met. If this collection is not conducted, D–SNAP would not be available to help meet the nutritional needs of disaster victims.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 5.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 56.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–08053 Filed 4–19–19; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

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

Comments regarding this information collection received by May 22, 2019 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

Animal and Plant Health Inspection Service

Title: Special Need Request Under the Plant Protection Act.

OMB Control Number: 0579–0291.

Summary of Collection: The Plant Protection Act (PPA) (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, which administers regulations to implement the PPA. Regulations governing the interstate movement of plants, plant products, and other articles are contained in 7 CFR part 301, ''Domestic Quarantine Notices.'' These regulations in ''Subpart-Preemption and Special Need Requests'' allow States or political subdivisions of States to request approval from APHIS to impose prohibitions or restrictions on the movement in interstate commerce of specific articles that pose a plant health risk that are in addition to the prohibitions and restrictions imposed by APHIS.

Need and Use of the Information: APHIS believes that specific information—such as a pest data detection survey with a pest risk analysis that shows that a pest is not present in a State, or if already present, the current distribution in the State, and that the pest would harm or injure the environment and/or agricultural resources of the State or political subdivision—is needed and would be considered along with more general information available to APHIS for the Administrator to be able to determine whether to grant or deny a request for a special need exemption. The administrator's determination would be based upon his or her review of the information submitted by the State or political subdivision in support of its request and would consider any comments received. If this information was not collected or collected less frequently, it would create vulnerabilities which would cripple APHIS' ability to prevent the introduction or spread of plant pests and diseases in the United States.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 1.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 160.

Dated: April 17, 2019.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–08006 Filed 4–19–19; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of planning 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 Colorado Advisory Committee to the Commission will convene by conference call at 2:00 p.m. (MDT) on Friday, May 3, 2019. The purpose of the meeting is to review the draft report on the naturalization backlog and decide next steps for the report. An update on the community forum will also be provided.

DATES: Friday, May 3, 2019, at 2:00 p.m. (MDT).

Public Call-In Information: Conference call number: 1–800–682–0995; call ID: 7996743.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, *ebohor@usccr.gov,* 303–866–1040.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1–800–682–0995 and conference call ID: 7996743. Please be advised that, before being placed into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number provided.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call number: 1–800–682–0995 and conference call 7996743.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1040, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://gsageo.force.com/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzksAAAclick* the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office.

Agenda

Friday, May 3, 2019; 2:00 p.m. (MDT)

I. Roll Call
II. Review Report
III. Next Steps for the Report
IV. Community Forum Update
V. Other Business
VI. Open Comment
VII. Adjournment.

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the federal government shutdown.

Dated: April 17, 2019.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2019–08051 Filed 4–19–19; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the California 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 California Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Daylight Time, PDT), Friday, May 10, 2019. The purpose of the meeting is to review project proposal on immigration.

DATES: The meeting will be held on Friday, May 10, 2019, at 1:00 p.m. PDT.

ADRDESSES: Public Call Information: Dial: 855–719–5012, Conference ID: 6867210.

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

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 855–719–5012, conference ID number: 6867210. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

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

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at: *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkUAAQ.*

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

Agenda

I. Welcome
II. Approval of April 12, 2019 Meeting Minutes
III. Review Project Proposal

IV. Public Comment
V. Next Steps
VI. Adjournment

Dated: April 17, 2019.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2019–08049 Filed 4–19–19; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–089]

Steel Racks From the People's Republic of China: Amended Preliminary Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (Commerce) is amending the scope of the countervailing duty (CVD) investigation of steel racks from China to conform with the scope published in the preliminary determination of the companion antidumping duty (AD) investigation of steel racks from China. The period of investigation is January 1, 2017, through December 31, 2017.

DATES: Applicable April 22, 2019.

FOR FURTHER INFORMATION CONTACT: Eli Lovely, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1593.

SUPPLEMENTARY INFORMATION:

Background

Commerce published its *CVD Preliminary Determination* on December 3, 2018.[1] On March 4, 2019, Commerce published its *AD Preliminary Determination* within which we amended the scope of the investigation to exclude certain products, based upon comments received from interested parties.[2]

Amended Scope of the Investigation

The product covered by this investigation is steel racks from China. We are amending the scope of the CVD investigation to conform with the scope of the companion AD investigation, including the exclusions of: (1) Decks, *i.e.,* shelving that sits on or fits into the horizontal supports to provide the horizontal storage surface of the steel racks; (2) wire shelving units, *i.e.,* units made from wire that incorporate both a wire deck and wire horizontal supports (taking the place of the horizontal beams and braces) into a single piece with tubular collars that slide over the posts and onto plastic sleeves snapped on the posts to create a finished unit; (3) pins, nuts, bolts, washers, and clips used as connecting devices; and (4) non-steel components. These exclusions were first enumerated in the *AD Preliminary Determination.* For a complete description of the amended scope of this investigation, *see* Appendix I.

Suspension of Liquidation

We have not revised the estimated cash deposit rates published in the *CVD Preliminary Determination.* In accordance with section 703(d)(1)(B) and (d)(2) of the Tariff Act of 1930, as amended (the Act), we will direct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of entries of subject merchandise as described in the amended scope of the investigation, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, and to continue to require a cash deposit, pursuant to 19 CFR 351.205(d). Additionally, because certain products are now excluded from the scope of the investigation, Commerce will instruct CBP to terminate suspension of liquidation of those excluded products, and to refund any cash deposits previously posted with respect to them.

Notification

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission of its amended determination. This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: March 29, 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

Amended Scope of the Investigation

The merchandise covered by this investigation is steel racks and parts thereof, assembled, to any extent, or unassembled, including but not limited to, vertical components (*e.g.,* uprights, posts, or columns), horizontal or diagonal components (*e.g.,* arms or beams), braces, frames, locking devices (*e.g.,* end plates and beam connectors), and accessories (including, but not limited to, rails, skid channels, skid rails, drum/coil beds, fork clearance bars, pallet supports, row spacers, and wall ties).

Subject steel racks and parts thereof are made of steel, including, but not limited to, cold and/or hot-formed steel, regardless of the type of steel used to produce the components and may, or may not, include locking tabs, slots, or bolted, clamped, or welded connections. Subject steel racks have the following physical characteristics:

(1) Each steel vertical and horizontal load bearing member (*e.g.,* arms, beams, posts, and columns) is composed of steel that is at least 0.044 inches thick;

(2) Each steel vertical and horizontal load bearing member (*e.g.,* arms, beams, posts, and columns) is composed of steel that has a yield strength equal to or greater than 36,000 pounds per square inch;

(3) The width of each steel vertical load bearing member (*e.g.,* posts and columns) exceeds two inches; and

(4) The overall depth of each steel roll-formed horizontal load bearing member (*e.g.,* beams) exceeds two inches.

In the case of steel horizontal load bearing members other than roll-formed (*e.g.,* structural beams, Z-beams, or cantilever arms), only the criteria in subparagraphs (1) and (2) apply to these horizontal load bearing members. The depth limitation in subparagraph (4) does not apply to steel horizontal load bearing members that are not roll-formed.

Steel rack components can be assembled into structures of various dimensions and configurations by welding, bolting, clipping, or with the use of devices such as clips, end plates, and beam connectors, including, but not limited to the following configurations: (1) Racks with upright frames perpendicular to the aisles that are independently adjustable, with positive-locking beams parallel to the aisle spanning the upright frames with braces; and (2) cantilever racks with vertical components parallel to the aisle and cantilever beams or arms connected to the vertical components perpendicular to the aisle. Steel racks may be referred to as pallet racks, storage racks, stacker racks, retail racks, pick modules, selective racks, or cantilever racks and may incorporate moving components and be referred to as pallet-flow racks, carton-flow racks, push-back racks, movable-shelf racks, drive-in racks, and

[1] *See Certain Steel Racks from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 83 FR 62297 (December 3, 2018) (*CVD Preliminary Determination).*

[2] *See Steel Racks and Parts Thereof from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value,* 84 FR 7326 (March 4, 2019) (*AD Preliminary Determination*) and accompanying Preliminary Decision Memorandum. *See also,* Memorandum ''Steel Racks from the People's Republic of China: Preliminary Scope Decision,'' dated February 25, 2019, which was placed on the record of both the AD and CVD investigations.

drive-through racks. While steel racks may be made to ANSI MH16.l or ANSI MH16.3 standards, all steel racks and parts thereof meeting the description set out herein are covered by the scope of this investigation, whether or not produced according to a particular standard.

The scope includes all steel racks and parts thereof meeting the description above, regardless of

(1) other dimensions, weight, or load rating;

(2) vertical components or frame type (including structural, roll-form, or other);

(3) horizontal support or beam/brace type (including but not limited to structural, roll-form, slotted, unslotted, Z-beam, C-beam, L-beam, step beam, and cantilever beam);

(4) number of supports;

(5) number of levels;

(6) surface coating, if any (including but not limited to paint, epoxy, powder coating, zinc, or other metallic coatings);

(7) rack shape (including but not limited to rectangular, square, corner, and cantilever);

(8) the method by which the vertical and horizontal supports connect (including but not limited to locking tabs or slots, bolting, clamping, and welding); and

(9) whether or not the steel rack has moving components (including but not limited to rails, wheels, rollers, tracks, channels, carts, and conveyors).

Subject merchandise includes merchandise matching the above description that has been finished or packaged in a third country. Finishing includes, but is not limited to, coating, painting, or assembly, including attaching the merchandise to another product, or any other finishing or assembly operation that would not remove the merchandise from the scope of the investigation if performed in the country of manufacture of the steel racks and parts thereof. Packaging includes packaging the merchandise with or without another product or any other packaging operation that would not remove the merchandise from the scope of the investigation if performed in the country of manufacture of the steel racks and parts thereof.

Steel racks and parts thereof are included in the scope of this investigation whether or not imported attached to, or included with, other parts or accessories such as wire decking, nuts, and bolts. If steel racks and parts thereof are imported attached to, or included with, such non-subject merchandise, only the steel racks and parts thereof are included in the scope.

The scope of this investigation does not cover: (1) Decks, *i.e.,* shelving that sits on or fits into the horizontal supports to provide the horizontal storage surface of the steel racks; (2) wire shelving units, *i.e.,* units made from wire that incorporate both a wire deck and wire horizontal supports (taking the place of the horizontal beams and braces) into a single piece with tubular collars that slide over the posts and onto plastic sleeves snapped on the posts to create a finished unit; (3) pins, nuts, bolts, washers, and clips used as connecting devices; and (4) non-steel components.

Specifically excluded from the scope of this investigation are any products covered by Commerce's existing antidumping and countervailing duty orders on boltless steel shelving units prepackaged for sale from the People's Republic of China. *See Boltless Steel Shelving Units Prepackaged for Sale From the People's Republic of China: Antidumping Duty Order,* 80 FR 63,741 (October 21, 2017); *Boltless Steel Shelving Units Prepackaged for Sale From the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 63,745 (October 21, 2017).

Also excluded from the scope of this investigation are bulk-packed parts or components of boltless steel shelving units that were specifically excluded from the scope of the Boltless Steel Shelving Orders because such bulk-packed parts or components do not contain the steel vertical supports (*i.e.,* uprights and posts) and steel horizontal supports (*i.e.,* beams, braces) packaged together for assembly into a completed boltless steel shelving unit.

Such excluded components of boltless steel shelving are defined as:

(1) Boltless horizontal supports (beams, braces) that have each of the following characteristics: (a) A length of 95 inches or less, (b) made from steel that has a thickness of 0.068 inches or less, and (c) a weight capacity that does not exceed 2500 lbs per pair of beams for beams that are 78″ or shorter, a weight capacity that does not exceed 2200 lbs per pair of beams for beams that are over 78″ long but not longer than 90″, and/or a weight capacity that does not exceed 1800 lbs per pair of beams for beams that are longer than 90″;

(2) shelf supports that mate with the aforementioned horizontal supports; and

(3) boltless vertical supports (upright welded frames and posts) that have each of the following characteristics: (a) A length of 95 inches or less, (b) with no face that exceeds 2.90 inches wide, and (c) made from steel that has a thickness of 0.065 inches or less.

Excluded from the scope of this investigation are: (1) Wall-mounted shelving and racks, defined as shelving and racks that suspend all of the load from the wall, and do not stand on, or transfer load to, the floor; (2) ceiling-mounted shelving and racks, defined as shelving and racks that suspend all of the load from the ceiling and do not stand on, or transfer load to, the floor; and (3) wall/ceiling mounted shelving and racks, defined as shelving and racks that suspend the load from the ceiling and the wall and do not stand on, or transfer load to, the floor. The addition of a wall or ceiling bracket or other device to attach otherwise subject merchandise to a wall or ceiling does not meet the terms of this exclusion.

Also excluded from the scope of this investigation is scaffolding that complies with ANSI/ASSE A10.8—2011—Scaffolding Safety Requirements, CAN/CSA S269.2–M87 (Reaffirmed 2003)—Access Scaffolding for Construction Purposes, and/or Occupational Safety and Health Administration regulations at 29 CFR part 1926 subpart L—Scaffolds.

Also excluded from the scope of this investigation are tubular racks such as garment racks and drying racks, *i.e.,* racks in which the load bearing vertical and horizontal steel members consist solely of: (1) Round tubes that are no more than two inches in diameter; (2) round rods that are no more than two inches in diameter; (3) other tubular shapes that have both an overall height of no more than two inches and an overall width of no more than two inches; and/or (4) wire.

Also excluded from the scope of this investigation are portable tier racks. Portable tier racks must meet each of the following criteria to qualify for this exclusion:

(1) They are freestanding, portable assemblies with a fully welded base and four freely inserted and easily removable corner posts;

(2) They are assembled without the use of bolts, braces, anchors, brackets, clips, attachments, or connectors;

(3) One assembly may be stacked on top of another without applying any additional load to the product being stored on each assembly, but individual portable tier racks are not securely attached to one another to provide interaction or interdependence; and

(4) The assemblies have no mechanism (*e.g.,* a welded foot plate with bolt holes) for anchoring the assembly to the ground.

Also excluded from the scope of this investigation are accessories that are independently bolted to the floor and not attached to the rack system itself, *i.e.,* column protectors, corner guards, bollards, and end row and end of aisle protectors.

Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under the following subheadings: 7326.90.8688, 9403.20.0080, and 9403.90.8041. Subject merchandise may also enter under subheadings 7308.90.3000, 7308.90.6000, 7308.90.9590, and 9403.20.0090. The HTSUS subheadings are provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

[FR Doc. 2019–08004 Filed 4–19–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Charter Renewal of the U.S. Investment Advisory Council and Soliciting Nominations for Members

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

ACTION: Notice of charter renewal of the U.S. Investment Advisory Council and soliciting nominations for members.

SUMMARY: On April 6, 2018, the Department of Commerce Acting Chief Financial Officer and Assistant Secretary for Administration renewed the charter for the United States Investment Advisory Council (Council) ending April 5, 2020. The Council is a federal advisory committee under the Federal Advisory Committee Act.

DATES: All applications for immediate consideration for appointment must be received by 5:00 p.m. Eastern Daylight Time (EDT) on May 6, 2019. After that date, applications will be accepted under this notice for a period of up to two years from the deadline to fill any vacancies that may arise. **Note:** If you applied for the IAC based on the original **Federal Register** Notice posted in April, your application remains valid and you *DO NOT NEED* to re-apply.

ADDRESSES: Please submit applications by email to *IAC@trade.gov,* attention: Steven Meyers, SelectUSA, United States Investment Advisory Council Executive Secretariat, or by mail to Steven Meyers, SelectUSA, United States Investment Advisory Council, Room 30011, 1401 Constitution Avenue NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Steven Meyers, Designated Federal Officer, SelectUSA, Room 30011, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: 202–482–2612, email: *IAC@trade.gov.*

SUPPLEMENTARY INFORMATION: The United States Investment Advisory Council (Council) was established by the Secretary of Commerce (Secretary) pursuant to duties imposed by 15 U.S.C. 1512 upon the Department and in compliance with the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

The Council functions solely as an advisory committee in accordance with the provisions of FACA. In particular, the Council advises the Secretary on government policies and programs that affect businesses engaging in foreign direct investment (FDI), the expansion of domestic operations, or the transferring of operations to the United States from overseas. The IAC identifies and recommends programs and policies to help the United States attract and retain business investment and recommends ways to support the United States in remaining the world's preeminent investment destination. The Council acts as a liaison among the stakeholders represented by the membership and provides a forum for the stakeholders to provide feedback on current and emerging issues regarding FDI and business expansion.

The Council reports to the Secretary of Commerce on its activities and recommendations regarding FDI and business investment. In creating its reports, the Council is to survey and evaluate the investment and investment-facilitating activities of stakeholders, identify and examine specific problems facing potential business investors, and examine the needs of stakeholders to inform the Council's efforts. The Council is to recommend specific solutions to the problems and needs that it identifies.

Each member is to be appointed for a term of two years and serves at the pleasure of the Secretary. The Secretary may at his/her discretion reappoint any member to an additional term or terms, provided that the member proves to work effectively on the Council and his/her knowledge and advice is still needed.

The Council consists of no more than forty (40) members appointed by the Secretary. Members are to represent companies and organizations investing, seeking to invest, seeking foreign investors, or facilitating investment across many sectors, including but not limited to:

- U.S.-incorporated companies that are majority-owned by foreign companies or by a foreign individual or individuals, or that generate significant foreign direct investment (*e.g.,* through their supply chains);
- Companies or entities whose business includes FDI-related activities or the facilitation of FDI; and
- U.S. incorporated companies, regardless of ownership, that are considering expanding their operations in the United States or transferring to the United States operations that are currently being conducted overseas;
- Economic development organizations and other U.S. governmental and non-governmental organizations and associations whose missions or activities include the promotion or facilitation of business investment and/or FDI.

All members must be a U.S. national. Members shall be selected based on their ability to carry out the objectives of the IAC, in accordance with applicable Department of Commerce guidelines, in a manner that ensures that the IAC is balanced in terms of points of view, industry sector or subsector, and organizational type. Members shall also represent a broad range of products and services and shall be drawn from large, medium, and small enterprises, private-sector organizations that have invested or are considering investing in the United States, and other investment-related entities, including non-governmental organizations, associations, and economic development organizations.

For members selected on the basis of their involvement in FDI and FDI-related activities, the IAC should also be balanced in terms of the geographic sources and destinations of the FDI and the volume and nature of FDI involved. For members selected on the basis of their interest in expanding their operations in, or transferring operations to the United States, the IAC should also be balanced in terms of the size and nature of the operations under consideration for expansion or transfer.

In selecting members, priority may be given to the selection of executives, *i.e.,* Chief Executive Officer, Executive Chairman, President, or an officer with a comparable level of responsibility.

Members serve in a representative capacity, representing the views and interests of their sponsoring entity and those of their particular sector (if applicable), and they are, therefore, not Special Government Employees. Members will receive no compensation for their participation and will not be reimbursed for travel expenses related to Council activities. Appointments to the Council shall be made without regard to political affiliation. All members must be a U.S. national.

The Secretary designates a Chair and Vice Chair from among the members. The Council will meet a minimum of two times a year, to the extent practical, with additional meetings called at the discretion of the Secretary or his/her designee. Meetings will be held in Washington, DC or elsewhere in the United States, or by teleconference, as feasible. Members are expected to attend a majority of Council meetings.

To be considered for membership, submit the following information by 5:00 p.m. EDT on May 6, 2019 to the email address listed in the **ADDRESSES** section:

1. Name and title of the individual requesting consideration.
2. A sponsor letter on the sponsoring entity's letterhead containing a brief statement of why the applicant should be considered for membership on the Council. This sponsor letter should be written by an individual senior to the applicant and address the applicant's experience and leadership related to foreign direct investment or business expansion. The letter can also come from a source outside the company, preferably from someone whose business is related to the applicants, and also in a senior position.
3. The applicant's personal resume and short bio (less than 300 words).
4. An affirmative statement that the applicant meets all eligibility criteria, including an affirmative statement that the applicant is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.
5. Information regarding the ownership and control of the sponsoring entity, including the stock holdings as appropriate.

6. The sponsoring entity's size, place of incorporation, product or service line, major markets in which the entity operates, and the entity's export or import experience.

7. A profile of the entity's foreign direct investment or expansion activities, including investment activities, investment plans, investment-facilitation activities, or other foreign direct investment activities.

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

9. All relevant contact information, including mailing address, fax, email, phone number, and support staff information where relevant.

Note: If you applied for the IAC based on the original **Federal Register** Notice posted in April, your application remains valid and you *DO NOT NEED* to re-apply.

Anthony Diaz,

Program Analyst, International Trade Administration.

[FR Doc. 2019–07986 Filed 4–19–19; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–809]

Certain Hot-Rolled Carbon Steel Flat Products From the Russian Federation: Correction to the Preliminary Results of the 2016–2017 Administrative Review

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

FOR FURTHER INFORMATION CONTACT: John McGowan or Joshua DeMoss, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3019 or (202) 482–3362, respectively.

SUPPLEMENTARY INFORMATION: On February 19, 2019, the Department of Commerce (Commerce) published the preliminary results of the 2016–2017 administrative review of the antidumping duty order for certain hot-rolled carbon steel flat products from the Russian Federation. Commerce inadvertently stated it intended to issue the final results of this administrative review no later than 90 days after the date these preliminary results of review were issued, pursuant to section 751(a)(2)(B) of the Tariff Act of 1930 (the Act). Commerce properly intends to publish the final results of this administrative review, including the results of its analysis of issues addressed in any case or rebuttal brief, no later than 120 days after publication of the preliminary results, unless extended.[1] This notice serves as a correction notice.

Dated: April 15, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–08003 Filed 4–19–19; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See* section 751(a)(3)(A) of the Act; 19 CFR 351.213(h); *see also Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,* 84 FR 4776 (February 19, 2019).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–090]

Certain Steel Wheels 12 to 16.5 Inches in Diameter From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Affirmative Determination of Critical Circumstances

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain steel wheels 12 to 16.5 inches in diameter (certain steel wheels) from the People's Republic of China (China) are being sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2018, through June 30, 2018. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable April 22, 2019.

FOR FURTHER INFORMATION CONTACT: Kyle Clahane or Charles Doss, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5449 or (202) 482–4474, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). We published the notice of initiation of this investigation on September 5, 2018.[1] We exercised our discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[2] On February 6, 2019, we postponed the preliminary determination of this investigation and the revised deadline is now April 15, 2019.[3] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] A list of topics included 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 *https://access.trade.gov,* and 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 the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are certain steel wheels 12 to 16.5 inches in diameter from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product

[1] *See Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 83 FR 45095 (September 5, 2018) (*Initiation Notice*) and accompanying Initiation Checklist.

[2] *See* memorandum, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019.

[3] *See Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation,* 84 FR 2169 (February 6, 2019).

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

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

coverage (*i.e.,* scope).[6] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[7] We are preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the revised scope in Appendix I to this notice.

Methodology

We are conducting this investigation in accordance with section 731 of the Act. Pursuant to section 776(a) and (b) of the Act, we have preliminarily relied upon facts otherwise available, with adverse inferences (AFA), for the China-wide entity, including each of the companies selected for individual examination: Xiamen Sunrise Wheel Group Co., Ltd. (Sunrise), Xingmin Intelligent Transportation System Co., Ltd. (Xingmin), and Zhejiang Jingu Co., Ltd. (Zhejiang Jingu). As AFA, we have assigned the highest margin alleged in the Petition of 44.35 percent.[8]

We preliminarily find a single entity, Changzhou Chungang Machinery Co., Ltd. (Chungang Machinery), which was not selected for individual examination in this investigation, to have demonstrated eligibity for a separate rate. However, because none of the mandatory respondents are receiving a separate rate and we are determining the China-wide rate based on AFA, we look to section 735(c)(5)(B) of the Act for guidance and are, consistent with that provision, using ''any reasonable method'' to determine the rate for exporters that are not being individually examined and found to be entitled to a separate rate. As ''any reasonable method,'' we find it appropriate to assign the simple average of the Petition rates (*i.e.,* 38.27 percent) [9] to Chungang Machinery, the separate rate applicant not individually examined.[10]

For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily determines that critical circumstances exist with respect to imports of certain steel wheels from China for Chungang Machinery, the company eligible for a separate rate, and the China-wide entity. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the Preliminary Decision Memorandum.

Combination Rates

In the *Initiation Notice,*[11] Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[12]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist.

Producer	Exporter	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Changzhou Chungang Machinery Co., Ltd	Changzhou Chungang Machinery Co., Ltd	38.27	37.65
China-Wide Entity		44.35	43.73

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation 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**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price, as indicated in the chart above as follows: (1) For the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Chinese producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity; and (3) for all third-country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Chinese producer/exporter combination (or the China-wide entity) that supplied that third-country exporter.

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise from the following

[6] *See Initiation Notice.*

[7] *See* memorandum, ''Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China: Preliminary Scope Decision Memorandum,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Scope Decision Memorandum).

[8] *See* the petitioner's letter, ''Petitions for the Imposition of Antidumping Duties and Countervailing Duties on Imports of Certain Steel Wheels 12–16.5 Inches in Diameter from the People's Republic of China,'' dated August 8, 2018 (the Petition). We adjusted the Petition rate when we initiated this investigation. *See* Initiation Checklist at Attachment V.

[9] *Id.* The invididual Petition rates, as recalculated in the Initiation Checklist, were 44.35, 37.24, 43.12, 42.28, 37.32, 30.48, 36.11, and 35.27 percent. The simple average of these margins is 38.27 percent.

[10] *See, e.g., Carton-Closing Staples From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 13236 (March 28, 2018) and accompanying Issues and Decision Memorandum at Comment 3 (citing, *e.g., Galvanized Steel Wire from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 77 FR 17430 (March 26, 2012)).

[11] *See Initiation Notice* at 83 FR 45099.

[12] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' dated April 5, 2005 (Policy Bulletin 05.1), available on Commerce's website at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

producer/exporter combinations: Chungang Machinery, the company eligible for a separate rate, and the China-wide entity. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to all unliquidated entries of merchandise from the producer/exporter combinations identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce has made a preliminary affirmative determination for domestic subsidy pass-through or export subsidies, Commerce has offset the calculated estimated weighted-average dumping margin by the appropriate rate(s). Any such adjusted rates may be found in the ''Preliminary Determination'' section's chart of estimated weighted-average dumping margins above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting cash deposits at a rate equal to the estimated weighted-average dumping margins calculated in this preliminary determination unadjusted for the passed-through domestic subsidies or for export subsidies at the time the CVD provisional measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a preliminary determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied AFA to the mandatory respondents in this investigation in accordance with section 776 of the Act, and the applied AFA rate is based solely on the Petition, and the rate assigned to the separate rate company was a simple average of the Petition rates, there are no calculations to disclose.

Verification

Because the mandatory respondents in this investigation did not provide information requested by Commerce and Commerce preliminarily determines each of the mandatory respondents to have been uncooperative, verification will not be conducted.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[13] 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.

Final Determination

Section 735(a)(1) of the Act and 19 CFR 351.210(b)(1) provide that Commerce will issue the final determination within 75 days after the date of its preliminary determination. Accordingly, Commerce will make its final determination no later than 75 days after the signature date of this preliminary determination.

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

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: April 15, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

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

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

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

Certain on-the-road steel wheels imported as an assembly with a tire mounted on the wheel and/or with a valve stem or rims

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

The scope includes rims, discs, and wheels that have been further processed in a third country, including, but not limited to, the painting of wheels from China and the welding and painting of rims and discs from China to form a steel wheel, or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in China.

Excluded from this scope are the following: (1) Steel wheels for use with tube-type tires; such tires use multi piece rims, which are two-piece and three-piece assemblies and require the use of an inner tube; (2) aluminum wheels; (3) certain on-the-road steel wheels that are coated entirely in chrome; (4) steel wheels that do not meet Standard 110 or 120 of the NHTSA's requirements other than the rim marking requirements found in 49 CFR 571.110S4.4.2 and 571.120S5.2; (5) steel wheels that meet the following specifications: steel wheels with a nominal wheel diameter ranging from 15 inches to 16. 5 inches, with a rim width of 8 inches or greater, and a wheel backspacing ranging from 3. 75 inches to 5.5 inches; and (6) steel wheels with wire spokes.

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

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope Comments
V. Scope of the Investigation
VI. Preliminary Affirmative Determination of Critical Circumstances
VII. Discussion of the Methodology
  A. Non-Market Economy Country
  B. Separate Rates
  i. Absence of *De Jure* control
  ii. Absence of *De Facto* control
  iii. Separate Rate Margin
  C. China-Wide Entity
  D. Application of Facts Available and Adverse Inferences
  i. Application of Facts Available
  ii. Application of AFA
  iii. Selection and Corroboration of the AFA Rate
VIII. Adjustment Under Section 777(A)(f) of the Act
IX. Adjustments To Cash Deposit Rates For Export Subsidies
X. Verification
XI. Conclusion

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–836]

Light-Walled Rectangular Pipe and Tube From Mexico: Final Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) determines that Maquilacero S.A. de C.V. (Maquilacero) and Regiomontana de Perfiles y Tubos S.A. de C.V. (Regiopytsa) made sales of light-walled rectangular pipe and tube (LWRPT) from Mexico at prices below normal value during the period of review (POR) August 1, 2016, through July 31, 2017.

DATES: Applicable April 22, 2019.

FOR FURTHER INFORMATION CONTACT: Madeline Heeren and Kent Boydston, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9179 and (202) 482–5649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 6, 2018, Commerce published the *Preliminary Results.*[1] On December 17, 2018, Commerce extended the final results deadline until March 5, 2019.[2] In addition, 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 deadline for the final results of this review was revised to April 15, 2019.[3]

A summary of the events that occurred since Commerce published these results, as well as a full discussion of the issues raised by parties for these final results, may be found in the Issues and Decision Memorandum, which is hereby adopted by this notice.[4]

Scope of the Order

The products covered by the scope of the order are certain light-walled rectangular pipe and tube from Mexico. For a complete description of the scope, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as an Appendix. The Issues and 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 *https://access.trade.gov* and in the Central Records Unit (CRU), room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the memorandum are identical in content.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made certain revisions to the preliminary margin calculations for Maquilacero and Regiopytsa. The Issues

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[1] *See Light-Walled Rectangular Pipe and Tube from Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 45211 (September 8, 2018) and accompanying Preliminary Decision Memorandum (*Preliminary Results*).

[2] *See* Letter, ''Light-Walled Rectangular Pipe and Tube from Mexico: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated December 17, 2018.

[3] *See* Memorandum to the file 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 regarding ''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, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Light-Walled Rectangular Pipe and Tube from Mexico; 2016–2017,'' dated concurrently with this notice (Issues and Decision Memorandum).

and Decision Memorandum contains a description of these revisions.[5]

Final Results of the Review

The final weighted-average dumping margins for the exporters or producers listed below are as follows:[6]

Producer/exporter	Weighted-average margin (percent)
Maquilacero S.A. de C.V.	17.65
Perfiles y Herrajes LM, S.A. de C.V.[7]	12.78
Productos Laminados de Monterrey S.A. de C.V.	12.78
Regiomontana de Perfiles y Tubos S.A. de C.V.	8.32

Disclosure

We willdisclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Duty Assessment

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protections (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. We will calculate importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).

For entries of subject merchandise during the POR produced by each respondent for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue liquidation instructions to CBP 41 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.76 percent, the all-others rate established in the investigation.[8] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

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

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: April 15, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Final Issues and Decision Memorandum

I. Summary
II. List of Issues
III. Background
IV. Scope of the Order
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VI. Discussion of the Issues
A. General Issues
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B. Maquilacero-Specific Issues
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Comment 3: Level of Trade
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Comment 5: Transactions Disregarded Rule
Comment 6: General and Administrative Expense Adjustment
Comment 7: Amended Draft Liquidation Instructions
C. Regiopytsa-Specific Issues
Comment 8: Ministerial Error
Comment 9: Cost Reconciliation Adjustment
Comment 10: Revised Scrap Adjustment
Comment 11: Interest Expense Ratio
VII. Recommendation

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[5] *See* Issues and Decision Memorandum at 4–5; *see also* Memoranda, ''Analysis Memorandum for Maquilacero S.A. de C.V. in the Final Results of the 2016/2017 Administrative Review of the Antidumping Duty Order on Light-Walled Rectangular Pipe and Tube from Mexico,'' and ''Analysis Memorandum for Regiomontana de Perfiles y Tubos, S.A. de C.V. in the Final Results of the 2016/2017 Administrative Review of the Antidumping Duty Order on Light-Walled Rectangular Pipe and Tube from Mexico,'' both dated concurrently with this notice.

[6] For Perfiles y Herrajes LM, S.A. de C.V and Productos Laminados de Monterrey S.A. de C.V. which were not selected for individual review, we assigned a rate based on the rates for the respondents that were selected for individual review, excluding rates that are zero, de minimis or based entirely on facts available. *See* section 735(c)(5)(A) of the Act.

[7] *See Light-Walled Rectangular Pipe and Tube from Mexico: Initiation and Expedited Preliminary Results of Changed Circumstances Review,* 82 FR 54322 (November 17, 2017) and accompanying Preliminary Decision Memorandum, unchanged in *Light-Walled Rectangular Pipe and Tube from Mexico: Final Results of Changed Circumstances Review,* 83 FR 13475 (March 29, 2018) (Commerce determined that Perfiles LM, S.A. de C.V. is the successor-in-interest to Perfiles y Herrajes, S.A. de C.V.).

[8] *See Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value,* 73 FR 45403 (August 5, 2008).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of certain frozen warmwater shrimp (shrimp) from the Socialist Republic of Vietnam (Vietnam) by Fimex VN and Nha Trang Seaproduct Company were not made at prices below normal value (NV). Interested parties are invited to comment on these preliminary results.

DATES: Applicable April 22, 2019.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik or Josh Simonidis, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6905 or (202) 482–0608, respectively.

SUPPLEMENTARY INFORMATION:

Background

In response to requests from interested parties, Commerce is conducting an administrative review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (Vietnam) which it initiated on April 16, 2018.[1] The period of review (POR) is February 1, 2017, through January 31, 2018. On August 9, 2018, we rescinded the review with respect to Soc Trang Seafood Joint Stock Company and Seavina Joint Stock Company.[2] Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[3] Accordingly, the revised deadline for these preliminary results is now April 9, 2019.

Scope of the Order

The merchandise subject to the *Order* is certain frozen warmwater shrimp. The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description, available in the Preliminary Decision Memorandum, remains dispositive.[4]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). Export prices and constructed export prices were calculated in accordance with section 772 of the Act. Because Vietnam is a non-market economy within the meaning of section 771(18) of the Act, NV was calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via the 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 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 on the internet at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination of No Shipments

Based on our analysis of information from Customs and Border Protection (CBP) and information provided by 18 companies, we preliminarily determine that these 18 companies[5] subject to this review did not have any reviewable transactions during the POR. Commerce finds, consistent with its assessment practice in non-market economy cases, that it is appropriate not to rescind the review in part in these circumstances, but to complete the review with respect to these 18 companies and issue appropriate instructions to CBP based on the final results of the review.[6] For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Commerce finds that 67 companies (*see* Appendix II) for which a review was requested have not established eligibility for a separate rate and are considered to be part of the Vietnam-wide entity for these preliminary results.[7] Because no party requested a

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 16298 (April 16, 2018) (*Initiation Notice*).

[2] *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Partial Rescission of Antidumping Duty Administrative Review; 2017–2018,* 83 FR 39411 (August 9, 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] For a complete description of the Scope of the Order, *see* Memorandum to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions of the Assistant Secretary for Enforcement and Compliance, from James Maeder, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, titled ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam; 2016–2017,'' dated concurrently with, and adopted by, this notice (Preliminary Decision Memorandum).

[5] These 18 companies are: (1) Au Vung One Seafood Processing Import & Export Joint Stock Company; (2) Au Vung Two Seafood Processing Import & Export Joint Stock Company; (3) Bien Dong Seafood Co., Ltd.; (4) BIM Foods Joint Stock Company also initiated as BIM Seafood Joint Stock Company; (5) Cafatex Corporation; (6) Xi Nghiep Che Bien Thuy Suc San Xuat Kau Cantho; (7) Taydo Seafood Enterprise (8) Cam Ranh Seafoods (9) Green Farms Joint Stock Company also initiated as Green Farms Seafoods Joint Stock Company; (10) Investment Commerce Fisheries Corporation (''INCOMFISH'') also initiated as Investment Commerce Fisheries Corporation (Incomfish); (11) Khanh Sung Co., Ltd.; (12) NGO BROS Seaproducts Import-Export One Member Company Limited (''NGO BROS Company'') also initiated as Ngo Bros Seaproducts Import-Export One Member Company Limited (''Ngo Bros. Co., Ltd.''), and Ngo Bros Seaproducts Import-Export One Member Company Limited (Ngo Bros); (13) Tacvan Frozen Seafood Processing Export Company also initiated as Tacvan Frozen Seafood Processing Export Company (Tacvan Seafoods Co.) and Tacvan Seafoods Company (''TACVAN''); (14) Thanh Doan Sea Products Import & Export Processing Joint Stock Company Thadimexco also initiated as Thanh Doan Sea Products Import & Export Processing Joint-Stock Company (THADIMEXCO); (15) Thong Thuan—Cam Ranh Seafood Joint Stock Company also initiated as Thong Thuan—Cam Ranh Seafood Joint Stock Company (T&T Cam Ranh) and Thong Thuan Cam Ranh Seafood Joint Stock Company (''T&T Cam Ranh''); (16) Thong Thuan Seafood Company Limited; (17) Trung Son Seafood Processing Joint Stock Company also initiated as Trung Son Corp.; and (18) Vinh Hoan Corp.

[6] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (*NME AD Assessment*); see also ''Assessment Rates'' section below.

[7] *See* Appendix II for a full list of the 30 companies (accounting for duplicate names initiated upon; *see also* Preliminary Decision Memorandum, at 12–13.

review of the Vietnam-wide entity, the entity is not under review and the entity's rate of 25.76 percent is not subject to change.[8]

Preliminary Results of Review

For companies for which a review was requested and that have established eligibility for a separate rate, Commerce preliminarily determines that the following weighted-average dumping margins exist:

Exporter[9]	Weighted-average margin (percent)
Fimex VN, aka Sao Ta Foods Joint Stock Company	0.00
Nha Trang Seaproduct Company,[10] NT Seafoods Corporation, Nha Trang Seafoods—F89 Joint Stock Company, and NTSF Seafoods Joint Stock Company	0.00
Bac Lieu Fisheries Joint Stock Company	0.00
Bentre Forestry and Aquaproduct Import-Export Joint Stock Company, aka FAQUIMEX	0.00
C.P. Vietnam Corporation	0.00
Cadovimex Seafood Import-Export and Processing Joint Stock Company	0.00
Camau Frozen Seafood Processing Import Export Corporation, aka Camimex	0.00
Camau Seafood Processing and Service Joint Stock Corporation, aka Camau Seafood Processing and Service Joint-Stock Corporation, aka CASES	0.00
Can Tho Import Export Fishery Limited Company, aka CAFISH	0.00
Cuulong Seaproducts Company, aka Cuulong Seapro	0.00
Fine Foods Co, aka FFC	0.00
Frozen Seafoods Factory No. 32	0.00
Hai Viet Corporation, aka HAVICO	0.00
Kim Anh Company Limited	0.00
Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka Minh Hai Jostoco	0.00
Minh Hai Joint-Stock Seafood Processing Company, aka Sea Minh Hai, aka Seaprodex Minh Hai, aka Minh Hai Joint Stock Seafoods	0.00
Ngoc Tri Seafood Joint Stock Company	0.00
Q N L Company Limited	0.00
Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd	0.00
Seaprimexco Vietnam, aka Seaprimexco	0.00
Seafoods and Foodstuff Factory	0.00
Taika Seafood Corporation	0.00
Thong Thuan Company Limited	0.00
Thuan Phuoc Seafoods and Trading Corporation	0.00
Trang Khanh Trading Company Limited, aka Trang Khanh Seafood Co., Ltd	0.00
Trong Nhan Seafood Company Limited	0.00
UTXI Aquatic Products Processing Corporation	0.00
Viet Foods Co., Ltd	0.00
Viet I-Mei Frozen Foods Co., Ltd	0.00
Vietnam Fish One Co., Ltd	0.00
Vietnam Clean Seafood Corporation, aka Vina Cleanfood, aka Viet Nam Clean Seafood Corporation	0.00

Disclosure and Public Comment

Commerce will disclose the calculations used in our analysis to parties in this review within five days of the date of publication of this notice. Interested parties are invited to comment on the preliminary results of this review. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the publication of these preliminary results, and rebuttal comments within five days after the time limit for filing case briefs, unless these deadlines are extended at a later date. Parties who submit case briefs or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] Rebuttal briefs must be limited to issues raised in the case briefs.[12]

[8] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013). Commerce's policy regarding conditional review of the Vietnam-wide entity applies to this administrative review. Under this policy, the Vietnam-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity.

[9] Due to the issues we have had in past segments of the proceeding with variations of exporter names related to this *Order,* we remind exporters that the names listed in the rate box are the exact names, including spelling and punctuation, which Commerce will provide to CBP and which CBP will use to assess POR entries and collect cash deposits. Any names with punctuation variations, such as all capitalizations, dashes, periods, or commas, or abbreviations of the word Company to ''Co.'' and Limited to ''Ltd.'' can be confirmed by Commerce in the event CBP inquires about such variations. Commerce reminds interested parties that claimed affiliates are not automatically added to an exporter's rate box unless Commerce has made a collapsing determination for that exporter in the instant, or in prior, segments of the proceeding. Furthermore, inclusion of alternate trade names in an exporter's rate box must be supported by evidence on the record that the alternate trade name: 1) Appears on the exporter's business license (as an exporter), and 2) appears on commercial documents for CBP's examination upon entry. *See, e.g., Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2016–2017,* 83 FR 46704 (September 14, 2018), and accompanying Issues and Decision Memorandum at Comment 3.

[10] Commerce previously determined Nha Trang Seaproduct Company to be part of a single entity along with NT Seafoods Corporation, Nha Trang Seafoods—F89 Joint Stock Company, and NTSF Seafoods Joint Stock Company. *See Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results, Partial Rescission, and Request for Revocation, In Part, of the Fifth Administrative Review,* 76 FR 12054, 12056 (March 4, 2011), unchanged *in Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review,* 76 FR 56158 (September 12, 2011). As the single entity has not reported changes since the preceding administrative review regarding the corporate or legal structure of the companies within the single entity, we continue to find that these companies are affiliated and comprise a single entity to which we will assign a single rate.

[11] *See* 19 CFR 351.309(c) and (d).

[12] *See* 19 CFR 351.309(d)(2).

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. 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 date and time to be determined.[13] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, including the results of our analysis of issues raised in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, unless this deadline is extended.

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[14] Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* is 0.50 percent or more) in the final results of this review, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1).[15] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where a respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the respondents that were not selected for individual examination in this administrative review but qualified for a separate rate, the assessment rate will be equal to the average of the weighted-average dumping margins calculated for the mandatory respondents consistent with section 735(c)(5)(B) of the Act. The weighted-average dumping margins calculated for both mandatory respondents in this review are 0.00 percent. Consequently, the rate preliminarily established for the non-individually examined companies is an *ad valorem* rate of 0.00 percent.

For entries that were not reported in the U.S. sales database submitted by the two mandatory respondents during this review, Commerce will instruct CBP to liquidate such entries at the Vietnam-wide rate. In addition, if we continue to find in the final results no shipments for the companies identified in the ''Preliminary Determination of No Shipments'' section above, Commerce will instruct CBP to liquidate any suspended entries of subject merchandise that entered under those companies' case numbers at the Vietnam-wide rate.[16]

For the final results, if we continue to treat the 67 companies identified in Appendix II as part of the Vietnam-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 25.76 percent to all entries of subject merchandise during the POR which were produced and/or exported by those companies.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above, which have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed Vietnam and non-Vietnam exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Vietnam exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the existing rate for the Vietnam-wide entity of 25.76 percent; and (4) for all non-Vietnam exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnam exporter that supplied that non-Vietnam exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: April 8, 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

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
  A. Preliminary Determination of No Shipments
  B. Non-Market Economy Country
  1. Separate Rates
  2. Vietnam-Wide Entity
  C. Surrogate Country and Surrogate Values
  1. Economic Comparability
  2. Significant Producer of Comparable Merchandise
  3. Data Availability
  D. Date of Sale
  E. Fair Value Comparisons
  1. Determination of Comparison Method
  2. Results of the Differential Pricing Analysis
  F. U.S. Price
  G. Normal Value
  H. Factor Valuation Methodology
V. Currency Conversion

[13] *See* 19 CFR 351.310(d).

[14] *See* 19 CFR 351.212(b).

[15] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[16] For a full discussion of this practice, *see NME AD Assessment.*

VI. Conclusion

Appendix II

Companies Subject To Review Determined To Be Part of the Vietnam-Wide Entity

1. A & CDN Foods Co., Ltd.
2. Amanda Seafood Co., Ltd.
3. An Huy B.T Co. Ltd.
4. Anh Koa Seafood
5. Anh Minh Quan Joint Stock Company
6. Asia Food Stuffs Import Export Co., Ltd.
7. B.O.P Company Limited
8. B.O.P. Limited Co.
9. Binh Dong Fisheries Joint Stock Company
10. Binh Thuan Import—Export Joint Stock Company (THAIMEX)
11. Ca Mau Agricultural Products and Foodstuff Imp-Exp Joint Stock Company (Agrimexco Camau)
12. Cholimex Food Joint Stock Company
13. CJ Cau Tre Foods Joint Stock Company
14. CJ Freshway (FIDES Food System Co., Ltd.)
15. Coastal Fisheries Development Corporation (''COFIDEC'')
16. Danang Seaproducts Import-Export Corporation (SEADANANG)
17. Dong Do Profo., Ltd.
18. Dong Hai Seafood Limited Company
19. Dong Phuong Seafood Co., Ltd.
20. Duc Cuong Seafood Trading Co., Ltd.
21. Gallant Dachan Seafood Co., Ltd.
22. Gallant Ocean (Vietnam) Co., Ltd. also initiated as Gallant Ocean Viet Nam Co. Ltd.
23. Hanh An Trading Service Co., Ltd.
24. Hanoi Seaproducts Import & Export Joint Stock Corporation (Seaprodex Hanoi)
25. Hoa Trung Seafood Corporation (HSC)
26. Hoang Phuong Seafood Factory
27. HungHau Agricultural Joint Stock Company
28. Huynh Huong Seafood Processing
29. Huynh Huong Trading and Import-Export Joint Stock Company
30. JK Fish Co., Ltd.
31. Kaiyo Seafood Joint Stock Company
32. Khai Minh Trading Investment Corporation
33. Khanh Hoa Seafoods Exporting Company (KHASPEXCO)
34. Lam Son Import-Export Foodstuff Company Limited (Lamson Fimexco)
35. Long Toan Frozen Aquatic Products Joint Stock Company
36. Minh Bach Seafood Company Limited
37. Minh Cuong Seafood Import Export Processing Joint Stock Company (''MC Seafood''), also initiated as Minh Cuong Seafood Import-Export Processing (''MC Seafood'')
38. Minh Phu Seafood Corporation
39. My Son Seafoods Factory
40. Nam Hai Foodstuff and Export Company Ltd
41. Namcan Seaproducts Import Export Joint Stock Company (Seanamico)
42. New Wind Seafood Co., Ltd.
43. Nha Trang Fisheries Joint Stock Company, also initiated as Nha Trang Fisheries Joint Stock Company (''Nha Trang Fisco'')
44. Nhat Duc Co., Ltd.
45. Nigico Co., Ltd.
46. Phu Cuong Jostoco Corp., also initiated as Phu Cuong Jostoco Seafood Corporation
47. Phu Minh Hung Seafood Joint Stock Company
48. Phuong Nam Foodstuff Corp., also initiated as Phuong Nam Foodstuff Corp., Ltd.
49. Quang Minh Seafood Co., Ltd.
50. Quoc Ai Seafood Processing Import Export Co., Ltd.
51. Quoc Toan Seafood Processing Factory (Quoc Toan PTE)
52. Quy Nhon Frozen Seafoods Joint Stock Company
53. Saigon Aquatic Product Trading Joint Stock Company (APT Co.)
54. Saigon Food Joint Stock Company
55. Seafood Joint Stock Company No.4
56. South Ha Tinh Seaproducts Import-Export Joint Stock Company
57. Special Aquatic Products Joint Stock Company (SEASPIMEX VIETNAM)
58. T & P Seafood Company Limited
59. Tai Nguyen Seafood Co., Ltd.
60. Tan Phong Phu Seafood Co., Ltd. (''TPP Co., Ltd.'') also initiated as Tan Phong Phu Seafood Co., Ltd. (TPP Co. Ltd.)
61. Tan Thanh Loi Frozen Food Co., Ltd.
62. Thien Phu Export Seafood Processing Company Limited
63. Thinh Hung Co., Ltd.
64. Trang Corporation (Vietnam)
65. Trang Khan Seafood Co., Ltd.
66. Viet Nam Seaproducts—Joint Stock Company
67. Viet Phu Foods and Fish Corp.

[FR Doc. 2019–08135 Filed 4–19–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG981

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Acting Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application from the New England Aquarium contains all the required information and warrants further consideration. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notice to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before May 7, 2019.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on NEAQ Ropless Fishing EFP.''
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on NEAQ Ropeless Fishing EFP.''

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225.

SUPPLEMENTARY INFORMATION: The New England Aquarium (NEAQ) submitted a complete application for an Exempted Fishing Permit (EFP) on March 25, 2019, to conduct fishing activities that the regulations would otherwise restrict. NEAQ is requesting an exemption from Federal lobster regulations that would authorize two federally-permitted commercial lobster vessels to participate in a ropeless lobster gear study. NEAQ is requesting an exemption from the following regulation:

1. Gear marking requirements to allow for the use of a single buoy marker on a trawl of more than three traps (50 CFR 697.21(b)(2)).

The purpose of this study is to test a prototype ropeless fishing system as a potential technique to prevent entanglements of protected species, primarily North Atlantic right whales. This study is funded through the Bycatch Reduction Engineering Program (NA18NMF4720279).

The EFP would authorize two participating vessels to deploy two experimental trawls consisting of five or more traps. Experimental trawls would have a rope spool, fitted with an acoustic release, deployed on one end of the trawl, with a buoy line attached to the other. Soak time would be between 2–5 days, but may be modified depending on what each fisherman decides is appropriate for fishing. Sampling would occur from May to September, 2019 in Lobster Conservation Management Area 3. Initial deployments would be overseen by a Woods Hole Oceanographic Institute engineering team, but later would be observed by NEAQ personnel. There would be a total of 42 deployments of experimental trawls.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if

they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. The EFP would prohibit any fishing activity conducted outside the scope of the exempted fishing activities.

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

Dated: April 16, 2019.

Alan D. Risenhoover,

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

[FR Doc. 2019–08023 Filed 4–19–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG992

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Bering Sea Fishery Ecosystem Plan Team will meet May 6, 2019 through May 7, 2019.

DATES: The meeting will be held on Monday, May 6, 2019 through Tuesday, May 7, 2019, from 9 a.m. to 5 p.m. Pacific Standard Time.

ADDRESSES: The meeting will be held in the Observer Training Room (1055), at the Alaska Fisheries Science Center, 7600 Sand Point Way NE, Seattle, WA 98115. Teleconference number is (907) 245–3900, pin 2809.

Council address: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; telephone: (907) 271–2806.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, May 6, 2019 to Tuesday, May 7, 2019

The agenda will include: (a) Core Fishery Ecosystem Plan (FEP) maintenance; (b) FEP objectives; (c) development of action module workplan; (d) outreach and communication; and (e) other business. The agenda is subject to change, and the latest version will be posted at *meetings.npfmc.org* prior to the meeting, along with meeting materials.

Public Comment

Public comment letters will be accepted and should be submitted either electronically to *meetings.npfmc.org/meeting/details/723* or through the mail: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: April 17, 2019.

Tracey L. Thompson,

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

[FR Doc. 2019–08057 Filed 4–19–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on this proposed extension of an existing information collection.

DATES: Written comments must be submitted on or before June 21, 2019.

ADDRESSES: Written comments may be submitted by any of the following methods:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0024 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Marcie Lovett, Chief, Records and Information Governance Branch, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7728; or by email at *Raul.Tamayo@uspto.gov* with ''0651–0024 comment'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Patent applications that contain nucleotide and/or amino acid sequence disclosures that fall within the definitions of 37 CFR 1.821(a) must include, as a separate part of the application disclosure, a copy of the sequence listing in accordance with the requirements in 37 CFR 1.821–1.825. Applicants may submit sequence listings for both U.S. and international patent applications. Submissions of sequence listings in international applications are in accordance with Patent Cooperation Treaty (PCT) Rules 5.2 and 13*ter,* as well as the PCT Administrative Instructions, Annex C.

This information collection covers the submission of the sequence listing information itself. Information pertaining to the filing of the initial U.S. application is collected under OMB Control Number 0651–0032, and information pertaining to the filing of the initial international application is collected under OMB Control Number 0651–0021.

In particular, this information collection accounts for sequence listings submitted on paper, compact disc (CD), or through EFS-Web, the USPTO's online filing system. Sequence listings may be submitted via EFS-Web as an ASCII text file or in Portable Document Format (PDF). For U.S. applications, § 1.821(c) permits all modes of submission: Paper, CD, or EFS-Web. Sequence listings for international applications may be submitted on paper or through EFS-Web only, though sequence listings that are too large to be filed electronically though EFS-Web may be submitted on CD.

This information collection also accounts for the requirement under § 1.821(e) that a copy of the sequence listing required by § 1.821(c) be submitted in computer readable form (CRF) in accordance with the requirements of § 1.824. Under §§ 1.821(e)–(f), applicants who submit their sequence listings on paper, CD, or as a PDF via EFS-Web must submit a copy of the sequence listing in CRF with a statement indicating that the CRF copy of the sequence listing is identical to the paper, CD, or PDF copy provided under § 1.821(c). Applicants may submit the CRF copy of the sequence listing to the USPTO on CD or other acceptable media as provided in § 1.824. If a new

application is filed via EFS-Web with an ASCII text file sequence listing that complies with the requirements of §§ 1.824(a)(2)–(6) and (b), and applicant has not filed a sequence listing on paper, CD or as a PDF file, the text file will serve as both the copy required by § 1.821(c) and the CRF required by § 1.821(e). Moreover, the associated statement of identity would not be required.

This information collection also covers the mechanism in § 1.821(e) where an applicant may request, in limited circumstances, a transfer of the CRF from the application already on file to the new application, if the CRF sequence listing in a new application is identical to the CRF sequence listing of another application that the applicant already has on file at the USPTO. In such a case, the applicant may submit a letter identifying the application and CRF sequence listing that is already on file and stating that the sequence listing submitted in the new application is identical to the CRF copy already filed with the previous application. The USPTO provides a form, Request for Transfer of a Computer Readable Form Under 37 CFR 1.821(e) (PTO/SB/93), in order to assist customers in submitting this statement.

The USPTO uses the sequence listings during the examination process to determine the patentability of the associated patent application. The information in CRF is entered into the USPTO's database for searching and printing nucleotide and amino acid sequences. Sequence listings also are disclosed as part of the published patent application or issued patent and are provided to the National Center for Biotechnology Information (NCBI) for inclusion in their sequence database.

II. Method of Collection

By mail, hand delivery, or electronic submission to the USPTO.

III. Data

OMB Number: 0651–0024.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; business or other for-profit organizations; and not-for-profit organizations.

Estimated Number of Respondents: 28,850 responses per year. Of this total, the USPTO expects that 25% will be from small entities.

Estimated Time per Response: The USPTO estimates that it will take approximately 6 minutes (0.10 hours) to 6 hours to complete a single IC item in this collection, depending on the instrument. This includes the time to gather the necessary information, create the documents, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 163,955 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $31,771,829.00. The USPTO estimates that a sequence listing will take approximately five hours of paraprofessional time at an estimated rate of $145 per hour and one hour of attorney time at $438 per hour, for a weighted average rate of $193.83 per hour for preparing a sequence listing. These rates are found in the 2017 Report of the Economic Survey of the America Intellectual Property Law Association (AIPLA). The USPTO expects that the Request for Transfer of a CRF will be prepared by a paraprofessional at an estimated rate of $145 per hour. Using this hourly rate, the USPTO estimates $31,771,829.00 per year for the total hourly costs associated with respondents.

IC No.	Item	Estimated response time (hours)	Estimated annual responses	Estimated annual burden hours	Rate ($/hr)	Total Cost ($/yr)
		(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)
1	Sequence Listing in Application (paper).	6.00	5,000	30,000	$193.83	$5,814,900.00
1	Sequence Listing in Application (CD)	6.00	300	1,800	193.83	348,894.00
1	Sequence Listing in Application (electronic).	6.00	22,000	132,000	193.83	25,585,560.00
2	Request for Transfer of a Computer Readable Form Under 37 CFR 1.821(e) (PTO/SB/93).	0.10	1,550	155	145.00	22,475.00
Totals			28,850	163,955		31,771,829.00

Estimated Total Annual (Non-hour) Respondent Cost Burden: $1,774,500.00. This collection has no capital startup, maintenance, or operating fees. This collection does have a non-hourly cost burden in the form of filing fees and postage costs.

Filing Fees

In accordance with 35 U.S.C. 41(a)(1)(G), the USPTO charges a fee for submitting a sequence listing as part of a U.S. application or as part of an international application entering the U.S. national stage if the sequence listing (i) is not filed via EFS-Web or not filed on an electronic medium in compliance with §§ 1.52(e) and 1.821(c) or (e), and (ii) causes the application to exceed 100 pages. (See 37 CFR 1.52(f)). Under 37 CFR 1.16(s) and 1.492(j) for U.S. applications and international applications entering the U.S. national stage, respectively, if the application, including the sequence listings filed on paper or on a non-compliant electronic medium, exceeds 100 pages, the application size fee is $400 (or $200 for small entities and $100 for micro entities) for each additional 50 pages or fraction thereof. The USPTO estimates the following with respect to the number of applications that will include long sequence listings filed on paper or on a non-compliant electronic medium and the average application size fee that such applications will incur: (i) Approximately 160 applications from large entities will incur an average application size fee of $1,200; (ii) approximately 80 applications from small entities will incur an average application size fee of $600; and (iii) approximately 32 applications from micro entities will incur an average application size fee of $300. The estimate corresponds to a total fee cost of $240,000, $60,000, and $12,000, respectively.

As a Receiving Office, the USPTO collects the international filing fee for each international application it receives. The basic international filing fee only covers the first 30 pages of the international application. As a result, a $15 fee per page is added to the international filing fee for each page over 30 pages of an international application including a sequence listing

filed on paper or in PDF format. No page fees are triggered by sequence listings that are submitted via EFS-Web in the proper text format. The average length of a sequence listing filed on paper or in PDF format in an international application is 150 pages, which would carry an additional fee of $2,250 if the international application were already at least 30 pages long without the listing. The USPTO estimates that approximately 520 of the 6,000 sequence listings filed per year on paper or in PDF format will be for international applications.

The USPTO charges a fee for the handling of mega sequence listings, *i.e.,* sequence listings of 300 MB or more. Pricing for this fee is divided into two tiers with Tier 1 for file sizes 300 MB to 800 MB and Tier 2 for file sizes greater than 800 MB. The USPTO also charges a fee, *i.e.,* the Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter,* to encourage timely filing of sequence listings in international applications and to facilitate the effective administration of the patent system.

TABLE 2—FILING FEE COSTS

IC No.	Item	Estimated annual responses (a)	Fee amount (b)	Total fees (a) × (b) = (c)
1	Size fees under 37 CFR 1.16(s) and 1.492(j), large entity	160	$1,200.00	$192,000.00
1	Size fees under 37 CFR 1.16(s) and 1.492(j), small entity	80	600.00	48,000.00
1	Size fees under 37 CFR 1.16(s) and 1.492(j), micro entity	32	300.00	9,600.00
1	Size fees for international applications	520	2,250.00	1,170,000.00
1	Submission of sequence listings of 300MB to 800MB (large entity)	20	1,000.00	20,000.00
1	Submission of sequence listings of 300MB to 800MB (small entity)	13	500.00	6,500.00
1	Submission of sequence listings of 300MB to 800MB (micro entity)	2	250.00	500.00
1	Submission of sequence listings of more than 800MB (large entity)	1	10,000.00	10,000.00
1	Submission of sequence listings of more than 800MB (small entity)	1	5,000.00	5,000.00
1	Submission of sequence listings of more than 800MB (micro entity).	1	2,500.00	2,500.00
1	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter* (large entity).	91	300.00	27,300.00
1	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter* (small entity).	312	150.00	46,800.00
1	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter* (micro entity).	3	75.00	225.00
Totals		28,536		1,538,425.00

Therefore, the USPTO estimates that the total fee costs for this collection will total $1,538,425.00.

Postage Costs

Mailed submissions may include the sequence listing on either paper or CD, the CRF copy of the listing on CD, and a transmittal letter containing the required identifying information. The USPTO estimates that the average postage cost for a paper or CD sequence listing submission will be $6.55 (USPS Priority Mail, flat rate envelope) and that 5,300 sequence listings will be mailed to the USPTO per year, for a total of $34,715.00 in postage costs.

With filing fee costs totaling $1,538,425.00 and postage costs totaling $34,715.00, the USPTO estimates that the total annual non-hourly cost burden for this collection will amount to $1,573,140.00.

IV. Request for Comments

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Marcie Lovett,

Chief, Records and Information Governance Branch, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2019–08027 Filed 4–19–19; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2019–0008]

Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding (April 2019)

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (''USPTO'' or ''Office'') provides notice of information regarding existing Office practice as it pertains to reissue and reexamination procedures for amending claims available to patent owner during the pendency of a trial proceeding under the America Invents Act (''AIA'') involving the same patent. On October 29, 2018, the Office published a notice requesting comments on proposed modifications to current motion to amend (''MTA'') practice and procedures in AIA trial proceedings. In

response to that notice, the Office received a number of comments and questions requesting clarification regarding existing reissue and reexamination procedures at the Office available while an AIA trial proceeding, including any appeal, involving the same patent is pending. In response to those comments and questions, this notice provides a summary of current practice regarding reissue and reexamination options in which patent owners may amend claims before and after the Patent Trial and Appeal Board (''PTAB'' or ''Board'') issues a final written decision in an AIA trial proceeding. This notice also provides summary information about factors the Office currently considers when determining whether to stay or suspend a reissue proceeding, or stay a reexamination, that involves a patent involved in an AIA proceeding, and also when and whether to lift such a stay or suspension.

FOR FURTHER INFORMATION CONTACT: Rae Lynn P. Guest, Lead Administrative Patent Judge by telephone at (571) 272–9797 or Stephen Stein, Managing Quality Assurance Specialist, Central Reexamination Unit at (571) 272–1544.

SUPPLEMENTARY INFORMATION:

I. Background

On October 29, 2018, the Office published a request for comments (''RFC'') on a proposed procedure for motions to amend filed in *inter partes* reviews, post-grant reviews, and covered business method patent reviews (collectively AIA trials) before the PTAB. *See* Request for Comments on MTA Practice and Procedures in Trial Proceedings Under the America Invents Act Before the Patent Trial and Appeal Board, 83 FR 54319 (Oct. 29, 2018) (hereinafter RFC or MTA RFC). The Office received 49 comments in response to this RFC as of December 21, 2018 (the closing date for comments). *See Comments on Motion to Amend Practice and Procedures in AIA Trials,* U.S. Patent & Trademark Office, *https://go.usa.gov/xEXS2* (comments received by December 21, 2018, in response to the RFC) (last visited Feb. 8, 2019) (hereinafter PTAB RFC Comments website). On March 15, 2019, the Office published a notice of a pilot program for MTA practice and procedures in AIA trial proceedings before the Board. *See* Notice Regarding a New Pilot Program Concerning Motion to Amend Practice and Procedures in Trial Proceedings under the America Invents Act before the Patent Trial and Appeal Board, 84 FR 9497 (March 15, 2019). In addition to the comments addressed in the MTA program notice, the Office received a number of comments and questions relating to reissue or reexamination as an alternative vehicle for claim amendments. The comments included requests for clarification regarding existing reissue and reexamination procedures at the Office.

In response to those comments and questions, this notice provides a summary of various pertinent practices regarding existing Office procedures that apply to reissue and reexamination, including after a petitioner files an AIA petition challenging claims of the same patent, after the Board institutes a trial, and after the Board issues a final written decision. This notice also provides summary information about factors the Office currently considers when determining whether to stay or suspend a reissue proceeding, or stay a reexamination proceeding, that involves a patent at issue in an AIA proceeding, and when and whether to lift such a stay or suspension.

This notice is only meant to summarize existing practice, and not to amend, supersede, or otherwise alter it. This notice should not be cited in papers submitted to the Office. Instead, applicants, parties, and the public should consult relevant statutes, regulations, case law, and the Office's Manual of Patent Examining Procedure (MPEP) for a full assessment of the issues, and for sources of citations in papers submitted to the Office.

II. Options for Amendments Through Reissue or Reexamination

The Office will consider a reissue application or a request for reexamination any time before, but not after, either: (1) The Office issues a certificate that cancels all claims of a patent, *e.g.,* a trial certificate in an AIA trial proceeding, or (2) the U.S. Court of Appeals for the Federal Circuit (''Federal Circuit'') issues a mandate in relation to a decision that finds all claims of a patent are invalid or unpatentable. The Office will not issue a trial certificate relating to a patent at issue in an AIA proceeding until after either: (i) The deadline for the filing of a notice of appeal to the Federal Circuit under 35 U.S.C. 142 has passed (*i.e.,* 63 days after the date of a final written decision or, if a request is timely filed, 63 days after the date of a decision on a request for rehearing relating to the final written decision) (37 CFR 90.3); or (ii) all decisions or determinations in relation to an appeal to the Federal Circuit regarding the patent are finally resolved.

Thus, patent owners may avail themselves of a reissue application or a request for reexamination before, during, or after an AIA trial proceeding results in a final written decision, as long as the application or request is timely filed as discussed above (*i.e.,* before the Office issues a certificate that cancels all relevant claims, or before the Federal Circuit issues a relevant mandate, as applicable).[1] For example, a patent owner may file a reissue application or a request for reexamination within 63 days of a final written decision regarding the patent at issue. Actions taken by the Office in response to such an application or request will depend on the timing of the filing and other relevant facts and issues, as explained in further detail below.

Reissue

Under the current statutory scheme, a patent owner may file a reissue application to amend claims before, during, or after an AIA trial proceeding concludes with a final written decision, as discussed above. In particular, although 35 U.S.C. 251 requires an ''error,'' both the Office and the Federal Circuit have recognized that the error requirement is satisfied by the patent owner's failure to previously present narrower claims. *See In re Tanaka,* 640 F.3d 1246, 1251 (Fed. Cir. 2011); MPEP 1402(I). In other words, no admissions as to the patentability of original claims are required in a reissue application, and the oath accompanying a reissue application may include a statement about the error requirement related to the original patent's failure to earlier present narrower claims.[2] A reissue then proceeds through examination in much the same way as an application for a patent under original examination. 35 U.S.C. 251(c).

As stated in 37 CFR 1.178(a), an ''application for reissue of a patent shall constitute an offer to surrender that patent, and the surrender shall take effect upon reissue of the patent.'' A patent owner may abandon a reissue application at any time before reissue of the patent, for example, after obtaining a favorable result in a final written decision in an AIA proceeding or on appeal. Before reissuance of a patent, the original patent is not surrendered and remains in effect.[3] As discussed

[1] If a certificate issues cancelling all of the claims of the patent, *see* MPEP 1449.01 for guidance on further prosecution of a reissue application, or MPEP 2286 (IV) for guidance on further prosecution of a reexamination proceeding.

[2] *See* MPEP 1414(II) for guidance on the specificity in identification of the error that must be provided in the reissue declaration.

[3] *Cf.* MPEP 1460 (''In the situation where multiple reissue applications are filed, the original patent is

Continued

above, a reissue application must be filed before the issuance of a trial certificate that cancels all claims of a patent in an AIA trial proceeding or before the Federal Circuit issues a mandate in relation to a decision that determines or affirms that all claims of a patent are invalid or unpatentable. *See* MPEP 1449.01.

A reissue proceeding involves expedited prosecution. Under 37 CFR 1.176, ''[a]pplications for reissue will be acted on by the examiner in advance of other applications,'' and, as stated in MPEP 708.01, ''[r]eissue applications, particularly those involved in stayed litigation, should be given priority.'' Further, under MPEP 1442, reissue applications have ''special status'' and ''will be taken up for action ahead of other 'special' applications.'' The Office may stay examination of a reissue application, however, pending a final written decision in an AIA trial proceeding addressing the same patent, as discussed in more detail below.

Office procedures provide for third party notice (by announcement of the reissue application in the Official Gazette, *see* MPEP 1430) and a (limited) opportunity for a third party to be heard (by filing a protest, *see* MPEP 1441.01). In addition, any 35 U.S.C. 315(b) bar triggered by service of a complaint alleging infringement of the original patent may not apply to the reissued patent. *See Eizo Corp.* v. *Barco N.V.,* Case IPR2014–00358, Paper 21 at 7–8 (PTAB July 14, 2015); *cf. Click-To-Call Techs., LP* v. *Ingenio, Inc.,* 899 F.3d 1321, 1336–37 (Fed. Cir. 2018) (rejecting petitioners' effort to deem a reexamined patent a ''new patent'' for the purposes of 35 U.S.C. 315(b), noting that '''[u]nlike reissue, reexamination does not result in the surrender of the original patent and the issuance of a new patent''') (quoting *Aspex Eyewear, Inc.* v. *Marchon Eyewear, Inc.,* 672 F.3d 1335, 1341–42 (Fed. Cir. 2012)).

Ex Parte Reexamination

A patent owner also may seek to amend its claims by filing a request for *ex parte* reexamination before, during, or after an AIA trial proceeding concludes with a final written decision, as discussed above. Reexamination presents considerations, however, not present with regard to reissue applications. Of particular note, under 35 U.S.C. 303, the Director is required to determine whether a request for reexamination raises ''a substantial new question [SNQ] of patentability affecting any claim of the patent concerned.''

An SNQ is not raised if the ''question of patentability has already been . . . decided in an earlier concluded examination or review of the patent by the Office'' (MPEP 2242(I)). Thus, an SNQ for reexamination cannot be a question raised in a ground already decided in a final written decision. *In re Swanson,* 540 F.3d 1368, 1377 (Fed. Cir. 2008) (quoting H.R. Rep. No. 96–1307(I), at 6466 (1980)) (the SNQ requirement bars ''reconsideration of any argument already decided by the office, whether during the original examination or an earlier reexamination''); *accord id.* at 1380. Thus, after the Board issues a final written decision on the patent in an AIA proceeding, an SNQ in a later-filed request for reexamination on that patent must differ from any question raised in a ground addressed in a final written decision.

In addition, current Office interpretation requires that the ''substantial new question of patentability [is] established for the existing claims in the patent in order to grant reexamination'' (MPEP 2242(I)) and that the reexamination ''request should be decided on the wording of the patent claims in effect at that time (without any proposed amendments)'' (MPEP 2221). Thus, an SNQ cannot be established based on new questions raised in relation to amended or new claims proposed during reexamination. *See also* 35 U.S.C. 303 (requiring the SNQ affect ''any claim of the patent''). Once an SNQ has been established for the original claims in a reexamination proceeding, however, an SNQ is not required for examination of amended or new claims.

On the other hand, prior to the issuance of a final written decision, an SNQ may be established based on a question raised in a ground presented in an AIA petition. *See* MPEP 2242(I).[4] If the Central Reexamination Unit (CRU) grants a reexamination request, however, the Office may stay the reexamination pending a final written decision in an AIA trial proceeding addressing the same patent, as discussed in more detail below.

In contrast to reissue, a reexamination results in the issuance of a certificate in the original patent, rather than the issuance of a new patent. Therefore, the 35 U.S.C. 315(b) bar triggered by service of a complaint alleging infringement of the original patent applies to a reexamined patent, even if the reexamination involves amended claims. *See Click-To-Call Techs.,* 899 F.3d at 1336–37 (rejecting petitioners' effort to deem a reexamined patent a ''new patent'' for the purposes of 35 U.S.C. 315(b)); *BioDelivery Sciences Int'l, Inc.* v. *MonoSol Rx, LLC,* Case IPR2013–00315, Paper 31 at 3–5 (PTAB Nov. 13, 2013).

Also in contrast to a reissue proceeding, which may address all statutory requirements relating to patentability (*i.e.,* 35 U.S.C. 101, 102, 103, 112), a reexamination proceeding generally addresses only issues relating to 35 U.S.C. 102 and 103, and 35 U.S.C. 112 under limited circumstances (*i.e.,* only as raised by newly added subject matter in an amendment). In addition, a reexamination proceeding must be based on prior art consisting of patents and printed publications (35 U.S.C. 301, 302). For example, a reexamination proceeding does not address issues involving public use or sale.

Considerations for When a Parallel Office Proceeding Will Be Stayed or Suspended

This notice provides additional information as to how the Office may handle the imposition of a stay or the lifting of a stay in a reissue or reexamination proceeding (''parallel Office proceeding'') in view of a co-pending AIA proceeding involving the same patent. Any parallel Office proceeding, however, will be evaluated based on its particular facts and circumstances.

The Director has authority to determine the approach with regard to a possible stay of a reissue or *ex parte* reexamination proceeding. 35 U.S.C. 315(d), 325(d). The Director has previously authorized the Board to enter an order to effect a stay, transfer, consolidation, or termination of parallel Office proceedings involving the same patent during the pendency of an AIA trial proceeding. 37 CFR 42.3(a), 42.122(a), 42.222(a). Under that authority, the Board ordinarily will stay a parallel Office proceeding where good cause exists. Good cause for staying a case may exist if, for example, an on-going AIA proceeding, which is subject to statutory deadlines, is addressing the same or overlapping claims of a patent at issue in a parallel Office proceeding.

Parties to an AIA trial proceeding may request authorization to file motions to stay or motions to lift stays at any time

surrendered when at least one reissued patent has been granted and there are no pending applications for reissue of the original patent.''); 35 U.S.C. 251(b); 37 CFR 1.177; MPEP 1451.

[4] MPEP 2242(I) provides (emphasis in original and added):

If the prior art patents and printed publications raise a substantial question of patentability of at least one claim of the patent, then a substantial *new* question of patentability as to the claim is present, unless the same question of patentability has already been: . . . (B) decided in an earlier *concluded* examination or review of the patent by the Office. . . .

during the pendency of the AIA proceeding. The Board typically will consider motions to stay a concurrent Office proceeding (or may impose a stay *sua sponte*) any time after institution of an AIA trial proceeding and before the filing of a notice of appeal or the deadline for filing a notice of an appeal to the Federal Circuit under 35 U.S.C. 142 has passed (*i.e.,* 63 days after the date of a final written decision or, if a request is timely filed, 63 days after the date of a decision on a request for rehearing relating to the final written decision). *See* 37 CFR 42.3(a), 42.122(a), 42.222(a), 90.3.

In deciding whether to grant a stay of a parallel proceeding involving the same patent within the Office, the Office (typically the Board) may consider a number of factors, including, but not limited to:

- Whether the claims challenged in the AIA proceeding are the same as or depend directly or indirectly from claims at issue in the concurrent parallel Office proceeding;
- Whether the same grounds of unpatentability or the same prior art are at issue in both proceedings;
- Whether the concurrent parallel Office proceeding will duplicate efforts within the Office;
- Whether the concurrent parallel Office proceeding could result in inconsistent results between proceedings (*e.g.,* whether substantially similar issues are presented in the concurrent parallel Office proceeding);
- Whether amending the claim scope in one proceeding would affect the claim scope in another proceeding;
- The respective timeline and stage of each proceeding;
- The statutory deadlines of the respective proceedings;
- Whether a decision in one proceeding would likely simplify issues in the concurrent parallel Office proceeding or render it moot.

See, e.g., CBS Interactive Inc. v. *Helferich Patent Licensing, LLC.,* Case IPR2013–00033, Paper 15 (PTAB Nov. 6, 2012) (order to stay a concurrent reexamination); *Stride Rite Children's Group, LLC* v. *Shoes By Firebug LLC,* Case IPR2017–01810, Paper 23 (PTAB Jul. 12, 2018) (order to stay a concurrent reissue). *See also, e.g., Arctic Cat, Inc.* v. *Polaris Indus., Inc.,* Case IPR2015–01781, Paper 78 (PTAB Sept. 25, 2018) (denying stay because of meaningful distinctions between issues raised in a reexamination and an IPR); *Acrux DDS Pty, Ltd.* v. *Kaken Pharma. Co. Ltd.,* Case IPR2017–00190, Paper 11 (PTAB Mar. 1, 2017) (denying stay requested prior to trial institution); *Mastercard Int'l Inc.* v. *D'Agostino,* Case IPR2014–00543, Paper 14 (PTAB October 2, 2014) (denying stay because a Notice of Intent to Issue a Reexamination Certification already had been entered in the co-pending reexamination); *cf. Ultratec, Inc.* v. *Sorenson Comm'ns, Inc.,* No. 13–cv–346–bbc, 2013 WL 6044407, at *2–3 (W.D. Wisc. Nov. 14, 2013) (assessing some of the same factors in determining whether to stay district court litigation in light of pending *inter partes* review petitions).

The Board also may deny institution under 35 U.S.C. 325(d) of a requested AIA trial proceeding if a parallel Office proceeding, for example, is in a more advanced stage and involves overlapping issues with the proposed AIA trial proceeding.

The Patents Organization (which are the offices under the Commissioner for Patents, hereinafter ''Patents'') also may decide to suspend proceedings in a parallel reissue application either *sua sponte* or on request of the applicant under 37 CFR 1.103. *See also* MPEP 1442.02. Patents typically will consider similar factors to those discussed above but will weigh them in view of relevant facts and circumstances at the time suspension is being considered.

For example, action in a reissue application typically will be suspended (either *sua sponte* or if requested by petition) when there is concurrent litigation or a pending trial before the PTAB. MPEP 1442.02. However, the Office may or may not suspend a reissue application, using its discretion based upon the facts of the situation, for example if it is evident to the CRU examiner, or the applicant indicates, that ''the . . . trial before the PTAB has been terminated''; ''there are no significant overlapping issues between the application and the litigation or pending trial before the PTAB''; or ''it is applicant's desire that the application be examined at that time.'' *Id.*

Considerations for Lifting a Stay of Parallel Office Proceedings

In deciding whether to lift a stay of a parallel proceeding involving the same patent within the Office, the Board may consider a number of factors, including, but not limited to:

- Whether factors considered when ordering the stay (*i.e.,* factors indicating good cause) have changed from when the stay was ordered;
- Whether the patent owner has requested adverse judgment or canceled all claims at issue in the AIA trial proceeding;
- Whether the patent owner is requesting rehearing or appealing the final written decision in the AIA trial proceeding to the Federal Circuit;
- Whether the patent owner agrees to abide by the estoppel provisions set forth in 37 CFR 42.73(d)(3) (*i.e.,* not obtain a claim patentably indistinct from a claim cancelled or found unpatentable during an AIA trial proceeding); and
- Whether lifting the stay would be in the interests of the efficient administration of the Office and integrity of the patent system (*cf.* 35 U.S.C. 316(b)).

See, e.g., Sienna Biopharmaceuticals, Inc. v. *William Marsh Rice Univ.,* Case IPR2017–00045, Paper 54 (PTAB Jun. 4, 2018) (lifting a stay of an *ex parte* reexamination); *see also, e.g., Unified Patents Inc.* v. *Heslop,* Case IPR2016–01464, Paper 14 (PTAB Feb. 23, 2017) (denying request to lift stay where similar, if not identical, issues in the *inter partes* review would needlessly duplicate efforts within the Office); *CBS Interactive Inc.* v. *Helferich Patent Licensing, LLC,* Case IPR2013–00033, Paper 19 (PTAB Dec. 20, 2012) (denying request to lift stay due to overlapping issues and the conduct of parallel proceedings would burden the Office and the parties). Patents may consider similar factors when determining whether to lift a suspension of a reissue proceeding.

When ordering the stay of a parallel Office proceeding, the Board generally indicates that the stay will remain in place ''pending the termination or completion of the instant proceeding.'' Thus, absent a motion to lift the stay, a stay typically will remain in place until at least after the deadline for the filing of a notice of an appeal to the Federal Circuit under 35 U.S.C. 142 has passed. The issuance of a trial certificate signifies the completion of a trial proceeding and the end of the Board's jurisdiction, and thus automatically lifts a stay entered with the language above.

If a patent owner files a motion to lift a stay of a parallel Office proceeding after the Board issues a final written decision (and after any requests for rehearing are resolved, if applicable), the Board typically will lift the stay, absent reasons not to do so, *e.g.,* in view of factors as discussed above. For example, the Board typically will lift the stay of a parallel Office proceeding if the patent owner proposes amendments in that proceeding in a meaningful way not previously considered by the Office. Meaningful amendments may include those that narrow the scope of claims considered in an AIA proceeding or otherwise attempt to resolve issues identified in the final written decision.

Additional Considerations for Lifting a Suspension of a Reissue Proceeding

Non-exhaustive factors considered by the Office when determining whether the Board will lift a stay, or Patents will lift a suspension, of a parallel reissue application are discussed above. Further information specific to reissue proceedings are provided below.

After a final written decision issues in an AIA proceeding (and after any requests for rehearing are resolved, if applicable), if requested by the patent owner, Patents may lift a suspension of or otherwise decide to proceed with, *i.e.,* not suspend, a related reissue proceeding while an appeal to the Federal Circuit regarding the final written decision is pending. For example, Patents may lift a suspension if the reissue application attempts to (1) resolve issues with the original or proposed substitute claims identified in the final written decision (*e.g.,* amends the claims in a meaningful way not previously considered by the Office, also taking into account estoppel provisions set forth in 37 CFR 42.73(d)(3)), if applicable; or (2) correct an unrelated issue with the patent (*e.g.,* correction of a priority claim, inventorship, or a drawing). Otherwise, Patents generally will not lift a suspension or proceed with prosecution of a reissue application after the Board issues a final written decision and while a Federal Circuit appeal of that decision is ongoing.

If a Federal Circuit appeal of a final written decision in an AIA trial remains ongoing when allowable subject matter is identified in the reissue application, the Office typically will not pass that application to allowance until the Federal Circuit appeal concludes. In that situation, after an appeal to the Federal Circuit concludes, a patent owner may confer with the examiner and decide how to proceed with the reissue application (*e.g.,* proceed to issuance, file a request for continued examination (''RCE'') for further amendments/prosecution, or abandon the reissue application). The examiner also may need to reevaluate the status of allowable subject matter in view of a decision by the Federal Circuit.

As long as patent owner files the reissue application in a timely manner as discussed above, and raises issues different than those already considered in the AIA proceeding (*e.g.,* amendments meaningfully different than those in a previously presented motion to amend), the Office typically will consider the reissue application (subject to possible considerations for suspension discussed above).

Additional Considerations for Lifting a Stay of an Ex Parte Reexamination

Non-exhaustive factors considered by the Board when determining whether to lift a stay of a parallel reexamination are discussed earlier. As noted previously, under certain circumstances, the Office will proceed with a reexamination after the Board issues a final written decision relating to the same patent.

Unlike reissue applications, patent owners do not have the option to abandon *ex parte* reexamination applications. Once started, reexaminations proceed with special dispatch to completion. *See* 35 U.S.C. 305. Thus, after the Office determines that it is appropriate to lift a stay, or that a stay is not appropriate, a reexamination typically will continue to completion, notwithstanding a Federal Circuit appeal of a final written decision on the same patent.

If the Office identifies allowable subject matter in a reexamination proceeding, or after conclusion of a reexamination determining that some or all claims of a patent are unpatentable, the Office typically will issue a notice of intent to issue a reexamination certificate (''NIRC'') and reexamination certificate even if a Federal Circuit appeal remains ongoing, unless the patent owner timely files a notice of appeal in the *ex parte* reexamination proceeding. A patent owner who is dissatisfied with an examiner's decision to reject claims in an *ex parte* reexamination proceeding may appeal the final rejection of any claim to the Board by filing a notice of appeal within the required time. *See* MPEP 2273, 2687; 35 U.S.C. 134. In order to ensure that the reexamination certificate does not cancel original patent claims that are separately on appeal at the Federal Circuit, the patent owner must timely file an appeal in the reexamination proceeding of any final rejection of those original claims.

Dated: April 16, 2019.

Andrei Iancu,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2019–08022 Filed 4–19–19; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Cooperation Treaty

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on a proposed extension of an existing collection: 0651–0021 (Patent Cooperation Treaty).

DATES: Written comments must be submitted on or before June 21, 2019.

ADDRESSES: You may submitted comments by any of the following methods:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0021 comment'' in the subject line of the message.
- *Federal Register Portal: http://www.regulations.gov.*
- *Mail:* Marcie Lovett, Chief, Records and Information Governance Branch, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Rafael Bacares, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–3276; or by email at *Rafael.Bacares@uspto.gov* with ''0651–0021 comment'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is required by the Patent Cooperation Treaty (PCT), which became operational in June 1978 and is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. The provisions of the PCT have been implemented by the United States in Part IV of Title 35 of the U.S. Code (Chapters 35–37) and Subpart C of Title 37 of the Code of Federal Regulations (37 CFR 1.401–1.499). The purpose of the PCT is to provide a standardized filing format and procedure that allows an applicant to seek protection for an invention in several countries by filing one international application in one location, in one language, and paying one initial set of fees.

The information in this collection is used by the public to submit a patent application under the PCT and by the United States Patent and Trademark Office (USPTO), to fulfill its obligation to process, search, and examine the application as directed by the treaty. The USPTO acts as the United States

Receiving Office (RO/US) for international applications filed by residents and nationals of the United States. These applicants send most of their correspondence directly to the USPTO, but they may also file certain documents directly with the IB. The USPTO serves as an International Searching Authority (ISA) to perform searches and issue international search reports (ISR) and the written opinions of international applications. The USPTO also issues international preliminary reports on patentability (IPRP Chapter II) when acting as an International Preliminary Examining Authority (IPEA).

II. Method of Collection

By mail, hand delivery, or electronic submission to the USPTO.

III. Data

OMB Number: 0651–0021.

IC Instruments and Forms: PCT/IB/372; PCT/IPEA/401; PCT/RO/101; PCT/RO/134; PTO–1382; PTO–1390; PTO/SB/64/PCT.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households; business or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 431,135 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public between 15 minutes (0.25 hours) and 4 hours to gather the necessary information, prepare the appropriate form or document, and submit the information to the USPTO.

Estimated Total Annual Respondent Burden Hours: 352,769.78 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $154,513,163.64. The USPTO expects that an attorney will complete the materials in this collection. The professional hourly rate for intellectual property attorneys in private firms is $438. The rate is established by estimates in the *2017 Report on the Economic Survey,* published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is $438 per year.

IC No.	Item	Estimated time (a)	Estimated responses (b)	Estimated burden (c) = (a) × (b)	Rate (d)	Estimates total cost (e) = (c) × (d)
1	Request and Fee Calculation Sheet (Annex and Notes).	1	55,177	55,177.00	$438.00	$24,167,526.00
2	Description/claims/drawings/abstracts.	3	55,177	165,531.00	438.00	72,502,578.00
3	Application Data Sheet (35 U.S.C. 371 applications).	0.38 (23 minutes)	104,281	39,626.78	438.00	17,356,529.64
4	Transmittal Letter to the United States Receiving Office (RO/US).	0.25 (15 minutes)	49,659	12,414.75	438.00	5,437,660.50
5	Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371.	0.25 (15 minutes)	86,080	21,520.00	438.00	9,425,760.00
6	PCT/Model of Power of Attorney.	0.25 (15 minutes)	5,518	1,379.50	438.00	604,221.00
7	PCT/Model of General Power of Attorney.	0.25 (15 minutes)	551	137.75	438.00	60,334.50
8	Indications Relating to a Deposited Microorganism.	0.25 (15 minutes)	10	2.50	438.00	1,095.00
9	Response to invitation to correct defects.	2	15,500	31,000.00	438.00	13,578,000.00
10	Request for rectification of obvious errors.	0.50 (30 minutes)	921	460.50	438.00	201,699.00
11	Demand and Fee Calculation Sheet (Annex and Notes).	1	667	667.00	438.00	292,146.00
12	Amendments (Article 34)	1	429	429.00	438.00	187,902.00
13	Fee Authorization	0.25 (15 minutes)	49,659	12,414.75	438.00	5,437,660.50
14	Requests to transmit copies of international application.	0.25 (15 minutes)	864	216.00	438.00	94,608.00
15	Withdrawal of international application.	0.25 (15 minutes)	1,369	342.25	438.00	149,905.50
16	English Translations after thirty months from priority date.	2	2,475	4,950.00	438.00	2,168,100.00
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(a).	1	928	928.00	438.00	406,464.00
18	Petitions to the Commissioner for international applications.	4	87	348.00	438.00	154,424.00
19	Petitions to the Commissioner in national stage examination.	4	751	3,004.00	438.00	1,315,752.00

IC No.	Item	Estimated time (a)	Estimated responses (b)	Estimated burden (c) = (a) × (b)	Rate (d)	Estimates total cost (e) = (c) × (d)
20	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3)).	2	875	1,750.00	438.00	766,500.00
21	Request for the restoration of the right of priority.	3	157	471.00	438.00	206,298.00
Totals			431,135	352,769.78		154,513,163.64

Estimated Total Annual (Non-hour) Respondent Cost Burden: $280,004,662.50. This collection has annual (non-hour) costs in the form of filling fees, translations, drawings, and postage costs.

Filing Fees

This chart provides an estimate of the fees associated with this collection and details the various entity size costs associated with each fee.

IC No.	Item	Responses (a)	Fees (b)	Total fee amount (c) = (a) × (b)
1	Request and Fee Calculation Sheet (Annex and Notes)	55,177	$1,254.00	$69,191,958.00
2	[PCT National Stage] Claims—extra independent (over three) (Large entity).	6,549	460.00	3,012,540.00
2	[PCT National Stage] Claims—extra independent (over three) (Small entity).	2,298	230.00	528,540.00
2	[PCT National Stage] Claims—extra independent (over three) (Micro entity).	99	115.00	11,385.00
2	[PCT National Stage] Claims—extra total (over 20) (Large entity)	9,145	100.00	914,500.00
2	[PCT National Stage] Claims—extra total (over 20) (Small entity)	5,347	50.00	264,350.00
2	[PCT National Stage] Claims—extra total (over 20) (Micro entity)	238	25.00	5,950.00
2	[PCT National Stage] Claim—multiple dependent (Large entity)	650	820.00	533,000..00
2	[PCT National Stage] Claim—multiple dependent (Small entity)	361	410.00	148,010.00
2	[PCT National Stage] Claim—multiple dependent (Micro entity)	37	205.00	7,585.000
3	National Stage Application Size Fee—for each additional 50 sheets that exceed 100 sheets (Large entity).	2,476	400.00	990,400.00
3	National Stage Application Size Fee—for each additional 50 sheets that exceed 100 sheets (Small entity).	1,590	200.00	318,000.00
3	National Stage Application Size Fee—for each additional 50 sheets that exceed 100 sheets (Micro entity).	23	100.00	2,300.00
4	Transmittal fee (Large entity)	36,489	240.00	8,757,360.00
4	Transmittal fee (Small entity)	17,603	120.00	2,112,360.00
4	Transmittal fee (Micro entity)	1,085	60.00	65,100.00
11	Demand and Fee Calculation Sheet (Annex and Notes)	667	213.00	142,071.00
14	Transmitting application to Intl. Bureau to act as receiving office (Large entity).	425	240.00	102,000.00
14	Transmitting application to Intl. Bureau to act as receiving office (Small entity).	289	120.00	34,680
14	Transmitting application to Intl. Bureau to act as receiving office (Micro entity).	32	60.00	1,920.00
16	English translation after thirty months from priority date (Large entity)	1,485	140.00	207,900.00
16	English translation after thirty months from priority date (Small entity)	914	70.00	63,980.00
16	English translation after thirty months from priority date (Micro entity)	76	35.00	2,660.00
18	Search fee—regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) (Large entity).	7,576	140.00	1,060,640.00
18	Search fee—regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) (Small entity).	12,837	70.00	898,590.00
18	Search fee—regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) (Micro entity).	1,073	35.00	3,745.00
18	Supplemental search fee when required, per additional invention (Large entity).	248	2,080.00	515,840.00
18	Supplemental search fee when required, per additional invention (Small entity).	366	1,040.00	380,640
18	Supplemental search fee when required, per additional invention (Micro entity).	44	520.00	22,880.00
19	Basic National Stage Fee (Large entity)	71,090	300.00	21,327,000.00
19	Basic National Stage Fee (Small entity)	22,965	150.00	3,444,750.00
19	Basic National Stage Fee (Micro entity)	1,527	75.00	114,525.00
19	National Stage Search Fee—U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)–(4).	674	0.00	0.00

IC No.	Item	Responses (a)	Fees (b)	Total fee amount (c) = (a) × (b)
19	National Stage Search Fee —U.S. was the ISA (Large entity)	2,197	140.00	307,580.00
19	National Stage Search Fee—U.S. was the ISA (Small entity)	4,773	70.00	334,110.00
19	National Stage Search Fee—U.S. was the ISA (Micro entity)	275	35.00	9,625.00
19	National Stage Search Fee—search report prepared and provided to USPTO (Large entity).	65,507	520.00	34,063,640.00
19	National Stage Search Fee—search report prepared and provided to USPTO (Small entity).	16,660	260.00	4,331,600.00
19	National Stage Search Fee—search report prepared and provided to USPTO (Micro entity).	1,056	130.00	137,280.00
19	National Stage Examination Fee—U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)–(4).	674	0.00	0.00
19	National Stage Search Fee—all other situations (Large entity)	3,156	660.00	2,082,960.00
19	National Stage Search Fee—all other situations (Small entity)	1,110	330.00	366,300.00
19	National Stage Search Fee—all other situations (Micro entity)	174	165.00	28,710.00
19	National Stage Examination Fee—all other situations (Large entity)	70,771	760.00	53,785,960.00
19	National Stage Examination Fee—all other situations (Small entity)	22,437	380.00	8,526,060.00
19	National Stage Examination Fee—all other situations (Micro entity)	1,480	190.00	281,200.00
19	Preliminary examination fee—U.S. was the ISA (Large entity)	205	600.00	123,000.00
19	Preliminary examination fee—U.S. was the ISA (Small entity)	278	300.00	83,400.00
19	Preliminary examination fee—U.S. was the ISA (Micro entity)	44	150.00	6,600.00
19	Preliminary examination fee—U.S. was not the ISA (Large entity)	102	760.00	77,520.00
19	Preliminary examination fee—U.S. was not the ISA (Small entity)	39	380.00	14,820.00
19	Preliminary examination fee—U.S. was not the ISA (Micro entity)	1	190.00	190.00
19	Supplemental examination fee per additional invention (Large entity)	2	600.00	1,200.00
19	Supplemental examination fee per additional invention (Small entity)	2	300.00	600.00
19	Supplemental examination fee per additional invention (Micro entity)	1	150.00	150.00
19	Search fee, examination fee or oath of declaration after thirty months from priority date (Large entity).	22,466	2,080.00	46,729,280.00
19	Search fee, examination fee or oath of declaration after thirty months from priority date (Small entity).	10,550	1,040.00	10,972,000.00
19	Search fee, examination fee or oath of declaration after thirty months from priority date (Micro entity).	259	520.00	134,680.00
20	Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority.	1,032	2,000.00	2,064,000.00
Totals		535,399		279,652,624.00

Translations and Drawings

Applicants entering the national stage in the U.S. are required to file an English translation of the international application if the international application was filed in another language and was not published under PCT Article 21(2) in English. A processing fee is required for accepting an English translation after 30 months from the priority date. This requirement may carry additional costs for the applicant to contract for a translation of the documents in questions. According to the *PCT Applicant's Guide—National Phase—National Chapter—US,* put out by WIPO, the average cost for such a translation is $140. The USPTO estimates that it received approximately 2,475 English translations after 30 months from the priority date annually, for a total of $346,500 per year for English translations of non-English language documents for PCT applications.

Applicants may also incur costs for drawings that are submitted as part of PCT applications. Some applicants may produce their own drawings, while others may contract out the work to various patent illustration firms. For the purpose of estimating burden for this collection, the USPTO will consider all applicants to have their drawings prepared by these firms. According to the *PCT Applicant's Guide—National Phase—National Chapter—US,* drawings may cost an average of $400 to produce. The USPTO expects that it will receive 3 sets of drawings for a total of $1,200 per year.

Postage Costs

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be $0.50 and that approximately 7,440 submissions (approximately 2% of the total responses) will be mailed to the USPTO per year, for a total estimated postage cost of $4,298.50 per year.

The USPTO estimates that the total annual (non-hour) cost burden for this collection, in the form of translations ($346,500), drawings ($1,200), filing fees ($279,652,624), and postage costs ($4,298.50), is $280,004,622.50 per year.

IV. Request for Comment

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, *e.g.,* the use of automated

collection techniques or other forms of information technology.

Marcie Lovett,

Chief, Records and Information Governance Branch, OCAO, United States Patent and Trademark Office.

[FR Doc. 2019–08026 Filed 4–19–19; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0104: Clearing Exemption for Swaps Between Certain Affiliated Entities

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on reporting requirements relating to uncleared swaps between certain affiliated entities electing the exemption under Commission regulation 50.52 (Exemption for swaps between affiliates).

DATES: Comments must be submitted on or before June 21, 2019.

ADDRESSES: You may submit comments, identified by ''OMB Control No. 3038–0104'' by any of the following methods:

- The Agency's website, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Melissa A. D'Arcy, Special Counsel, Division of Clearing and Risk, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418–5086; email: *mdarcy@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the Commission is publishing notice of the proposed extension of the existing collection of information listed below. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Title: Clearing Exemption for Swaps Between Certain Affiliated Entities (OMB Control No. 3038–0104). This is a request for an extension of a currently approved information collection.

Abstract: Section 2(h)(1)(A) of the Commodity Exchange Act requires certain entities to submit for clearing certain swaps if they are required to be cleared by the Commission. Commission regulation 50.52 permits certain affiliated entities to elect not to clear inter-affiliate swaps that otherwise would be required to be cleared, provided that they meet certain conditions. The rule further requires the reporting of certain information if the inter-affiliate exemption from clearing is elected. The Commission will use the information described in this collection and reported pursuant to Commission regulation 50.52 to monitor the use of the inter-affiliate exemption from the Commission's clearing requirement and to assess any potential market risks associated with such exemption.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its estimate of the burden for this collection for counterparties to swaps between certain affiliated entities that elect the inter-affiliate exemption under Commission regulation 50.52. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 310.

Estimated Average Burden Hours per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 310 hours.

Frequency of Collection: Annually; on occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

Authority: 44 U.S.C. 3501 *et seq.*

[1] 17 CFR 145.9.

Dated: April, 17, 2019.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2019–08050 Filed 4–19–19; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0012, Futures Volume, Open Interest, Price, Deliveries and Purchases/Sales of Futures for Commodities or for Derivatives Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on futures volume, open interest, price, deliveries, and purchases/sales of futures for commodities or for derivatives positions.

DATES: Comments must be submitted on or before June 21, 2019.

ADDRESSES: You may submit comments, identified by ''Futures Volume & Open Interest Collection,'' 3038–0012, by any of the following methods:

- The Agency's website, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Adam Charnisky, Market Analyst, Division of Market Oversight, Commodity Futures Trading Commission, (312) 596–0630; email*: acharnisky@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

Title: Futures Volume, Open Interest, Price, Deliveries and Purchases/Sales of Futures for Commodities or for Derivatives Positions (OMB Control No. 3038–0012). This is a request for extension of a currently approved information collection.

Abstract: Commission Regulation 16.01 requires the U.S. futures exchanges to publish daily information on the items listed in the title of the collection. The information required by this rule is in the public interest and is necessary for market surveillance. This rule is promulgated pursuant to the Commission's rulemaking authority contained in Section 5 of the Commodity Exchange Act, 7 U.S.C. 7 (2010).

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The respondent burden for this collection is estimated to be as follows:

Respondents/Affected Entities: Designated Contract Markets.

Estimated number of respondents: 15.

Estimated total annual burden on respondents: 3,750 hours.[2]

Frequency of collection: Daily.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 17, 2019.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2019–08052 Filed 4–19–19; 8:45 am]

BILLING CODE 6351–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–20198–0017]

Agency Information Collection Activities: Submission for OMB Review; 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 proposing to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Interstate Land Sales Full Disclosure Act''.

[1] 17 CFR 145.9.

[2] The Commission estimates that its Data, Market and Surveillance Staff will expend approximately 1 hour per day on each respondent/response over 250 trading days to collect and analyze the information submitted.

DATES: Written comments are encouraged and must be received on or before May 22, 2019 to be assured of consideration.

ADDRESSES: Comments in response to this notice are to be directed towards OMB and to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection. 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: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: OIRA_submission@omb.eop.gov.*
- *Fax:* (202) 395–5806.
- *Mail*: Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

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.reginfo.gov* (this link becomes active on the day following publication of this notice). Select ''Information Collection Review,'' under ''Currently under review, use the dropdown menu ''Select Agency'' and select ''Consumer Financial Protection Bureau'' (recent submissions to OMB will be at the top of the list). The same documentation is also available at *http://www.regulations.gov.* Requests for additional information should be directed to Darrin King 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: Interstate Land Sales Full Disclosure Act (Regulations J, K & L) 12 CFR 1010, 1011, 1012.

OMB Control Number: 3170–0012.

Type of Review: Extension without change of an existing information collection.

Affected Public: Businesses and other for-profit entities.

Estimated Number of Respondents: 197.

Estimated Total Annual Burden Hours: 3,412.

Abstract: The Interstate Land Sales Full Disclosure Act (ILSA) requires land developers to register subdivisions of 100 or more non-exempt lots or units and to provide each purchaser with a disclosure document designated as a property report, 15 U.S.C. 1703–1704. ILSA was enacted in response to a nation-wide proliferation of developers of unimproved subdivisions who made elaborate and often fraudulent, claims about their land to unsuspecting lot purchasers. Information is submitted to the Bureau of Consumer Financial Protection (Bureau) to assure compliance with ILSA and the implementing regulations. The Bureau also investigates developers who are not in compliance with the regulations.

Request for Comments: The Bureau issued a 60-day **Federal Register** notice on December 17, 2018, (83 FR 64566), Docket Number: CFPB–2018–0041. Comments were solicited and continue to be 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 reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

Dated: April 16, 2019.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2019–07985 Filed 4–19–19; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Vedevo Corporation

AGENCY: Department of the Navy, DoD.

ACTION: Notice; correction.

SUMMARY: The Department of the Navy published a document in the **Federal Register** of December 3, 2018, announcing its intent to grant to Vedevo, Inc. (Capitola, CA) a revocable, nonassignable, exclusive license. The notice is being corrected to reflect the company's change of name, state of incorporation, and fields of use.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Buettner, Director, Research and Sponsored Programs Office, NPS Code 41, 699 Dyer Road, Bldg. HA, Room 226, Monterey, CA 93943, telephone 831–656–7893.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of December 3, 2018, in FR Doc. 2018–26212, on page 62311, in the second column, correct the ''Summary'' caption to read:

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Vedevo Corporation (Delaware) a revocable, nonassignable, exclusive license to practice in all fields of use, the Government-Owned invention described in U.S. Patent No. 8,526,746 issued September 3, 2013 titled ''NEAR-LOSSLESS DATA COMPRESSION METHOD USING NONUNIFORM SAMPLING.''

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, within 15 days from the date of this publication.

(Authority: 35 U.S.C. 209(e); 37 CFR 404.7)

Dated: April 17, 2019.

Meredith Steingold Werner,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2019–08025 Filed 4–19–19; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education (NACIE); Meeting

AGENCY: National Advisory Council on Indian Education (NACIE), U.S. Department of Education.

ACTION: Announcement of an open meeting.

SUMMARY: This notice sets forth the agenda for an upcoming public meeting of the National Advisory Council on Indian Education (NACIE. Notice of the meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify members of the public who may be interested in attending. This notice is being posted late due to the logistics involved in ascertaining a quorum for the meeting.

DATES: The NACIE meeting will be held on April 25–26, 2019; April 25, 2019–9:00 a.m.–5:00 p.m. (EST); April 26, 2019–9:00 a.m.–5:00 p.m.(EST).

ADDRESSES: Grand Hyatt Hotel, 1000 H Street NW, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Angeline Boulley, Director of the Office of Indian Education (OIE)/Designated Federal Official, Office of Elementary and Secondary Education (OESE), U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: 202–453–7042, Email: *Angeline.Boulley@ed.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: The National Advisory Council on Indian Education is authorized by § 6141 of the Elementary and Secondary Education Act of 1965. NACIE is established within the U.S. Department of Education to advise the Secretary of Education and the Secretary of Interior on the funding and administration (including the development of regulations, and administrative policies and practices) of any program over which the Secretary has jurisdiction and includes Indian children or adults as participants or that may benefit Indian children or adults, including any program established under Title VII, Part A of the Elementary and Secondary Education Act. In addition, NACIE advises the Secretary of the Interior regarding these same Department of Education programs, and also, in accordance with section 5(a) of Executive Order 13592, advises the White House Initiative on American Indian and Alaskan Native Education. NACIE submits to the Congress each year a report on the activities of the Committee and include recommendations that are considered appropriate for the improvement of Federal education programs that include Indian children or adults as participants or that may benefit Indian children or adults, and recommendations concerning the funding of any such program.

All attendees must RSVP for the meeting to ensure there is sufficient space to accommodate everyone. Please RSVP via email to *Angeline.Boulley@ed.gov* no later than April 22, 2019. If you would like to provide public comment, please submit your request no later than April 22, 2019 to *Angeline.Boulley@ed.gov.* Speakers will have up to five (5) minutes to provide a comment. Members of the public interested in submitting written comments may do so via email at *Angeline.Boulley@ed.gov.* Comments should pertain to the work of NACIE and/or the Office of Indian Education.

Meeting Agenda: The purpose of the meeting is to convene NACIE to conduct the following business:

April 25

(1) Welcome and Introductions; (2) Presentation-(OESE) Leadership Team; (3) Discussion and Development of NACIE Priorities; (4) Presentation-BIE; (5) Presentation-Director of NIEA; (6) Presentation-OIE Program Activities;

April 26

(1) U.S. Department of Education Staff Presentations; (2) Discussion and Drafting of NACIE 2019 Annual Report to Congress; (3) Establish NACIE Meeting Calendar for 2019–2020.

Reasonable Accommodations: The hearing site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify Erica Outlaw at 202–358–3144 or at *Erica.Outlaw@ed.gov* no later than April 22, 2019. Although we will attempt to meet a request received after request due date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to make arrangements.

Access to Records of the Meeting: The Department will post the official report of the meeting on the OESE website at: *http://www2.ed.gov/about/offices/list/oese/index.html?src=oc.* 21 days after the meeting. Pursuant to the FACA, the public may also inspect the materials at the Office of Indian Education, United States Department of Education, 400 Maryland Avenue SW, Washington, DC 20202, Monday-Friday, 8:30 a.m. to 5:00 p.m. Eastern Time or by emailing *Angeline.Boulley@ed.gov* or by calling Erica Outlaw at (202) 358–3144 to schedule an appointment.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: § 6141 of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) (20 U.S.C. 7471).

Frank Brogan,

Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2019–08047 Filed 4–19–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1577–000]

Kearny Mesa Storage, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

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

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

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 6, 2019.

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

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

The filings in the above-referenced proceeding are accessible in the

Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–08010 Filed 4–19–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at the Southwest Power Pool, Regional State Committee, Members' Committee and Board of Directors' Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meetings of the Southwest Power Pool, Inc. Regional State Committee (RSC), Human Resource Committee (HR), Finance Committee (FC), Members' Committee and Board of Directors as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

The meetings will be held at the Doubletree Warren Place, 6110 South Yale Place, Tulsa, OK 74136. The phone number is (918) 495–1000. All meetings are Central Time.

SPP RSC

April 29, 2019 (8:00 a.m.–4:30 p.m. CDT)

SPP HR

April 29, 2019 (8:00 a.m.–1:00 p.m. CDT)

SPP FC

April 29, 2019 (8:00 a.m.–11:30 p.m. CDT)

SPP Members/Board of Directors

April 30, 2019 (8:00 a.m.–2:00 p.m. CDT)

The discussions may address matters at issue in the following proceedings:

Docket No. ER09–548, *Kansas Corporation Commission*
Docket No. ER14–2850, *Southwest Power Pool, Inc.*
Docket No. ER14–2851, *Southwest Power Pool, Inc.*
Docket No. ER15–2028, *Southwest Power Pool, Inc.*
Docket No. ER15–2115, *Southwest Power Pool, Inc.*
Docket No. ER15–2594, *South Central MCN LLC*
Docket No. EL16–91, *Southwest Power Pool, Inc.*
Docket No. EL16–108, *Tilton Energy* v. *Midcontinent Independent System Operator, Inc.*
Docket No. ER16–204, *Southwest Power Pool, Inc.*
Docket No. ER16–505, *GridLiance High Plains LLC*
Docket No. ER16–1341, *Southwest Power Pool, Inc.*
Docket No. RM17–8, *Reform of Generator Interconnection Procedures and Agreements*
Docket No. EL17–21, *Kansas Electric Co.* v. *Southwest Power Pool, Inc.*
Docket No. EL17–89, *American Electric Power Service Corporation* v. *Midcontinent Independent System Operator, Inc., et al.*
Docket No. EL17–92, *East Texas Electric Cooperative*
Docket No. ER17–953, *South Central MCN LLC*
Docket No. ER17–1568, *Southwest Power Pool, Inc.*
Docket No. AD18–8, *Reform of Affected System Coordination in the Generator Interconnection Process*
Docket No. EL18–9, *Xcel Energy Services, Inc.* v. *Southwest Power Pool, Inc.*
Docket No. EL18–19, *Southwest Power Pool, Inc.*
Docket No. EL18–26, *EDF Renewable Energy, Inc.* v. *Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc., and PJM Interconnection, L.L.C.*
Docket No. EL18–35, *Southwest Power Pool, Inc.*
Docket No. EL18–58, *Oklahoma Municipal Power Authority* v. *Oklahoma Gas and Electric Co.*
Docket No. EL18–194, *Nebraska Public Power District* v. *Tri-State Generation and Transmission Association, Inc. and Southwest Power Pool, Inc.*
Docket No. EL19–62–000, *City Utilities of Springfield, Missouri* v. *Southwest Power Pool, Inc.*
Docket No. ER18–99, *Southwest Power Pool, Inc.*
Docket No. ER18–194, *Southwest Power Pool, Inc.*
Docket No. ER18–195, *Southwest Power Pool, Inc.*
Docket No. ER18–939, *Southwest Power Pool, Inc.*
Docket No. ER18–1267, *South Central MCN LLC*
Docket No. ER18–1702, *Southwest Power Pool, Inc.*
Docket No. ER18–1854, *Southwest Power Pool, Inc.*
Docket No. ER18–2030, *Southwest Power Pool, Inc.*
Docket No. ER18–2058, *Southwest Power Pool, Inc.*
Docket No. ER18–2318, *Southwest Power Pool, Inc.*
Docket No. ER18–2358, *Southwest Power Pool, Inc.*
Docket No. ER18–2404, *Southwest Power Pool, Inc.*
Docket No. ER19–261, *Southwest Power Pool, Inc.*
Docket No. ER19–356, *Southwest Power Pool, Inc.*
Docket No. ER19–456, *Southwest Power Pool, Inc.*
Docket No. ER19–460, *Southwest Power Pool, Inc.*
Docket No. ER19–477, *Southwest Power Pool, Inc.*
Docket No. ER19–1039, *Southwest Power Pool, Inc.*
Docket No. ER19–1111, *Southwest Power Pool, Inc.*
Docket No. ER19–1114, *Southwest Power Pool, Inc.*
Docket No. ER19–1135, *Southwest Power Pool, Inc.*
Docket No. ER19–1137, *Southwest Power Pool, Inc.*
Docket No. ER19–1159, *Southwest Power Pool, Inc.*
Docket No. ER19–1177, *Southwest Power Pool, Inc.*
Docket No. ER19–1178, *Southwest Power Pool, Inc.*
Docket No. ER19–1214, *Southwestern Electric Power Company*
Docket No. ER19–1297, *Southwest Power Pool, Inc.*
Docket No. ER19–1303, *Westar Energy, Inc.*
Docket No. ER19–1396, *American Electric Power Service Corporation*
Docket No. ER19–1446, *Southwest Power Pool, Inc.*
Docket No. ER19–1460, *Southwest Power Pool, Inc.*
Docket No. ER19–1497, *Southwest Power Pool, Inc.*
Docket No. ER19–1520, *Sunflower Electric Power Corporation*
Docket No. ES19–19, *Southwest Power Pool, Inc.*

This meeting is open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Dated: April 16, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–08016 Filed 4–19–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1575–000]

Alta Oak Realty, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

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

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

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 6, 2019.

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

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

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–08007 Filed 4–19–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–34–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2019–04–16_Compliance re MISO Pseudo-Tie Congestion Overlap Phase 2 Filing to be effective 3/1/2019.
Filed Date: 4/16/19.
Accession Number: 20190416–5006.
Comments Due: 5 p.m. ET 5/7/19.

Docket Numbers: ER19–1392–001.
Applicants: High Lonesome Mesa Wind, LLC.
Description: Tariff Amendment: Amendment to the High Lonesome Mesa Wind, LLC Application for Market-Based Rates to be effective 5/20/2019.
Filed Date: 4/15/19.
Accession Number: 20190415–5263.
Comments Due: 5 p.m. ET 5/6/19.

Docket Numbers: ER19–1577–000.
Applicants: Kearny Mesa Storage, LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 6/15/2019.
Filed Date: 4/16/19.
Accession Number: 20190416–5054.
Comments Due: 5 p.m. ET 5/7/19.

Docket Numbers: ER19–1578–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2019–04–16 Certificate of Concurrence for UFA Sunshine Valley, SCE & CAISO to be effective 2/21/2019.
Filed Date: 4/16/19.
Accession Number: 20190416–5112.
Comments Due: 5 p.m. ET 5/7/19.

Docket Numbers: ER19–1579–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Implement Generator Interconnection Three-Stage Study Process to be effective 7/1/2019.
Filed Date: 4/16/19.
Accession Number: 20190416–5131.
Comments Due: 5 p.m. ET 5/7/19.

Docket Numbers: ER19–1580–000.
Applicants: El Paso Electric Company.
Description: Notice of Termination of Large Generator Interconnection Agreement of El Paso Electric Company.
Filed Date: 4/16/19.
Accession Number: 20190416–5130.
Comments Due: 5 p.m. ET 5/7/19.

Docket Numbers: ER19–1581–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 205 filing of Fixed Price TCC Credit requirement to be effective 6/18/2019.
Filed Date: 4/16/19.
Accession Number: 20190416–5134.
Comments Due: 5 p.m. ET 5/7/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–08008 Filed 4–19–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD19–5–000]

Review of Cost Submittals by Other Federal Agencies for Administering Part I of the Federal Power Act; Notice Requesting Questions and Comments on Fiscal Year 2018 Other Federal Agency Cost Submissions

In its *Order On Rehearing Consolidating Administrative Annual Charges Bill Appeals And Modifying Annual Charges Billing Procedures,* 109 FERC ¶ 61,040 (2004) (October 8 Order), the Commission set forth an annual process for Other Federal Agencies (OFAs) to submit their costs related to

Administering Part I of the Federal Power Act. Pursuant to the established process, the Chief of Revenue and Receivables, Financial Management Division, Office of the Executive Director, on October 5, 2018, issued a letter requesting the OFAs to submit their costs by December 31, 2018 using the OFA Cost Submission Form.

Upon receipt of the agency submissions, the Commission posted the information in eLibrary, and issued, on March 14, 2019, a notice announcing the date for a technical conference to review the submitted costs. On March 28, 2019 the Commission held the technical conference. Technical conference transcripts, submitted cost forms, and detailed supporting documents are all available for review under Docket No. AD19–5. These documents are accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and are available for review in the Commission's Public Reference Room in Washington, DC.

Interested parties may file specific questions and comments on the FY 2018 OFA cost submissions with the Commission under Docket No. AD19–5, no later than April 30, 2019. Once filed, the Commission will forward the questions and comments to the OFAs for response.

Anyone with questions pertaining to the technical conference or this notice should contact Raven A. Rodriguez at (202) 502–6276 (via email at *raven.rodriguez@ferc.gov*).

Dated: April 16, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–08014 Filed 4–19–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–78–000]

PennEast Pipeline Company, LLC; Notice of Schedule for Environmental Review of The Penneast Pipeline Project Amendment

On February 1, 2019, PennEast Pipeline Company, LLC (PennEast) filed an application under section 7(c) of the Natural Gas Act to amend the certificate of public convenience and necessity and related authorizations issued by the Commission on January 19, 2018 in Docket No. CP15–558–000 (January 19th Order). In this application for amendment, PennEast has proposed four modifications that are outside the certificated route. The modifications were designed to optimize the design of the PennEast Pipeline Project and respond to agency requests.

On February 15, 2019, the Federal Energy Regulatory Commission (FERC or Commission) issued its Notice of Application for the PennEast Pipeline Project Amendment (Project Amendment). This current notice alerts agencies issuing federal authorization of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission's staff's Environmental Assessment (EA) for the Project Amendment. This instant notice identifies the FERC staff's planned schedule for completion of an EA for the Project Amendment.

Schedule for Environmental Review

Issuance of EA—(September 20, 2019)
90-day Federal Authorization Decision Deadline—(December 19, 2019)

If a schedule change becomes necessary for the EA, an additional notice will be provided so that the relevant agencies are kept informed of the Project Amendment's progress.

Project Amendment Description

The proposed four modifications in Pennsylvania include: Saylor Avenue Realignment in Luzerne County; Interstate 81 Workspace Adjustment in Luzerne County; Appalachian Trail PPL Electric Utilities Crossing Realignment in Carbon, Monroe, and Northampton Counties; and Freemansburg Avenue Realignment in Northampton County. PennEast's proposed realignment of the project route crossing of the Appalachian National Scenic Trail would collocate the pipeline with an existing easement. Except for the realignment of the Appalachian National Scenic Trail crossing, all other realignments and adjustment are within 0.25 mile of the existing Project route approved in the January 19th Order.

Background

On March 15, 2019, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Penneast Pipeline Project Amendment, and Request for Comments on Environmental Issues* (NOI).

The NOI was sent to federal, state, and local government agencies; elected officials; affected landowners; environmental and public interest groups; Native American tribes and regional organizations; commentors and other interested parties; and local libraries and newspapers. Major issues raised during scoping that are specific to the Project Amendment include project need, impacts on the Appalachian National Scenic Trail, and private property rights. All substantive comments will be addressed in the EA. The U.S. Army Corps of Engineers; the U.S. Fish and Wildlife Service, Pennsylvania Field Office; U.S. Environmental Protection Agency; and U.S. Department of Agriculture, Natural Resources Conservation Service are cooperating agencies in the preparation of the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific docket, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project Amendment is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP19–78), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: April 16, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–08015 Filed 4–19–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2376–051]

Eagle Creek Reusens Hydro, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Application:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 2376–051.

c. *Date filed:* February 28, 2019.

d. *Submitted by:* Eagle Creek Reusens Hydro, LLC (Reusens Hydro).

e. *Name of Project:* Reusens Hydroelectric Project.

f. *Location:* Located on the James River in Bedford and Amherst Counties, Virginia. The project does not occupy any federal lands.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Michael Scarzello, Director, Eagle Creek Renewable Energy, LLC, 116 North State Street, PO Box 167, Neshkoro, WI 54960–0167, Phone: (973) 998–8400, Email: *Michael.Scarzello@eaglecreekre.com.*

i. *FERC Contact:* Laurie Bauer, Phone: (202) 502–6519, Email: *laurie.bauer@ferc.gov.*

j. Reusens Hydro filed its request to use the Traditional Licensing Process on February 28, 2019. Reusens Hydro provided public notice of its request on February 28, 2019. In a letter dated April 16, 2019, the Director of the Division of Hydropower Licensing approved Reusens Hydro's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Virginia State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Reusens Hydro as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Reusens Hydro filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2376. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by February 28, 2022.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: April 16, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–08009 Filed 4–19–19; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0895]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before June 21, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0895.

Title: Numbering Resource Optimization.

Form Number: FCC Form 502.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities and State, Local or Tribal Government.

Number of Respondents and Responses: 2,793 respondents; 10,165 responses.

Estimated Time per Response: 1 hour—44.4 hours.

Frequency of Response: On occasion and semi-annual reporting requirements and recordkeeping requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 151, 153, 154, 201–205 and 251 of the Communications Act of 1934.

Total Annual Burden: 132,384 hours.

Total Annual Cost: $4,407,451.84

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Disaggregated, carrier specific forecast and utilization data will be treated as confidential and will be exempt from public disclosure under 5 U.S.C. 552(b)(4).

Needs and Uses: The data collected on FCC Form 502 helps the Commission manage the ten-digit North American

Numbering Plan (NANP), which is currently being used by the United States and 19 other countries. Under the Communications Act of 1934, as amended, the Commission was given ''exclusive jurisdictions over those portions of the North American Numbering Plan that pertains to the United States.'' Pursuant to that authority, the Commission conducted a rulemaking in March 2000 that the Commission found that mandatory data collection is necessary to efficiently monitor and manage numbering use. The Commission received OMB approval for this requirement and the following:

(1) Utilization/Forecast Report;

(2) Application for initial numbering resource;

(3) Application for growth numbering resources;

(4) Recordkeeping requirement;

(5) Notifications by state commissions;

(6) Demonstration to state commission; and

(7) Petitions for additional delegation of numbering authority.

The data from this information collection is used by the FCC, state regulatory commissions, and the NANPA to monitor numbering resource utilization by all carriers using the resource and to project the dates of area code and NANP exhaust.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2019–07951 Filed 4–19–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0856]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before May 22, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0856.

Title: Universal Service—Schools and Libraries Universal Service Support Program Reimbursement Forms.

Form Numbers: FCC Forms 472, 473, and 474.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit institutions, Not-for-profit institutions, and State, Local or Tribal Government.

Number of Respondents and Responses: 22,000 respondents; 158,000 responses.

Estimated Time per Response: 1 hour per form.

Frequency of Response: On occasion and annual reporting requirements and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The Commission's statutory authority to collect this information is derived from 47 U.S.C. Section 254.

Total Annual Burden: 158,000 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: If the Commission requests applicants to submit information that the respondents believe is confidential, respondents may request confidential treatment of such information under section *47 CFR 0.459* of the Commission's rules.

Needs and Uses: The Commission will submit this information collection to OMB, which is an extension of a currently approved collection, to obtain a full three-year clearance from OMB. *FCC Forms 472, 473, and 474 have no revisions.* The hourly burden will decrease by 165 hours for FCC Forms

472, 473, and 474. The public burden for the collection contained herein will decrease to 158,000 burden hours.

The FCC Form 472 is used by an eligible entity to seek reimbursement from the service provider for the discounts on services paid in full. After receiving an invoice from the service provider, together with an FCC Form 472, USAC is able to verify the eligible service and approved amounts that should be reimbursed and can make the appropriate payment to the service provider. The FCC Form 472 is also used to ensure that each service provider has provided discounted services within the current funding year for which it submits an invoice to USAC and that invoices submitted from service providers for the costs of discounted eligible services do not exceed the amount that has been approved.

The FCC Form 473 is used to verify that the service provider is eligible to participate in the schools and libraries universal service support program (E-Rate program) and to confirm that the invoice forms submitted by the service provider are in compliance with the Federal Communications Commission's E-Rate program rules. The FCC Form 473 is also used by USAC to assure that the dollars paid out by the universal service fund go to eligible providers.

The FCC Form 474 is used by an eligible service provider to seek payment for the discounted costs of services it provided to billed entities for eligible services. After receiving an invoice from the service provider, together with an FCC Form 474, USAC is able to verify that the eligible and approved amounts can be paid. The FCC Form 474 is also used to ensure that each service provider has provided discounted services within the current funding year for which it submits an invoice to USAC and that invoices submitted from service providers for the costs of discounted eligible services do not exceed the amount that has been approved.

All of the requirements contained in this information collection are necessary to implement the Congressional mandate for the E-Rate program and reimbursement process.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2019–07952 Filed 4–19–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0192]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before June 21, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0192.

Title: Section 87.103, Posting Station License.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local and tribal government.

Number of Respondents and Responses: 33,622 respondents, 33,622 responses.

Estimated Time per Response: .25 hours.

Frequency of Response: Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 303.

Total Annual Burden: 8,406 hours.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: No impacts.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: Section 87.103 states the following: (a) Stations at fixed locations. The license or a photocopy must be posted or retained in the station's permanent records. (b) Aircraft radio stations. The license must be either posted in the aircraft or kept with the aircraft registration certificate. If a single authorization covers a fleet of aircraft, a copy of the license must be either posted in each aircraft or kept with each aircraft registration certificate. (c) Aeronautical mobile stations. The license must be retained as a permanent part of the station records. The recordkeeping requirement contained in Section 87.103 is necessary to demonstrate that all transmitters in the Aviation Service are properly licensed in accordance with the requirements of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. 301, No. 2020 of the International Radio Regulation, and Article 30 of the Convention on International Civil Aviation.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2019–07953 Filed 4–19–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, April 25, 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:

Draft Advisory Opinion 2018–12: Defending Digital Campaigns, Inc.
Draft Advisory Opinion 2018–13: OsiaNetwork LLC
REG 2018–04 (Senate Filing)—Draft Interim Final Rule
July–December, 2019 Meeting Dates
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.

Submitted: April 18, 2019.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2019–08183 Filed 4–18–19; 4:15 pm]

BILLING CODE 6715–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0246; Docket No. 2018–0001; Sequence No. 18]

Submission for OMB Review; General Services Administration Regulation; Packing List Clause

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for an extension of an information collection requirement for an 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 regarding the packing list clause.

DATES: Submit comments on or before: May 22, 2019.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–0246, Packing List Clause''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0246, Packing List Clause'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 3090–0246, Packing List Clause.

Instructions: Please submit comments only and cite Information Collection 3090–0246, Packing List Clause, in all correspondence related to this collection. 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).

FOR FURTHER INFORMATION CONTACT: Mr. Michael Thompson, Senior Policy Advisor, at telephone 202–208–1568, or via email at *Michael.thompson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

GSAR clause 552.211–77, Packing List, requires a contractor to include a packing list or other suitable document that verifies placement of an order and identifies the items shipped. In addition to information contractors would normally include on packing lists, the identification of cardholder name, telephone number and the term ''Credit Card'' is required.

B. Annual Reporting Burdens

Respondents: 8,561.
Responses per Respondent: 19.
Total Annual Responses: 162,659.
Hours per Response: .05.
Total Burden Hours: 8,133.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

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, at 202–501–4755. Please cite OMB Control No. 3090–0246, Packing List Clause, in all correspondence.

Jeffrey Birch,

Acting Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2019–08021 Filed 4–19–19; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—IP16–004SUPP, Enhanced Surveillance for New Vaccine Preventable Diseases.

Date: June 6, 2019.

Time: 10:00 a.m.–5:00 p.m., (EDT).

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE, Mailstop E60, Atlanta, Georgia 30329, (404) 718–8833, *gca5@cdc.gov.*

The Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2019–08000 Filed 4–19–19; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–0305]

Agency Information Collection Activities; Proposed Collection; Comment Request; Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection ''Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act (FD&C Act).''

DATES: Submit either electronic or written comments on the collection of information by June 21, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 21, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 21, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–N–0305 for ''Deeming Tobacco Products To Be Subject to the FD&C Act.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance

of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Deeming Tobacco Products To Be Subject to the FD&C Act

OMB Control Number 0910–0768—Extension

The Tobacco Control Act, enacted on June 22, 2009, amended the FD&C Act and provided FDA with the authority to regulate tobacco products (Pub. L. 111–31; 123 Stat. 1776). Specifically, section 101(b) of the Tobacco Control Act amended the FD&C Act by adding chapter IX (21 U.S.C. 387 through 387u), which provides FDA with tools to regulate tobacco products. Section 901 of the FD&C Act (21 U.S.C. 387a) states that Chapter IX—Tobacco Products applies to all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and to any other tobacco products that the Secretary of Health and Human Services by regulation deems to be subject to this chapter.

The FD&C Act provides FDA authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, and any other tobacco products that the Agency by regulation deems to be subject to the law. On May 10, 2016 (81 FR 28973) FDA issued a final rule to deem products meeting the statutory definition of ''tobacco product'' to be subject to the FD&C Act. This final rule extended FDA's ''tobacco product'' authorities under Chapter IX to all tobacco products that meet the statutory definition of ''tobacco product'' in section 201(rr) of the FD&C Act (21 U.S.C. 321(rr)).

Section 910(a)(1) of the FD&C Act (21 U.S.C. 387j(a)(1)) defines a ''new tobacco product'' as a tobacco product that was not commercially marketed in the United States on February 15, 2007, or a modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery, or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007. An order under section 910(c)(1)(A)(i) of the FD&C Act is required prior to marketing a new tobacco product. This requirement applies unless the product has been shown to be substantially equivalent to a valid predicate product or is exempt from substantial equivalence.

Section 910(b) of the FD&C Act states that a premarket tobacco application (PMTA) shall contain full reports of all investigations of health risks; a full statement of all components, ingredients, additives, and properties, and of the principle or principles of operation of such tobacco product; a full description of methods of manufacturing and processing (which includes; a listing of all manufacturing, packaging, and control sites for the product); an explanation of how the product complies with applicable tobacco product standards; samples of the product and its components; and labeling.

FDA also encourages persons who would like to study their new tobacco product to meet with the Office of Science in the Center for Tobacco Products (CTP) to discuss their investigational plan. The request for a meeting should be sent in writing to the Director of CTP's Office of Science and should include adequate information for FDA to assess the potential utility of the meeting and to identify FDA staff necessary to discuss agenda items.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
Obtaining an FDA Order Authorizing Marketing of Tobacco Product (the application) and 21 CFR 25.40 Environmental Assessments:					
Other Tobacco, E-Cigarettes, and Nicotine Product Manufacturers (Electronic Nicotine Delivery Systems (ENDS) Liquids and Delivery Systems (Including Importers))	200	3.75	750	1,713	1,284,750
Total Hours Obtaining an FDA Order Authorizing Marketing of Tobacco Product (the application)					1,284,750
Request for Meeting with CTP's Office of Science to Discuss Investigational Plan:					
Other Tobacco, E-Cigarettes, and Nicotine Product Manufacturers (Electronic Nicotine Delivery Systems (ENDS) Liquids and Delivery Systems (Including Importers))	200	1	200	4	800
Total Hours Request for Meeting with CTP's Office of Science to Discuss Investigational Plan					800
Total Hours ''Applications for Premarket Review of New Tobacco Products''					1,285,550

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates that it will take each respondent approximately 1,500 hours to prepare a PMTA seeking an order from FDA allowing the marketing of a new tobacco product. FDA also estimates that it would on average take an additional 213 hours to prepare an environmental assessment in accordance with the requirements of 21 CFR 25.40, for a total of 1,713 hours per PMTA application. This average represents a wide range of hours that

will be required for these applications under different circumstances, with a small number requiring more hours (*e.g.,* as many as 5,000 hours for early applications that involve complex products and for which the company has no experience conducting studies or preparing analysis of public health impacts, or for which reliance on master files is not possible) as well as many requiring fewer hours (*e.g.,* as few as 50 hours for applications for products that are very similar to other new products). A PMTA may require one or more types of studies including chemical analysis, nonclinical studies, and clinical studies. FDA also estimates the number of PMTAs that FDA expects to receive annually will be 750 (642 ENDS Liquids and 108 ENDS Delivery Systems).

For tobacco products already on the market at the time of the final rule, much of the information required to support a PMTA may be obtained from previously published research on similar products. Therefore, FDA expects that a large portion of applications may be reviewed with no or minimal new nonclinical or clinical studies being conducted to support an application. In contrast, nonclinical and clinical studies may be required for market authorization of a new product for which there is limited understanding of its potential impact on the public health. The range of hours involved to compile these two types of applications would be quite variable.

FDA anticipates that the 200 potential respondents to this collection may need to meet with CTP's Office of Science to discuss their investigational plans. To request this meeting, applicants should compile and submit information to FDA for meeting approval. FDA estimates that it will take approximately 4 hours to compile this information, for a total of 800 hours additional burden.

Therefore, the total annual burden for submitting PMTA applications is estimated to be 1,285,550 hours. FDA's estimates are based on the corresponding information collection estimates that apply to tobacco products currently subject to the FD&C Act and an assumption that manufacturers would submit applications for the premarket review of tobacco products.

In § 1143.3(c) (21 CFR 1143.3(c)) an exemption is provided to the manufacturer of a product that otherwise would be required to include the warning statement in § 1143.3(a)(1) on its packages and in its advertisements, *i.e.,* ''WARNING: This product contains nicotine. Nicotine is an addictive chemical.'' This warning will be required to appear on at least 30 percent of the two principal display panels of the package and on at least 20 percent of the area of the advertisement.

To obtain an exemption from this requirement, a manufacturer would be required to certify to FDA that its product does not contain nicotine and that the manufacturer has data to support that assertion. For any product that obtains this exemption, the section requires that the product bear the statement: ''This product is made from tobacco.'' The parties that package and label such products will share responsibility for ensuring that this alternative statement is included on product packages and in advertisements. Companies are permitted to obtain an exemption from this warning requirement in the event that such tobacco products are developed in the future.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
Certification Statement	5	1	5	20	100
Total Exemptions From the Required Warning Statement Requirement					100

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated average burden per response is based on currently approved information collection estimates. Although very few certifications are expected for tobacco products that do not contain nicotine, FDA estimates that the number of certification submissions could rise if the Agency decides in the future to address not only nicotine, but any other addictive substances.

The estimated hours listed in the burden table for certification submissions reflect the time needed to test the product for nicotine and to prepare and submit the self-certification request. FDA expects that these types of certifications will be rare and estimates that the Agency will receive on average five submissions per year.

FDA concludes that the labeling statements in §§ 1143.3(a)(1) and 1143.5(a)(1) and the alternative statement in § 1143.3(c) (*i.e.,* ''This product is made from tobacco'') are not subject to review by OMB because they do not constitute a ''collection of information'' under the PRA (44 U.S.C. 3501–3520). Rather, these labeling statements are a ''public disclosure'' of information originally supplied by the Federal Government to the recipient for the purpose of ''disclosure to the public'' (5 CFR 1320.3(c)(2)).

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN [1]

Cigar warning plan	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
Manufacturers, Importers, and Retailers	10	1	10	120	1,200
Total Cigar Warning Plan					1,200

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The requirement for submission of warning plans for cigar products, and the specific requirements relating to the random display and distribution of required warning statements on cigar packaging and quarterly rotation of required warning statements in alternating sequence on cigar product advertising, appear in § 1143.5(c).

The six warnings for cigars (five specifically for cigars and the one addictiveness warning) will be required to be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of cigar sold in product packaging and be randomly distributed in all areas of the United States in which the product is marketed accordance with a warning plan submitted to and approved by FDA. For advertisements, the warning statements must be rotated quarterly in alternating sequence in each advertisement for each brand of cigar in accordance with a warning plan submitted to and approved by FDA.

FDA published a final guidance in August 2018 (*https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM534739.pdf*) to assist manufacturers, importers, distributors, and retailers of cigars with the submission of warning plans. FDA will work with the submitters to ensure that the plans submitted meet the established criteria for approval under 21 CFR part 1143.

The warning statements on cigar packaging must be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of cigar sold and are required to be randomly distributed in all areas of the United States in which the product is marketed in accordance with a warning plan submitted by the responsible cigar manufacturer, importer, distributor, or retailer to and approved by FDA.

FDA also requires that the required warning statements be rotated quarterly in alternating sequence in each advertisement for each brand of cigar, regardless of whether the cigar is sold in product packaging. This rotation of warning statements in cigar advertisements also must be done in accordance with a warning plan submitted by the responsible cigar manufacturer, importer, distributor, or retailer to and approved by FDA.

The burden estimates are based on FDA's experience with cigar warning plans, smokeless warning plans, and the associated information collection (OMB control number 0910–0671) as well as warning plans for cigarettes submitted to the Federal Trade Commission prior to the implementation of the Tobacco Control Act on June 22, 2009.

We estimate 10 entities will submit warning plans, and it will take an average of 120 hours per respondent to prepare and submit a warning plan for packaging and advertising for a total of 1,200 hours.

TABLE 4—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
Small-Scale Manufacturer Reporting	75	1	75	2	150
Total Small-Scale Manufacturer Report					150

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Generally, FDA considers a ''small-scale tobacco product manufacturer'' to be a manufacturer of any regulated tobacco product that employs 150 or fewer full-time equivalent employees and has annual total revenues of $5,000,000 or less. FDA considers a manufacturer to include each entity that it controls, is controlled by, or is under common control with such manufacturer. To help make FDA's individual enforcement decisions more efficient, a manufacturer may voluntarily submit information regarding employment and revenues. FDA does not believe many manufacturers who fit the criteria of a small-scale tobacco product manufacturer would submit the voluntary information.

FDA estimates that there are approximately 75 small-scale manufacturers who will voluntarily submit information. FDA believes it will take respondents 2 hours to voluntarily submit information regarding employment and revenues for a total of 150 hours.

The total estimated burden for this information collection is 1,286,950 reporting hours, and 1,040 annual responses. Our estimated burden for the information collection reflects an overall decrease of 39,050 hours and a corresponding decrease of 315 responses. We attribute this adjustment to updated information in the number of submissions we received over the last few years.

Dated: April 17, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–08046 Filed 4–19–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–1677]

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Circulatory System Devices Panel of the Medical Devices Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

DATES: The meeting will be held on June 19, 2019, from 8 a.m. to 5 p.m., and June 20, 2019, from 8 a.m. to 3 p.m.

ADDRESSES: Gaithersburg Holiday Inn, Grand Ballroom, Two Montgomery Village Ave., Gaithersburg, MD 20879. The hotel's telephone number is 301–948–8900; additional information is available online at: *https://www.ihg.com/holidayinn/hotels/us/en/gaithersburg/wasrv/hoteldetail?cm_mmc=Google.* 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.*

FOR FURTHER INFORMATION CONTACT: Evella Washington, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G640, Silver Spring, MD 20993–0002, *Evella.Washington@fda.hhs.gov,* 301–796–6683, 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 Agency'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: On June 19 and 20, 2019, the committee will discuss and make recommendations on information related to recent observations of increased long-term mortality in peripheral arterial disease patients treated with paclitaxel-coated balloons and paclitaxel-eluting stents compared to patients treated with uncoated comparator devices. FDA requests panel input regarding the presence and magnitude of the signal and potential causes. FDA also seeks input regarding appropriate regulatory actions associated with the findings.

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. Written submissions may be made to the contact person (see **FOR FURTHER INFORMATION CONTACT**) on or before May 22, 2019. Oral presentations from the public will be scheduled on June 19, 2019, between approximately 1 p.m. and 2 p.m.; and on June 20, 2019, between approximately 10:30 a.m. and 11:30 a.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 May 14, 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 May 15, 2019.

Representatives from industry, professional organizations, and societies interested in making formal presentations to the committee should notify the contact person on or before May 22, 2019.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

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 Artair Mallett at *Artair.Mallett@fda.hhs.gov* or 301–796–9638 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 17, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–08033 Filed 4–19–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: 4040–0004]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before June 21, 2019.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0004–60D and project title for reference to *Grants.gov* Manager, Ed Calimag, at *ed.calimag@hhs.gov* or 202–690–7569.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Application for Federal Assistance (SF–424).

Type of Collection: Reinstatement without change.

OMB No. 4040–0004.

Abstract: The Application for Federal Assistance (SF–424) form provides the Federal grant-making agencies with a common and standard form for organizations to apply for financial assistance.

Type of respondent: Organizations seeking financial assistance. This form is submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Form	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Application for Federal Assistance (SF–424)	Grant applicants	20,803	1	1	20,803
Total		20,803	1	1	20,803

Terry Clark,

Assistant Information Collection Clearance Officer.

[FR Doc. 2019–07958 Filed 4–19–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: 4040–0005]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before June 21, 2019.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0005–60D and project title for reference to *Grants.gov* Manager, Ed Calimag, at *ed.calimag@hhs.gov* or 202–690–7569.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Application for Federal Assistance—Individual.

Type of Collection: Reinstatement without change.

OMB No. 4040–0005.

Abstract: The Application for Federal Assistance—Individual form provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use Application for Federal Assistance—Individual form for grant programs not required to collect all the data that is required on the SF–424 core data set and form.

Type of respondent: The Application for Federal Assistance—Individual form is used by organizations to apply for Federal financial assistance in the form of grants. This form is submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Application for Federal Assistance—Individual	Grant applicants	0	1	1	0
Total		0	1	1	0

Terry Clark,

Assistant Information Collection Clearance Officer.

[FR Doc. 2019–07959 Filed 4–19–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: 4040–0001]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before June 21, 2019.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0001–60D and project title for reference to *Grants.gov* Manager, Ed Calimag, at *ed.calimag@hhs.gov* or 202–690–7569.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Application for Federal Assistance SF 424 R&R forms.

Type of Collection: Reinstatement without change.

OMB No.: 4040–0001.

Abstract: The SF–424 R&R family of forms provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use the SF–424 R&R forms for grant programs not required to collect all the data that is required on the SF–424 core data set and form.

Type of respondent: The SF–424 R&R family of forms are used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Form	Respondents (if necessary)	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
SF–424 R&R Multi-Project Cover	Grant Applicants	1,519	1	1	1,519
SF424 (R&R)	Grant Applicants	109,455	1	1	109,455
SBIR/STTR Information	Grant Applicants	6,376	1	1	6,376
RR FedNonFed Budget	Grant Applicants	0	1	1	0
Research and Related Senior/Key Person Profile (Expanded).	Grant Applicants	108,543	1	1	108,543
Research And Related Other Project Information	Grant Applicants	37,603	1	1	37,603
Research &Related Budget	Grant Applicants	63,909	1	1	63,909
Research & Related Subaward Budget (Total Fed + Non-Fed) Attachment(s) Form.	Grant Applicants	0	1	1	0
Research & Related Subaward Budget (Total Fed + Non-Fed) 5 YR 30 ATT.	Grant Applicants	0	1	1	0
Research & Related Senior/Key Person Profile	Grant Applicants	695	1	1	695
Research & Related Personal Data	Grant Applicants	0	1	1	0
Research & Related Multi-Project 10 Year Budget	Grant Applicants	3,847	1	1	3,847
Research & Related Budget 10YR	Grant Applicants	0	1	1	0
R&R Subaward Budget Attachment(s) Form 5 YR 30 ATT.	Grant Applicants	59,767	1	1	59,767
R&R Subaward Budget Attachment(s) Form 10 YR 30 ATT.	Grant Applicants	1,023	1	1	1,023
R&R Subaward Budget Attachment(s) Form 10 YR 10 ATT.	Grant Applicants	0	1	1	0
R&R Subaward Budget Attachment(s) Form	Grant Applicants	271	1	1	271
R&R R Multi-Project Subaward Budget Attachment(s) Form 10 YR 30 ATT.	Grant Applicants	1,023	1	1	1,023
Total		394,031	1	1	394,031

Terry Clark,

Assistant Information Collection Clearance Officer.

[FR Doc. 2019–07957 Filed 4–19–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: 4040–0010]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before June 21, 2019.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0010–60D and project title for reference to *Grants.gov* Manager, Ed Calimag, at *ed.calimag@hhs.gov* or 202–690–7569.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Project/Performance Site Location(s), Project Abstract, and Key Contacts forms.

Type of Collection: Reinstatement without change.

OMB No. 4040–0010.

Abstract: The Project/Performance Site Location(s), Project Abstract, and Key Contacts forms provide the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use Project/Performance Site Location(s), Project Abstract, and Key Contacts forms for grant programs not required to collect all the data that is required on the SF–424 core data set and form.

Type of respondent: Project/Performance Site Location(s), Project Abstract, and Key Contacts forms are used by organizations to apply for Federal financial assistance in the form of grants. This form is submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Project/Performance Site Location(s)	Grant applicants	127,281	1	1	127,281
Project Abstract	Grant applicants	230	1	1	230
Key Contacts	Grant applicants	4,566	1	1	4,566
Total		132,077	1	1	132,077

Terry Clark,

Assistant Information Collection Clearance Officer.

[FR Doc. 2019–07960 Filed 4–19–19; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; AA–1 Study Section Conflict Review.

Date: April 26, 2019.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2118, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Philippe Marmillot, Ph.D., National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2118 Bethesda, MD 20892, 301–443–2861, *marmillotp@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: April 16, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07969 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory General Medical Sciences Council, May 16, 2019, 09:00 a.m. to May 17, 2019, 12:00 p.m., National Institutes of Health, Natcher Building, 45 Center Drive, Conference Rooms E1 & E2, Bethesda, MD, 20892 which was published in the **Federal Register** on February 14, 2019, 84 FR 4087.

The meeting notice is amended to change the Contact Person from: Ann A. Hagan, Ph.D., Associate Director for Extramural Activities; NIGMS, NIH, DHHS; 45 Center Drive, Room; 2AN24H, MSC6200; Bethesda, MD 20892–6200; (301) 594–4499; *hagana@nigms.nih.gov.17* to *Contact Person:* Erica Brown, Ph.D., Acting Associate Director for Extramural Activities; NIGMS, NIH, DHHS; 45 Center Drive; Room 2AN24F; Bethesda, MD 20892; 301–594–4499; *ebrown1@mail.nih.gov* .

Dated: April 16, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07968 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Neurobiology of Learning and Memory Study Section.

Date: June 3, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Alexei Kondratyev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–435–1785, *kondratyevad@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Somatosensory and Pain Systems Study Section.

Date: June 5–6, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW, Washington, DC 20037.

Contact Person: M Catherine Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, 301–435–1766, *bennettc3@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Sensorimotor Integration Study Section.

Date: June 6, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle, NW, Washington, DC 20005.

Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 16, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07967 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Improving Outcomes for Pediatric Cancer Survivors.

Date: June 7, 2019.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W606, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Timothy Meeker, M.D., Scientific Review Officer, Resource and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W606 Bethesda, MD 20892–9750, 240–276–6464 *meekert@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–4: NCI Clinical and Translational R21 and Omnibus R03.

Date: June 13–14, 2019.

Time: 5:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Eduardo E. Chufan, Ph.D., Scientific Review Officer, Research Technology and Contract Review, Branch Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W254, Bethesda, MD 20892–9750, 240–276–7975 *chufanee@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 16, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07964 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

The National Institutes of Health (NIH) Sexual & Gender Minority Research Office Request for Letters of Intent and Nominations for SGM Investigator Awards Program

AGENCY: National Institutes of Health, HHS.

ACTION: Notice; call for Letters of Intent.

SUMMARY: The National Institutes of Health (NIH) Sexual & Gender Minority Research Office (SGMRO) is requesting letters of intent for the second annual Investigator Awards Program. The NIH Sexual and Gender Minority (SGM) Investigator Awards Program was developed to recognize early-stage investigators who have made substantial, outstanding research contributions in areas related to SGM health and who are poised to become future leaders or are already leading the field of SGM health research. The NIH SGMRO is currently soliciting nominations for the 2019 NIH SGM Investigator Awards. The NIH SGMRO will make two non-monetary awards this year.

DATES: Letters of intent to apply due May 20, 2019 and final nomination submissions due June 10, 2019.

FOR FURTHER INFORMATION CONTACT: Karen Parker, Ph.D., MSW, Director, Sexual & Gender Minority Research Office (SGMRO), 6011 Executive Boulevard, Suite 206, Rockville, MD 20852, *klparker@mail.nih.gov,* 301–451–2055.

SUPPLEMENTARY INFORMATION: ''Sexual and gender minority'' is an umbrella term that encompasses lesbian, gay, bisexual, and transgender populations as well as those whose sexual orientation, gender identity and expressions, or reproductive development varies from traditional, societal, cultural, or physiological norms.

The Sexual and Gender Minority Research Office (SGMRO) coordinates sexual and gender minority (SGM)–related research and activities by working directly with the NIH Institutes, Centers, and Offices. The Office was officially established in September 2015 within the NIH Division of Program Coordination, Planning, and Strategic Initiatives (DPCPSI) in the Office of the Director.

The SGMRO has the following research-related goals: (1) Expand the knowledge base of SGM health and well-being through NIH-supported research; (2) Remove barriers to planning, conducting, and reporting NIH-supported research about SGM health and well-being; (3) Strengthen the community of researchers and scholars who conduct research relevant to SGM health and well-being; and (4) Evaluate progress on advancing SGM research.

2019 Award Details

Two non-monetary awards of recognition will be offered to early stage investigators who demonstrate both contemporary achievement in and a commitment to an area of SGM-related health research. The awardees will be invited, with all travel expenses covered (limited to reimbursement based on Federal Travel Regulations and HHS and NIH guidance), to give a lecture at the NIH in September 2019. This event will be webcast live and the presentations will be archived and available for future viewing.

Eligibility Criteria

The following individuals are not eligible to be nominated: Federal employees and interns/fellows; federal contractors; members of the NIH SGM Research Working Group, and previous NIH SGM Investigator awardees.

- At the time of the nomination due date, June 10, the candidate must meet the NIH's definitions of an early stage investigator (ESI) (*https://*

grants.nih.gov/grants/guide/notice-files/NOT-OD-17-101.html).

Letters of Intent

A Letter of Intent (LOI) to submit a nomination is required (nominees may self-nominate and submit their own LOIs). The LOI should be a 1-page, single-spaced Word or PDF document and include:

1. Nominee's name, title, affiliation, and date of terminal degree.
2. eRA Commons ID.
a. Before submitting the LOI, researchers should confirm ESI status is correctly marked in their eRA Commons (*https://era.nih.gov/*) profile. If the status is incorrect, please contact the NIH eRA Service Desk (*https://grants.nih.gov/support/index.html*) to resolve the issue before submitting an LOI.
3. SGM research focus of nominee's work.

Attach the LOI (as a Word or PDF document) to an email and send it to *sgmhealthresearch@od.nih.gov* with the subject line ''2019 SGM Investigator Award Letter of Intent'' no later than 11:59 p.m. local time on May 20, 2019.

Nominations

Nomination packages may be submitted by the nominee or a nominee's mentor or colleague. Nomination packages must be a single PDF file that includes:

1. CV and NIH Biosketch including a link (URL) to the nominee's *My Bibliography* in PubMed.
a. If you do not have a *My Bibliography* in PubMed, refer to these simple step-by-step instructions to save your citations in PubMed to a ''My Bibliography.''
b. Use the URL that PubMed automatically generates when you change your ''My Bibliography'' sharing setting to public.
2. Letter of nomination (1,000 words or less) from a mentor or colleague familiar with the nominee's work, addressing the nominee's innovative contribution to the field of SGM health research, crosscutting and collaborative nature of that research, trajectory of career development, and leadership strengths. The strongest letters will demonstrate the lasting significance and impact of the nominee's work to date.
3. Two letters of endorsement from other mentors or colleagues. Letters of endorsement may be less encompassing than the letter of nomination, but should address similar themes.
4. A PDF of a key, peer-reviewed article published in the past 24-month period, which is first-authored by the nominee. If in press, please provide the accepted paper and the letter of acceptance from the journal.

After compiling all the above elements into a single PDF file, attach the PDF to an email, and send it to *sgmhealthresearch@od.nih.gov* with the subject line header ''2019 NIH SGM Investigator Award Nomination'' no later than 11:59 p.m. local time on June 10, 2019.

Review and Selection Process

- *Stage 1:* The SGMRO will assemble a review panel composed of NIH staff with relevant expertise. This panel will provide recommendations for two awardees to the SGMRO Director and the DPCPSI Director.
- *Stage 2:* The SGMRO and DPCPSI Directors will review the recommendations and select the final two awardees.

Dated: April 16, 2019.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2019–08065 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel COI/Career Award.

Date: December 5, 2019.

Time: 11:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine/Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Yanli Wang, Ph.D., Health Data Scientist, Division of Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4933, *yanli.wang@.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: April 16, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07965 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; HEAL Initiative: Pragmatic Randomized Controlled Trial of Acupuncture for Management of Chronic Low Back Pain in Older Adults.

Date: May 30, 2019.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, MD 20878.

Contact Person: Jessica Marie McKlveen, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH, NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892, *jessica.mcklveen@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: April 15, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07954 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the duration of the meeting of the Clinical Trials Review Committee, June 20, 2019, 8:00 a.m. to June 21, 2019, 5:00 p.m., Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814 which was published in the **Federal Register** on February 15, 2019, 84 FR 4490.

The Clinical Trials Review Committee will be reduced to a one-day meeting on June 20, 2019 in the same location. The meeting is closed to the public.

Dated: April 16, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07966 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; HEAL Initiative: Pragmatic and Implementation Studies for the Management of Pain to Reduce Opioid Prescribing.

Date: May 29–30, 2019.

Time: 5:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, MD 20878.

Contact Person: Jessica Marie McKlveen, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities NCCIH, NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892, *jessica.mcklveen@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: April 15, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07962 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Asthma Education Prevention Program Coordinating Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Asthma Education Prevention Program Coordinating Committee.

Date: June 24, 2019.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: Welcome, guidelines update and implementation, and future directions/role of NAEPPCC.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Susan Shero, BSN, MS, Program Officer, CTRIS, Center for Translational Research & Implementation Science, National Heart, Lung and Blood Institute National Institutes of Health, 6075 Rockledge Drive, Suite 6197, Bethesda, MD 20892, 301–496–1051, *susan.shero@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.nhlbi.nih.gov/health-pro/resources/lung/naci/asthma-info/naepp.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 16, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07956 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Linking Provider Recommendation to Adolescent HPV Uptake.

Date: May 16, 2019.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Tasmeen Weik, DRPH, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, Bethesda, MD 20892, 301–827–6480, *weikts@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA Review: Bioengineering Sciences and Technologies (R15).

Date: May 30, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: David Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Nanotechnology Study Section.

Date: June 6–7, 2019.
Time: 7:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.
Contact Person: James J. Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–806–8065, *lijames@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular Neuropharmacology and Signaling Study Section.
Date: June 6–7, 2019.
Time: 8:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Capital View, 2850 South Potomac Avenue, Arlington, VA 22202.
Contact Person: Vanessa S. Boyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4016F, MSC 7812, Bethesda, MD 20892, (301) 435–0908, *boycevs@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Modeling and Analysis of Biological Systems Study Section.
Date: June 13–14, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Craig Giroux, Ph.D., Scientific Review Officer, BST IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, Bethesda, MD 20892, 301–435–2204, *girouxcn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Urologic and Urogynecologic.
Date: June 13, 2019.
Time: 8:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.
Contact Person: Julia Spencer Barthold, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–3073, *julia.barthold@nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Clinical Oncology Study Section.
Date: June 17–18, 2019.
Time: 8:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Warwick Denver, 1776 Grant Street, Denver, CO 80203.
Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–806–2515, *chatterm@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Brain Injury and Neurovascular Pathologies Study Section.
Date: June 17–18, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.
Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301–435–1254, *yakovleva@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Developmental Therapeutics Study Section.
Date: June 17–18, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites by Hilton Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.
Contact Person: Sharon K. Gubanich, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 408–9512, *gubanics@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Vector Biology Study Section.
Date: June 17–18, 2019.
Time: 8:30 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–402–5671, *zhengli@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Biomarkers Study Section.
Date: June 17–18, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz Carlton Hotel, 1150 22nd Street, NW, Washington, DC 20037.
Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–357–9318, *ngkl@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 16, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07998 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.
Date: May 3, 2019.
Time: 11:30 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).
Contact Person: Barbara J. Thomas, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Ste. 4076, MSC 9306, Bethesda, MD 20892–9306, 301–402–0838, *barbara.thomas@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: April 16, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07961 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel; Digital Curation.

Date: October 31, 2019.

Time: 11:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine/Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yanli Wang, Ph.D., Health Data Scientist, Division of Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4933, *yanli.wang@.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: April 16, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07955 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Notice is hereby given of a meeting of the HEAL (Helping to End Addiction Long-term) Multi-Disciplinary Working Group.

The meeting will be open to the public as indicated below. Seating is limited to space available. Individuals who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Working Group: HEAL Multi-Disciplinary Working Group.

Date: May 17, 2019.

Open: 8:30 a.m. to 5:00 p.m.

Agenda: Provide an introduction to the Helping to End Addiction Long-Term (HEAL) Initiatives research plan and introduction to multiple projects.

Videocast: For those not able to attend in person, this meeting will be live webcast at: *http://videocast.nih.gov/.*

Place: National Institutes of Health, Building 1, Wilson Hall, 1 Center Drive, Bethesda, MD 20892.

Contact Person: Rebecca G. Baker, Ph.D., Office of the Director, National Institutes of Health, 1 Center Drive, Room 103A, Bethesda, MD 20892, (301) 402–1994, *Rebecca.baker@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitors must go through a security check at the building entrance to receive a visitor's badge. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Office of the Director for the NIH HEAL Initiative[SM] home page: *https://www.nih.gov/research-training/medical-research-initiatives/heal-initiative* where an agenda and any additional information for the meeting will be posted when available.

Dated: April 16, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–07963 Filed 4–19–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Extension of Agency Information Collection Activity Under OMB Review: Baseline Assessment for Security Enhancement (BASE) Program

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0062 abstracted below that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR assesses the current security practices in the mass transit/passenger rail and highway and motor carrier industries by way of the Baseline Assessment for Security Enhancement (BASE) program, which encompasses site visits and interviews, and is part of the larger domain awareness, prevention, and protection program supporting TSA's and the Department of Homeland Security's (DHS) missions. This voluntary collection allows TSA to conduct transportation security-related assessments during site visits with security and operating officials of certain surface transportation entities.

DATES: Send your comments by June 21, 2019.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could

be modified to reduce the burden on respondents.

Information Collection Requirement

OMB Control Number 1652–0062; Baseline Assessment for Security Enhancement (BASE) Program. Under the Aviation and Transportation Security Act (ATSA) and delegated authority from the Secretary of Homeland Security, TSA has broad responsibility and authority for ''security in all modes of transportation including security responsibilities over modes of transportation that are exercised by the Department of Transportation.'' [1] TSA is required to ''assess the security of each surface transportation mode and evaluate the effectiveness and efficiency of current Federal Government surface transportation security initiatives.'' E.O. 13416, sec. 3(a) (Dec. 5, 2006).

TSA developed the Baseline Assessment for Security Enhancement (BASE) program in 2007, in an effort to engage with surface transportation entities to establish a ''baseline'' of security and emergency response operations. This program was initially created for Mass Transit/Passenger Rail (MT/PR) (*i.e.,* transit, including transit bus) and passenger rail. However, based on the success of the program, TSA developed the Highway (HWY) BASE program in 2012, with full implementation in 2013. This incorporated trucking, school bus contractors, school districts, and over-the-road motor coach. This voluntary program has served to collect and evaluate physical and operational preparedness information and critical assets and key point-of-contact lists. The program also reviews emergency procedures and domain awareness training and provides an opportunity to share industry best practices.

While many MT/PR and HWY entities have security and emergency response plans or protocols in place, there is no consistent approach to evaluate the extent to which security programs exist, nor the content of those programs. As a result, there also is no consistent data about these transportation security programs, nor a database that can be used to benchmark the programs. The BASE program is designed to address these issues.

The program provides TSA with current information on adopted security practices within the MT/PR and HWY modes of the surface transportation sector. This information also allows TSA to adapt programs to the changing threat dynamically, while incorporating an understanding of the improvements surface transportation entities make in their security posture. Without this information, the ability of TSA to perform its security mission would be severely hindered. Additionally, the relationships these face-to-face contacts foster are critical to TSA's ability to reach out to the surface transportation entities participating in the BASE program.

In carrying out the voluntary BASE program, TSA's Transportation Security Inspectors—Surface (TSIs—S) conduct BASE reviews during site visits with security and operating officials of MT/PR and HWY systems, throughout the Nation. The TSIs—S receive and document relevant information using a standardized electronic checklist. Advance coordination and planning ensures the efficiency of the assessment process. The TSIs–S review and analyze the stakeholders' security plan, if adopted, and determine if the mitigation measures included in the plan are being effectively implemented, while providing additional resources for further security enhancement. In addition to examining the security plan document, TSIs–S reviews one or more assets of the private and/or public owner/operator.

During BASE site visits of MT/PR and HWY entities, TSIs—S collect information and complete a BASE checklist from the review of each entity's documents, plans, and procedures. They also interview appropriate entity personnel and conduct system observations prompted by questions raised during the document review and interview stages. TSA conducts the interviews to ascertain and clarify information on security measures and to identify security gaps. The interviews also provide TSA with a method to encourage the surface transportation entities participating in the BASE reviews to be diligent in effecting and maintaining security-related improvements.

While TSA has not set a limit on the number of BASE program reviews to conduct, TSA estimates it will conduct approximately 80 MT/PR BASE reviews and approximately 90 HWY BASE reviews on an annual basis. TSA does not intend to conduct more than one BASE review per mass transit or passenger rail system in a single year. TSA estimates that the hour burden per MT/PR entity to engage its security and/or operating officials with inspectors in the interactive BASE program review process is approximately 12 hours. Also, TSA estimates that the hour burden per HWY entity to engage its security and/or operating officials with inspectors in the interactive BASE program review process is approximately 6 hours. Thus, the total annual hour burden for the MT/PR BASE program review is 936 hours annually (80×11.7 hours = 936 hours) and for HWY BASE 522 hours annually (90×5.8 hours = 522 hours).

Dated: April 17, 2019.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2019–08066 Filed 4–19–19; 8:45 am]

BILLING CODE 9110–05–P

[1] *See* Public Law 107–71, 115 Stat. 597 (Nov. 19, 2001), codified at 49 U.S.C. 114(d). The TSA Administrator's current authorities under ATSA have been delegated to him by the Secretary of Homeland Security. Section 403(2) of the Homeland Security Act (HSA) of 2002, Public Law 107–296, 116 Stat. 2315 (Nov. 25, 2002), transferred all functions of TSA, including those of the Secretary of Transportation and the Under Secretary of Transportation of Security related to TSA, to the Secretary of Homeland Security. Pursuant to DHS Delegation Number 7060.2, the Secretary delegated to the Assistant Secretary (now referred to as the Administrator of TSA), subject to the Secretary's guidance and control, the authority vested in the Secretary with respect to TSA, including that in sec. 403(2) of the HSA.

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Federal Flight Deck Officer Program

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0011, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection requires interested volunteers to fill out an application to determine their suitability for participating in the Federal Flight Deck Officer (FFDO) Program, and deputized FFDOs to submit written reports of certain prescribed incidents.

DATES: Send your comments by May 22, 2019. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer Information Technology (IT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on December 5, 2018, 83 FR 62879.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: Federal Flight Deck Officer Program.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0011.

Forms(s): N/A.

Affected Public: Volunteer pilots, flight engineers, and navigators.

Abstract: The FFDO Program enables TSA to screen, select, train, deputize, and supervise qualified volunteer pilots, flight engineers, and navigators to defend the flight decks of commercial passenger and all-cargo airliners against acts of criminal violence or air piracy. Information collected as the result of this proposal is used to assess the eligibility and suitability of prospective and current FFDOs, to ensure the readiness of every FFDO, to administer the program, and for security purposes.

Number of Respondents: 3,000.

Estimated Annual Burden Hours: An estimated 3,000 hours annually.

Dated: April 17, 2019.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2019–08070 Filed 4–19–19; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2005–21866]

Extension of Agency Information Collection Activity Under OMB Review: Enhanced Security Procedures at Ronald Reagan Washington National Airport

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0035, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). TSA requires general aviation (GA) aircraft operators who wish to fly into or out of Ronald Reagan Washington National Airport (DCA) to designate a security coordinator and adopt the DCA Access Standard Security Program (DASSP). The collection also involves obtaining information for Armed Security Officers (ASOs).

DATES: Send your comments by May 22, 2019. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on October 31, 2018, 83 FR 54760.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: Enhanced Security Procedures at Ronald Reagan Washington National Airport.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0035.

Forms(s): DCA Access Standard Security Program (DASSP).

Aircraft Operator Application Form.

Affected Public: GA aircraft operators and passengers, ASOs, flight crewmembers, fixed base operators, and gateway airport operators.

Abstract: TSA is requesting an extension of this information collection. In accordance with 49 CFR part 1562, subpart B, TSA requires GA aircraft operators who wish to fly into or out of DCA to designate a security coordinator and adopt the DASSP. Once aircraft operators have complied with the DASSP requirements, they must request a slot reservation from the Federal Aviation Administration (FAA) and request authorization from TSA for each flight into and out of DCA. This information collection is approved under OMB control number 1652–0033, TSA Airspace Waiver Applications.

As part of the DASSP requirements, individuals designated as security coordinators, ASOs, and flight crewmembers assigned to duty on a GA aircraft flying into and out of DCA must submit fingerprints for a Criminal History Records Check (CHRC). In addition, GA aircraft operators must also maintain CHRC records of all employees and authorized representatives for whom a CHRC has been completed.

Under the Armed Security Officer Program, DASSP approved entities can nominate candidates through an online nomination form. Once approved by TSA to participate, the candidates are vetted for suitability for the program by providing various application materials. A law enforcement employment verification check is then completed. In addition, they are required to submit their fingerprints so that a CHRC can be conducted. Upon successful completion of the application process, a final determination of eligibility is adjudicated. All qualified applicants must then successfully complete a TSA-approved training course.

Number of Respondents: 160.

Estimated Annual Burden Hours: An estimated 174 hours annually.

Dated: April 17, 2019.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2019–08069 Filed 4–19–19; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2018–N091; FF01EWFW00–FXES111601M000]

Marine Mammal Protection Act; Stock Assessment Report for the Northern Sea Otter in Washington

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; response to comments.

SUMMARY: In accordance with the Marine Mammal Protection Act of 1972, as amended, we, the U.S. Fish and Wildlife Service, have revised our stock assessment report for the northern sea otter stock in the State of Washington. We now make the final revised stock assessment report available to the public.

ADDRESSES: *Document Availability:* You may obtain a copy of the stock assessment report from our website at *https://www.fws.gov/wafwo.* Alternatively, you may contact the Washington Fish and Wildlife Office, 510 Desmond Dr., Suite 102, Lacey, WA 98503; telephone: (360) 753–9440.

FOR FURTHER INFORMATION CONTACT: Deanna Lynch, at the above street address, by telephone (360) 753–9545), or by email (*deanna_lynch@fws.gov*). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: We announce the availability of the final revised stock assessment report (SAR) for the northern sea otter (*Enhydra lutris kenyoni*) stock in the State of Washington.

Background

Under the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and its implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR part 18, the U.S. Fish and Wildlife Service (Service) regulates the taking; import; and, under certain conditions, possession; transportation; purchasing; selling; and offering for sale, purchase, or export, of marine mammals. One of the goals of the MMPA is to ensure that stocks of marine mammals occurring in waters under U.S. jurisdiction do not experience a level of human-caused mortality and serious injury that is likely to cause the stock to be reduced below its *optimum sustainable population* (OSP) level. OSP is defined under the MMPA as ''the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element'' (16 U.S.C. 1362(9)).

To help accomplish the goal of maintaining marine mammal stocks at their OSPs, section 117 of the MMPA requires the Service and the National Marine Fisheries Service (NMFS) to prepare a SAR for each marine mammal stock that occurs in waters under U.S. jurisdiction. A SAR must be based on the best scientific information available; therefore, we prepare it in consultation with established regional scientific review groups established under 117(d) of the MMPA. Each SAR must include:

1. A description of the stock and its geographic range;
2. A minimum population estimate, current and maximum net productivity rate, and current population trend;
3. An estimate of the annual human-caused mortality and serious injury by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock;
4. A description of commercial fishery interactions;
5. A categorization of the status of the stock; and
6. An estimate of the *potential biological removal* (PBR) level.

The MMPA defines the PBR 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 [OSP]'' (16 U.S.C. 1362(20)). The PBR is the product of the minimum population estimate of the stock (N_{min}); one-half the maximum theoretical or estimated net productivity rate of the stock at a small population size (R_{max}); and a recovery factor (F_r) of between 0.1 and 1.0, which is intended to compensate for uncertainty and unknown estimation errors. This can be written as:

$$PBR = (N_{min})(\tfrac{1}{2} \text{ of the } R_{max})(F_r)$$

Section 117 of the MMPA also requires the Service and NMFS to review the SARs (a) at least annually for stocks that are specified as strategic stocks, (b) at least annually for stocks for which significant new information is available, and (c) at least once every 3 years for all other stocks. If our review of the status of a stock indicates that it has changed or may be more accurately determined, then the SAR must be revised accordingly.

A *strategic stock* is defined in the MMPA as a marine mammal stock ''(A) for which the level of direct human-caused mortality exceeds the [PBR]

level; (B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973, [as amended] (16 U.S.C. 1531 *et seq.*) [ESA], within the foreseeable future; or (C) which is listed as a threatened species or endangered species under the [ESA], or is designated as depleted under [the MMPA]'' 16 U.S.C. 1362(19).

Stock Assessment Report History for the Northern Sea Otter in Washington

The Washington sea otter SAR was last revised in August 2008. The Washington sea otter is not a strategic stock, thus the Service is required to review the stock assessment at least once every 3 years. The Service reviewed the Washington sea otter SAR in 2011 and concluded that a revision was not warranted because the status of the stock had not changed, nor could it be more accurately determined. However, upon review in 2016, the Service determined that revision was warranted because of changes in population estimates and distribution.

Before releasing our draft SAR for public review and comment, we submitted it for technical review internally and for scientific review by the Pacific Regional Scientific Review Group, which was established under the MMPA (16 U.S.C. 1386(d)). In a January 17, 2018 (83 FR 2461), **Federal Register** notice, we made our draft SAR available for the MMPA-required 90-day public review and comment period. Following the close of the comment period, we revised the SAR based on public comments we received (see Response to Public Comments) and prepared the final revised SAR.

Summary of Final Revised Stock Assessment Report for the Northern Sea Otter in the State of Washington

The following table summarizes some of the information contained in the final revised SAR for northern sea otters in Washington State, which includes the stock's N_{min}, R_{max}, F_r, PBR, annual estimated human-caused mortality and serious injury, and status.

SUMMARY—FINAL STOCK ASSESSMENT REPORT FOR THE NORTHERN SEA OTTER IN WASHINGTON STATE

Stock	N_{min}	R_{max}	F_r	PBR	Annual estimated human-caused mortality and serious injury	Stock status
Northern Sea Otter (Washington State).	1,806	0.20	0.1	18	Figures by specific source, where known, are provided in the SAR.	Non-Strategic.

Response to Public Comments

We received comments on the draft revised SAR from the Marine Mammal Commission (Commission) and the Makah Tribe. We present substantive issues raised in those comments that are pertinent to the SAR, edited for brevity, along with our responses below.

Comment 1: The Service should conduct annual reviews of this SAR, given the rapid population increase. In addition, the annual reviews and OSP analysis should be reviewed by, and input incorporated from, the Pacific Scientific Review Group (PSRG) before the revised SAR is made available for public review and comment, as required by section 117 of the MMPA.

Response: As required in section 117(c) of the MMPA, the Service strives to meet its statutory requirement of reviewing the SAR for this non-strategic stock every 3 years. If our review indicates the status of the stock has changed or can be more accurately determined, the Service revises the SAR in accordance with section 117(b), which includes providing an opportunity for public review and consideration of advice offered by the PSRG. However, prior to public notification of the availability of a draft revised SAR, the Service seeks input from the PSRG to ensure it accurately reflects the best scientific information available at the time of preparation. In addition, the Service updates the PSRG on any new information and ongoing studies during the PSRG's annual meetings.

The Service considers the ongoing population increase of 9 percent per year to be the population trajectory for almost three decades and, as such, does not represent significant new information that would warrant a review or revision on an annual basis. We appreciate the commenter's concern over the time it takes for review and, if warranted, subsequent revision of the SAR but balance that concern with the need to ensure our SAR accurately reflects the best available science and is subject to the public comment process.

Comment 2: The Service should develop methods for estimating total abundance of sea otters and associated uncertainty to inform an Optimum Sustainable Population (OSP) analysis so that more accurate comparisons with carrying capacity estimates can be made.

Response: Although the Service has provided funds to the Washington Department of Fish and Wildlife (WDFW) for conducting the annual summer census (which at least provides a minimum population estimate for estimating the PBR), the Service does not currently have the resources to develop and implement a survey method that would accurately estimate the total abundance and associated uncertainty for the Washington sea otter stock. Such a survey would most likely be cost-prohibitive because it would require considerably more flight and staff time in order to cover the full extent of the range where otters may occur. Although a statistically rigorous analysis to develop an estimate of uncertainty could potentially be developed, it would also require a significant investment of resources because development of a detection function requires observer verification. A detection function based on past survey data would likely not be appropriate for the following reasons: (a) The number of ground stations throughout the range in different habitat types is not sufficient; (b) the ground observers miss otters that are observed by the aerial observer, and aerial photo counts often are higher than ground observer counts, further complicating the ability to calculate the error; and (c) since 1989, there has been one consistent aerial observer, thus any confidence interval developed for past data may not be applicable to surveys post-2019 when the current observer will be retiring.

At this time, the Service does not have a reliable estimate of carrying capacity, and therefore, the Service has not identified the OSP for the Washington stock of northern sea otters. The Service is aware of a Ph.D. student out of the University of Washington who is currently working on an updated estimate of carrying capacity for

northern otters in Washington, which may assist the Service in determining a more appropriate lower end of the OSP range (*i.e.,* approximately 60 percent of carrying capacity). This will allow the Service to provide a more accurate determination of the stock's status relative to OSP; however, because the population continues to increase at 9 percent per year, we consider it unlikely that the stock is at OSP. Also, see response to *Comment 5.*

Comment 3: The Service should revise the discussion of fisheries information to indicate more precisely the nature of the Makah fishery, including the target species, where it is active, and whether it is a commercial fishery.

Response: NMFS (under the Secretary of Commerce) has the responsibility under MMPA section 118 for development of the List of Fisheries. NMFS's regulations at 50 CFR 229.1(d) state that those regulations do not apply ''to Northwest treaty Indian tribal members exercising treaty fishing rights.'' Therefore, NMFS does not include the commercial fisheries operated by Northwest treaty Indian Tribes in the List of Fisheries. For example, in the 2016 List of Fisheries (81 FR 20550, April 8, 2016), Treaty Indian fishing is specifically excluded from the Washington Puget Sound region and Washington Grays Harbor salmon drift gillnet fisheries, which are commercial fisheries in which Tribes participate. The Makah Tribe's marine set-gillnet fishery is a commercial treaty fishery and is included in the Washington northern sea otter SAR in that category accordingly. The fishing areas where the fishery is active are also included in this SAR, specifically Catch Areas 4/4A/4B/5/6A/6C. The Service does not have access to the number of vessels participating in this fishery. Landing information for fisheries in these Catch Areas has been provided to the Service for ESA consultations with NMFS, but it does not break down the information by Tribe or fishery (*i.e.,* includes both drift and set gill nets), nor does it include number of vessels.

We have reached out to NMFS to obtain reports of incidental taking of sea otters and have received no reports. Per NMFS' regulations, as mentioned above, fisheries operated by Northwest treaty Indian Tribal members exercising treaty fishing rights are exempt and are thus not subject to the reporting requirements of MMPA section 118(e). Unless a Tribe has their own regulations that require reporting and those reports are provided to NMFS and the Service, we are not privy to any incidental take. The Makah Tribe has provided incidental take information directly to the Service, per their regulations. Other Tribes may have similar self-reporting regulations regarding incidental catch of marine mammals, but we have not received reports from any other Tribe.

Comment 4: The Service should consult with NMFS, Tribal authorities, and other relevant groups to arrange for the placement of observers aboard trap and gillnet fishing vessels that may pose a significant risk of incidentally taking sea otters within their range in Washington State.

Response: Under the MMPA, only Category I and II fisheries are required to accommodate an observer on board their vessel(s). Category III fisheries are generally not required to accommodate observers aboard vessels due to the remote likelihood of mortality and serious injury of marine mammals. Any request to place an observer on board a vessel must originate from NMFS. The Service does not have the authority to request observers be placed aboard fishing vessels. The fisheries that may result in mortality or serious injury of sea otters are either Tribal or Category III fisheries, except for the Washington coast Dungeness crab pot fishery, which is a Category II fishery. In addition, the pots are set and left and most of these vessels are small and cannot accommodate an observer on board. While an observer program may increase our opportunity to detect bycatch, analyses indicate that high levels of observer effort would be required to avoid false-negative conclusions, even if the rate of bycatch mortality is substantial enough to reduce the population growth rate (Hatfield et al. 2011). The Service will continue to work with the WDFW, NMFS, and Tribes to explore options for assessing sea otter bycatch, subject to funding availability.

Comment 5: The commenter asserted the recovery factor should be 0.75 or higher for the following reasons: (a) The SAR does not follow NMFS guidelines, (b) a State listing status cannot be used in the rationale for a recovery factor, (c) the WDFW proposed to change the State's status from endangered to threatened in February 2018, and (d) the current (2017) estimate indicates the population is approaching carrying capacity and has attained OSP.

Response: The Service appreciates and supports the efforts of NMFS in developing their Office of Protected Species Technical Memorandum and the 2016 Guidelines for Preparing Stock Assessment Reports. However, these NMFS guidelines have not been adopted by the Service, and, while we consider the information contained within them to the extent applicable, they are not binding on the Service.

The WDFW's proposed change in status (Sato 2018) was not available at the time the SAR was developed nor before the SAR was made available for public comment, thus could not be considered in this SAR. Regardless, the recovery factor of 0.1 was not entirely based on the State listing status. As was recommended to the Service by the PSRG, we relied on the Taylor et al. (2003) factor for a small population (consisting of between 1,500 and 7,500 individuals) that has an increasing trend, but is considered vulnerable, regardless of listing status. The Washington sea otter stock is within the range considered to be a small population (whether or not a newer population estimate is used) and is considered to be vulnerable because of their restricted range making more than 50 percent of the stock vulnerable to a potential catastrophe, such as an oil spill, at any point in time. Therefore, the Service continues to agree with the recommendation made by the PSRG to use a recovery factor of 0.1.

A carrying capacity estimate was produced by Laidre et al. (2011); however, the Service does not consider this to be a viable estimate for the full range of this stock for the following reasons:

(1) This carrying capacity estimate relied on population density estimates associated with rocky habitat in Washington where the population has continued to grow at about 5 percent per year.

(2) Laidre et al. (2011) relied upon density estimates developed for southern sea otters for the mixed and sandy habitat in Washington. This is not an appropriate density estimate to apply because southern sea otters are food limited, whereas Washington sea otters are not. An appropriate carrying capacity estimate for Washington sea otters needs to be based on food availability within the different habitat types that occur in Washington.

(3) Some areas that Laidre et al. (2011) delineated as rocky habitat should have been delineated as mixed or sandy, within which a more appropriate density estimate should be applied.

(4) Subsequent to the data relied upon by Laidre et al. (2011), exponential population growth has occurred within the areas that are primarily mixed and sandy habitat types. This type of population growth is not an indicator that a population is approaching carrying capacity.

(5) Because there is evidence that Washington sea otters move around within their range more than otters in

other stocks, basing a density estimate on a population estimate taken only once per year may not provide a realistic evaluation of the use of the habitat. Although Laidre et al. (2011) provided a total carrying capacity estimate of 1,854 sea otters for this stock, this is not a good representation of the number of otters the habitat in Washington is capable of supporting. In addition, the rate at which the Washington sea otter population is increasing (*i.e.,* average rate of 9 percent per year 1989 to 2016) indicates the stock has not reached it's carrying capacity. Without an updated estimate of carrying capacity, the status of the Washington sea otter stock relative to OSP cannot be determined at this time; however, because the population is increasing at such a significant rate, it is unlikely to be at OSP.

Thus, the Service has retained the recovery factor of 0.1 in the revised SAR. As new information becomes available, the Service may reevaluate our recovery factor in future revisions.

Comment 6: Table 1 should reflect the most recent data available. In addition, the specific references to the Makah Tribe should be removed and all Tribal information be referred to as ''treaty tribal fisheries.''

Response: The SAR covers the time period of 2011–2015/2016, which includes data available at the time the SAR was revised. As indicated in response to *Comment 1,* the process for review and revision of a SAR can take a considerable amount of time even before making it available for public comment. If the Service were to update the SAR to include data outside the time period provided in the draft revised SAR, the changes would be significant enough to require republication of a new draft revised SAR and, thus, the process would begin again. This could perpetually delay finalization of the SAR. Instead, the next revision of the SAR will include the more recent data.

Per section 117(a)(4) of the MMPA, the Service is required to describe the commercial fisheries that interact with the stock. The Northern Washington Marine Set Gillnet Fishery is a commercial fishery that reported sea otter takes during the time period included in the SAR and, therefore, must be included in Table 1. We have changed reference to the fishery being a ''Makah fishery'' to a ''Tribal fishery'' and have removed line 1 referencing Areas 4/4A from the table as there was no active fishery in these areas during the time period of this SAR.

Comment 7: Speculation about the possibility that sea otters could be trapped in crab fishing pots should be removed from the SAR. There is no direct evidence of mortality in Washington, and any mortalities would have been documented in social media. Circumstantial evidence indicates that, if any mortality is occurring, it is very minor and is not impacting the population.

Response: As discussed in the SAR, the data we relied upon was not based on experimental efforts. There is direct evidence of sea otters in California and Alaska being trapped and drowned in crab pot gear that is identical to gear used within the range of the sea otter in Washington, and we cannot be sure that all otters that become trapped and subsequently die will be reported via social media. The assumption that the population would not be growing at its current rate if it was experiencing mortality in the crab fishery is not necessarily accurate. While it appears that the population is growing at 20 percent in the southern portion of the range, the population as a whole is growing at 9 percent. A significant number of pups continues to be documented in the northern portion of the range, and it is more likely that the growth in the south is being supplemented by births in the northern portion. Finally, both the PSRG and Commission have recommended that we include the information regarding the unknowns in the SAR.

Comment 8: The section on ''Harvest by Northwest treaty Indian Tribes'' does not belong in the SAR and should be removed as it does not follow NMFS guidelines.

Response: As stated in our response to *Comment 5,* the NMFS guidelines have not been adopted and are not binding on the Service. Section 117 of the MMPA provides the essential elements that should be addressed in a SAR; however, the Service is not precluded from including other items as it sees fit. As this stock is subject to potential harvest by Tribes that the Service does not consider exempt under MMPA, the Service believes it is necessary to include this statement in our document.

Comment 9: The mortality rate information in the SAR does not reflect the best available science and is inconsistent with the SAR guidelines developed by NMFS. In particular, the SAR does not provide a conclusion on whether the total fishery mortality and serious injury rate is approaching a zero mortality and serious injury rate.

Response: Section 117(a)(3) requires that the Service provide an estimate of all human-caused mortality and serious injury. While our data are limited due to lack of observer coverage and uncertainties, we have based our estimate on the best data available, including beach-cast carcasses that represent other sources of human-caused mortality. We clearly indicate that the minimum level of all human caused mortality and serious injury is at least one sea otter per year and may be higher. Although the known human-caused mortality and serious injury is less than PBR, we are unable to definitively state that the total mortality and serious injury of sea otters due to human-caused mortalities and serious injuries is insignificant and approaching a zero mortality and serious injury rate because of the lack of observer data for commercial fisheries that may interact with sea otters.

Authority

The authority for this action is the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*)

Dated: April 3, 2019.

Margaret E. Everson,

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

[FR Doc. 2019–08056 Filed 4–19–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NCR–WHHO–SSB–NPS0027381; PPNCWHHOP0, PPMVSIE1Z.I00000 (199); OMB Control Number 1024–0277]

Agency Information Collection Activities; National Park Service President's Park National Christmas Tree Music Program Application

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 21, 2019.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Phadrea Ponds, acting NPS Information Collection Clearance Officer, 1201 Oakridge Drive, Fort Collins, CO 80525, by email at *phadrea_ponds@nps.gov,* or by telephone at 970–267–7231. Please reference OMB Control Number 1024–0277 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about

this ICR, contact Katie Wilmes, National Park Service, 1100 Ohio Drive SW, Rm. 344, Washington, DC 20242; or via email: *Katie_Wilmes@nps.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed Information Collection Request (ICR) that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the NPS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. 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.

Abstract: The National Park Service (NPS) Organic Act of 1916 (Organic Act) (54 U.S.C. 100101 *et seq.*) gives the NPS broad authority to regulate the use of the park areas under its jurisdiction. Consistent with the Organic Act, as well as the Constitution's Establishment Clause which mandates government neutrality and allows the placement of holiday secular and religious displays, the National Christmas Tree Music Program's holiday musical entertainment may include both holiday secular and religious music. To ensure that any proposed music selection is consistent with the Establishment Clause, and presented in a prudent and objective manner as a traditional part of the culture and heritage of this annual holiday event, it must be approved in advance by the NPS.

The NPS National Christmas Tree Music Program at President's Park is intended to provide musical entertainment for park visitors during December on the Ellipse, where in celebration of the holiday season, visitors can observe the National Christmas Tree, visit assorted yuletide displays, and attend musical presentations. Each year, park officials accept applications from musical groups who wish to participate in the annual National Christmas Tree Program. The NPS utilizes Form 10–942, ''National Christmas Tree Music Program Application'' to accept applications from the public for participation in the program. Park officials utilize the following information from applicants in order to select, plan, schedule, and contact performers for the National Christmas Tree Program:

- Contact name, phone number, and email.
- Group name and location (city, state).
- Preferred performance dates and times.
- Music selections/song list.
- Equipment needs.
- Number of performers.
- Type of group (choir, etc.).
- Acknowledgement of the musical entertainment policy.

Title of Collection: National Park Service President's Park National Christmas Tree Music Program Application.

OMB Control Number: 1024–0277.

Form Number: NPS Form 10–942, ''National Christmas Tree Music Program Application''.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Local, national, and international bands, choirs, or dance groups.

Total Estimated Number of Annual Respondents: 75 (2 individuals and 73 private sector).

Total Estimated Number of Annual Responses: 75 (2 individuals and 73 private sector).

Estimated Completion Time per Response: 15 minutes.

Total Estimated Number of Annual Burden Hours: 19.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Activity	Estimated number of response	Estimated completion time per response (min)	Estimated total annual burden (hours)
NPS Form 10–942 ''National Christmas Tree Music Program Application''	75	15	19

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: April 16, 2019.

Kevin Schmitt,

Deputy Associate Director Information Resources, National Park Service.

[FR Doc. 2019–07978 Filed 4–19–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–27612; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance

of properties nominated before March 30, 2019, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by May 7, 2019.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION:

The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before March 30, 2019. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

CALIFORNIA

Santa Barbara County

Santa Barbara Club, 1105 Chapala St., Santa Barbara, SG100003919

IDAHO

Jefferson County

Ririe Community Hall, 455 Main St., Ririe, SG100003924

ILLINOIS

Cook County

Chicago Municipal Tuberculosis Sanitarium District, 5601–6000 N Pulaski Rd., Chicago, SG100003913

Du Page County

Lilacia Park Historic District, 150 S Park Ave. Lombard, SG100003914

IOWA

Johnson County

Borts, Albert J. and Alice E., House, 416 Reno St., Iowa City, SG100003921

MINNESOTA

Hennepin County

Thompson Flats, 1605–1607 Hennepin Ave. S Minneapolis, SG100003916

NEW JERSEY

Hudson County

Walker, William Hall, Gymnasium, 6th St. at Fieldhouse Rd., Castle Point on Hudson, Hoboken, SG100003907

SOUTH CAROLINA

Florence County

Woodlawn, 10 Kings Rd., Quinby, SG100003917

Horry County

Tawana Motel, 7501 N Ocean Blvd., Myrtle Beach, SG100003918

TENNESSEE

Bedford County

Thompson Creek Rural Historic District, (Agricultural Resources of Bedford County, Tennessee, 1805–1969 MPS), Along sections of US 41–A, Normandy, Cathey, Thompson Creek & Shofner Rds., Hornaday Ln. & Three Forks Bridge, Wartrace, MP100003898

Cannon County

Brown-Hancock House, 110 W Water St., Woodbury, SG100003901

Davidson County

Clover Bottom Farm (Boundary Increase), 2941 Lebanon Rd., Nashville, BC100003900

Jackson County

Sutton, T.B., General Store, 169 Clover St., Granville, SG100003902

Monroe County

Tennessee Military Institute Residential Historic District, 1310, 1311 & 1313 Peachtree St., Sweetwater, SG100003903

Shelby County

Barretville Bank and Trust Company Building, 9043 Barret Rd., Millington, SG100003904

U.S. Marine Hospital, 360 Metal Museum Dr., Memphis, SG100003905

White County

Sparta Residential Historic District (Boundary Increase), 8 E College St., Sparta, BC100003906

TEXAS

Comal County

Kabelmacher House, 23968 TX 46, Spring Branch vicinity, SG100003922

Dallas County

Cabana Motor Hotel, 899 N Stemmons Frwy., Dallas, SG100003923

WISCONSIN

Brown County

Green Bay Downtown Historic District, Portions of Pine, Cherry, E Walnut & Doty Sts. bounded by S Washington, N Madison &N Jefferson Sts., Green Bay, SG100003920

Milwaukee County

16th Street Viaduct, N 16th from W Clybourn to W Pierce Sts. Milwaukee, SG100003908

St. Matthew Christian Methodist Episcopal Church, 2944 N 9th St., Milwaukee, SG100003909

Racine County

Gold Medal Camp Furniture Company, 1700–1701 Packard Ave. Racine, SG100003915

In the interest of preservation, a SHORTENED comment period has been requested for the following resource:

FLORIDA

Leon County

Grove, The (Boundary Increase), Adams St. and 1st Ave., Tallahassee, BC100003925
Comment period: 3 days

A request for removal has been made for the following resource:

ARIZONA

Pinal County

C.H. Cook Memorial Church, Church St., Sacaton, OT75000359

Additional documentation has been received for the following resource:

TENNESSEE

Davidson County

Clover Bottom Farm, 2941 Lebanon Rd., Nashville, AD75001747

Authority: Section 60.13 of 36 CFR part 60.

Dated: April 2, 2019.

Kathryn G. Smith,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2019–08044 Filed 4–19–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–27654; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before April 6, 2019, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by May 7, 2019.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their

consideration were received by the National Park Service before April 6, 2019. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

DISTRICT OF COLUMBIA

District of Columbia

Wardman Park Annex and Arcade (Boundary Increase), 2600 Woodley Rd. NW, Washington, BC100003945

IOWA

Carroll County

Holy Guardian Angels Church and Cemetery Historic District, Jade Ave. and 245th St., Roselle, 04001424

Woodbury County

Albertson and Company—Rocklin Manufacturing Company, 110 S Jennings St., Sioux City, SG100003944

MASSACHUSETTS

Hampden County

St. James Apartments, The, 573 State St.–5 Oak St., Springfield, SG100003941

Wigglesworth Building, The, 23 Oak St.–71 Lillian St., Springfield, SG100003943

Suffolk County

Nathan Warnick Apartments, 57 Bicknell St., Boston, SG100003942

MICHIGAN

Wayne County

Ferry, William Hawkins, House, 874 Lake Shore Rd., Grosse Point Shores, SG100003936

Marwood Apartments, (Apartment Buildings in Detroit, Michigan, 1892–1970 MPS), 53 Marston St., Detroit, MP100003937

MISSISSIPPI

Alcorn County

Gateway Lanes, 2001 E Shiloh Rd., Corinth, SG100003949

Carroll County

Carrollton Community House, 305 Lexington St., Carrollton, SG100003951

Hinds County

Morris Ice Company, 652 Commerce St., Jackson, SG100003950

Newton County

McElroy-Hove House, 400 E Church St., Newton, SG100003952

Yazoo County

Woolwine, J.W., Homes, 1900 Gordon Ave., 19th St., and adjacent parcels on the N and E, Yazoo City, SG100003947

Lindsey Lawn Apartments, 121 Lindsey Lawn Dr., E 11th St., Calhoun Ave., and neighboring parcels on S, Yazoo City, SG100003948

NEW YORK

Kings County

Alku & Alku Toinen, 816 and 826 43rd St., Brooklyn, SG100003932

New York County

George Washington Hotel, 23 Lexington Ave., New York, SG100003931

St. Luke's Hospital, 30 Morningside Dr., New York, SG100003934

Seneca County

Waterloo High School, 202–206 W Main St., Waterloo, SG100003933

Suffolk County

Lowndes, Stanley H., House, 155 Bayview Ave., Northport, SG100003935

NORTH CAROLINA

Burke County

Henry River Mill Village Historic District, 4216–4283 Henry River Rd., Hildebran, SG100003929

Catawba County

Oakwood Historic District (Boundary Increase)

(Hickory MRA), Portions of 1st Ave. NW, 2nd Ave. NW, 2nd St. NW, 2nd Pl. NW, 3rd Ave. NW, 3rd St. NW, 4th Ave. NW, 4 Ave. Dr. NW, 4th St. NW, 5th St. NW, 6th St. NW, 7th St. NW, 8th St. NW, and N Center St., and 8th St. NW, 6th Ave. NW, N Center St., and 1st. Ave., Hickory, BC100003928

Davidson County

Lexington Industrial Historic District, Roughly bounded by E First and S Salisbury Sts., The North Carolina RR corridor, and Wennonah Cotton Mill village's W. lot lines, Lexington, SG100003927

Orange County

West Chapel Hill Historic District, Roughly bounded by W Franklin, S Columbia, and Pittsboro Sts., Brookside and Dogwood Drs., and the E end of McCauley St. and W Patterson Pl., Chapel Hill, BC100003930

SOUTH CAROLINA

Richland County

Five Points Historic District, Harden, Devine, and Greene Sts., Santee and Saluda Aves., Columbia, SG100003938

Spann, Dr. Cyril O., Medical Office, 2226 Hampton St., Columbia, SG100003939

WISCONSIN

Milwaukee County

Barbee, Lloyd A., House, 321 E Meinecke Ave., Milwaukee, SG100003940

Additional documentation has been received for the following resource:

DISTRICT OF COLUMBIA

District of Columbia

Wardman Park Annex and Arcade, 2600 Woodley Rd. NW, Washington, AD84000869

Authority: Section 60.13 of 36 CFR part 60.

Dated: April 8, 2019.

Kathryn G. Smith,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2019–08045 Filed 4–19–19; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–919 (Third Review)]

Certain Welded Large Diameter Line Pipe From Japan: Scheduling of a Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of a full review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on certain welded large diameter line pipe from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: April 16, 2019.

FOR FURTHER INFORMATION CONTACT: Mary Messer ((202) 205–3193) or Abu Kanu ((202) 205–2597), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On December 10, 2018, the Commission determined that responses to its notice of institution of the subject five-year review were such that a full review should proceed (83 FR 65361, December 20, 2018); accordingly, a full review is being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)).[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's website.

Participation in the review and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in this review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the review need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this review available to authorized applicants under the APO issued in the review, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the review. A party granted access to BPI following publication of the Commission's notice of institution of the review need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the review will be placed in the nonpublic record on July 16, 2019, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the review beginning at 9:30 a.m. on Tuesday, July 30, 2019, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before July 24, 2019. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on July 29, 2019, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the review may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is July 23, 2019. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is August 8, 2019. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before August 8, 2019. On September 5, 2019, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before September 9, 2019, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: April 17, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–08054 Filed 4–19–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Due to the lapse in appropriations and ensuing cessation of Commission operations, all import injury reviews conducted under authority of Title VII of the Tariff Act of 1930 accordingly have been tolled pursuant to 19 U.S.C. 1675(c)(5).

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Quick Survey Business Questions Test

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) reinstatement with change titled, ''Quick Survey Business Questions Test,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 22, 2019.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely

respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201902-1220-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for a reinstatement with change to the Quick Survey Business Questions Test. The Bureau of Labor Statistics (BLS) will conduct a second Operations Test of a Quick Business Survey (QBS). The BLS will conduct this test to build on the results of the prior test to further evaluate QBS survey processes and operations in a possible production environment. If successful, a QBS would allow the BLS to collect information about the U.S. Economy in a more efficient manner than is currently possible and would allow data users to understand the impact of specific events on the economy in a timely manner. This information collection request allows the agency to use a revised version of the same information collection under the OMB Control Number provided with the original approval and has been classified as a reinstatement with change, because:

- A previously approved collection has expired or, the agency subsequently decided to discontinue. This request allows the agency to use a revised version of the same information collection under the OMB Control Number provided with the original approval.
- The agency made a change to the ICR by increasing the sample size in order to test refined sampling methodologies.
- The agency updated the employer costs for wages, salaries, and benefits using more current (September 2018) data.

The BLS Authorizing Statute authorizes this information collection. *See* 29 U.S.C 1, 2.

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 28, 2018 (83 FR 67360).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220–0192. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–BLS.

Title of Collection: Quick Survey Business Questions Test.

OMB Control Number: 1220–0192.

Affected Public: Private Sector.

Total Estimated Number of Respondents: 26,286.

Total Estimated Number of Responses: 26,286.

Total Estimated Annual Time Burden: 1,314 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Frederick Licari,

Deputy Departmental Clearance Officer.

[FR Doc. 2019–08001 Filed 4–19–19; 8:45 am]

BILLING CODE 4510–HX–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0028]

CSA Group Testing & Certification, Inc.: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for CSA Group Testing & Certification, Inc. (CSA), as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the addition of one test standard to the NRTL Program's List of Appropriate Test Standards.

DATES: The expansion of the scope of recognition becomes effective on April 22, 2019.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

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

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's web page includes information about the NRTL Program (see *http://*

www.osha.gov/dts/otpca/nrtl/index.html).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of CSA Group Testing & Certification, Inc. (CSA), as a NRTL. CSA's expansion covers the addition of one test standard to its scope of recognition. Additionally, OSHA announces the addition of one test standard to the NRTL Program's List of Appropriate Test Standards.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding and, in the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details its scope of recognition. These pages are available from the agency's website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

CSA submitted an application, dated May 23, 2017 (OSHA–2006–0042–0012), to expand recognition to include seven additional test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application. OSHA published a **Federal Register** notice (82 FR 60051 December 18, 2017) announcing this application, but referenced one incorrect standard in the listing of appropriate test standards (UL 498A). OSHA further published a **Federal Register** notice (83 FR 22289 May 14, 2018) granting recognition for the six additional standards requested in the application. UL 498A is already included in the list of appropriate test standards and in CSA's scope of recognition. This notice revises the previous **Federal Register** notice for the one remaining standard (UL 489A).

OSHA published the preliminary notice announcing CSA's expansion application and proposed addition to the NRTL List of Appropriate Test Standards in the **Federal Register** on February 12, 2019 (84 FR 3499). The agency requested comments by February 28, 2019, but received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of CSA's scope of recognition.

To obtain or review copies of all public documents pertaining to CSA's application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210. Docket No. OSHA–2006–0042 contains all materials in the record concerning CSA's recognition.

II. Final Decision and Order

OSHA staff examined CSA's expansion application, the capability to meet the requirements of the test standards, and other pertinent information. Based on a review of this evidence, OSHA finds that CSA meets the requirements of 29 CFR 1910.7 for expansion of the recognition, subject to the specified limitation, and conditions listed. OSHA, therefore, is proceeding with this final notice to grant CSA's scope of recognition. OSHA limits the expansion of CSA's recognition to testing and certification of products for demonstration of conformance to the test standard listed in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARD FOR INCLUSION IN CSA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 489A*	Standard for Circuit Breakers for Use in Communications Equipment

*Represents the standard that OSHA will add to the NRTL Program's List of Appropriate Test Standards

In this notice, OSHA also announces the addition of a new test standard to the NRTL Program's List of Appropriate Test Standards. Table 2, lists the test standard that is new to the NRTL Program. OSHA has determined that this test standard is an appropriate test standard and will include it in the NRTL Program's List of Appropriate Test Standards.

TABLE 2—TEST STANDARD OSHA IS ADDING TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 489A	Standard for Circuit Breakers for Use in Communications Equipment

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, the use of the designation of the standards-developing organization for the standard as opposed to the ANSI designation may occur. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, CSA must abide by the following conditions of the recognition:

1. CSA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. CSA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. CSA must continue to meet the requirements for recognition, including all previously published conditions on CSA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of CSA, subject to the limitation and conditions specified above.

III. Authority and Signature

Loren Sweatt, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on April 16, 2019.

Loren Sweatt,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2019–07997 Filed 4–19–19; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities

Arts and Artifacts Indemnity Panel Advisory Committee Meeting

AGENCY: Federal Council on the Arts and the Humanities, National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Federal Council on the Arts and the Humanities will hold a meeting of the Arts and Artifacts International Indemnity Panel.

DATES: The meeting will be held on Monday, May 13, 2019, from 12 p.m. to 5 p.m.

ADDRESSES: The meeting will be held by teleconference originating at the National Endowment for the Arts, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506, (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for panel review, discussion, evaluation, and recommendation on applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities, for exhibitions beginning on or after July 1, 2019. Because the meeting will consider proprietary financial and commercial data provided in confidence by indemnity applicants, and material that is likely to disclose trade secrets or other privileged or confidential information, and because it is important to keep the values of objects to be indemnified, and the methods of transportation and security measures confidential, I have determined that the meeting will be closed to the public pursuant to subsection (c)(4) of section 552b of Title 5, United States Code. I have made this determination under the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 15, 2016.

Dated: April 16, 2019.

Elizabeth Voyatzis,

Committee Management Officer, Federal Council on the Arts and the Humanities & Deputy General Counsel, National Endowment for the Humanities.

[FR Doc. 2019–07987 Filed 4–19–19; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: Guidelines for IMLS Grants to States Five-Year Evaluation

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Submission for OMB review, comment request.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This 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. By this notice, IMLS is soliciting comments concerning the forms and instructions for the IMLS Grants to States Program Five Year Evaluation forms and instructions for the next three years. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Comments must be submitted to the office listed in the **CONTACT** section below on or before May 22, 2019.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

ADDRESSES: Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Dr. Sandra Webb, Director of Grant Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718 Fax: 202–653–4608, or by email at *swebb@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to transform the lives of individuals and communities. To learn more, visit *www.imls.gov.*

Current Actions: The Grants to States program is the largest grant program administered by IMLS. Through this program, IMLS provides financial assistance to develop library services throughout the States, U.S. Territories, and the Freely Associated States. IMLS funds support projects that, among other purposes, promote literacy and education; enhance and expand the services and resources provided by all types of libraries; enhance the skills of the current and future library workforce and leadership; develop public-private partnerships with other agencies and community-based organizations; and target library services to individuals

with diverse geographic, cultural and socio-economic backgrounds, individuals with disabilities, and individuals from other underserved communities. The program recognizes the increasing importance of information technology by emphasizing programs that teach digital literacy skills; develop library services that provide all users with access to information through local, State, regional, national, and international collaborations and networks; and establish or enhance electronic and other linkages among and between libraries and other entities. A State Library Administrative Agency (''SLAA'') is the official agency of a State charged by law with the extension and development of public library services throughout the State. To receive funds under the Grants to States program, each SLAA must submit to the Director of IMLS a State Plan detailing certain goals, assurances, and procedures for a five-year period. A State Plan is a document that identifies a State's library needs, sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under subchapter II (Library Services and Technology, ''LSTA'') and provides assurances that the officially designated SLAA has the fiscal and legal authority and capability to administer all aspects of any award under the Grants to States program. The State Plan must also provide assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under the LSTA.

IMLS authorizing legislation directs State Library Administrative Agencies (SLAAs) to ''independently evaluate, and report to the Director regarding, the activities assisted under this subchapter, prior to the end of the Five Year Plan.'' This evaluation provides SLAAs an opportunity to measure progress in meeting the goals set in their approved Five Year Plans with a framework to synthesize information across all state reports in telling a national story.

This action is to seek approval for the instructions for the Guidelines for IMLS Grants to States Five-Year Evaluation for the next three years.

Agency: Institute of Museum and Library Services.

Title: Guidelines for IMLS Grants to States Five-Year Evaluation.

OMB Number: 3137–0090.

Frequency: Once every five years.

Affected Public: State Library Administrative Agencies.

Number of Respondents: 59.

Estimated Average Burden per Response: 90 hours.

Estimated Total Annual Burden: 5,310 hours.

Total Annualized capital/startup costs: n/a.

Total Annual costs: $148,361.

Dated: April 17, 2019.

Kim Miller,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2019–08055 Filed 4–19–19; 8:45 am]

BILLING CODE 7036–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0101]

Anchoring Components and Structural Supports in Concrete

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–1284, ''Anchoring Components and Structural Supports in Concrete.'' This proposed guide, Revision 1 of Regulatory Guide (RG) 1.199 of the same name, endorses Appendix D, ''Anchoring to Concrete,'' of an updated version of American Concrete Institute code ACI 349, ''Code Requirements for Nuclear Safety-Related Concrete Structures and Commentary (2013).'' The previous version of RG 1.199 endorsed ACI 349–1997. It also endorses ACI 355.2–07, ''Qualification of Post-Installed Mechanical Anchors in Concrete and Commentary,'' and ASTM E488–15, ''Standard Test Methods for Strength of Anchors in Concrete Elements.''

DATES: Submit comments by June 21, 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 (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0101. 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.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, 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: Marcos Rolon-Acevedo; telephone: 301–415–2208; email: *Marcos.RolonAcevedo@nrc.gov* and Edward O'Donnell; telephone: 301–415–3317; email: *Edward.Odonnell@nrc.gov.* Both are staff members of the Office of Nuclear Regulatory Research, 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–2019–0101 when contacting the NRC about the availability of information regarding 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–2019–0101.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Document collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, 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–1284 is available in ADAMS under Accession No. ML17258A579.
- *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–2019–0101 in 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 that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as enters 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 submissions 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, ''Anchoring Components and Structural Supports in Concrete,'' is temporarily identified by its task number, DG–1284. It is proposed revision 1 of RG 1.199. This revision addresses changes in standards endorsed by Revision 0 of RG 1.199 since its issuance in November 2003. Among the revised standards endorsed by this RG are Appendix D, ''Anchoring Components and Structural Supports in Concrete,'' of ACI 349–13, ''Code Requirements for Nuclear Safety-Related Concrete Structures and Commentary,'' ACI 355.2–07, ''Qualification of Post-Installed Mechanical Anchors in Concrete and Commentary,'' and ASTM E488–15, ''Standard Test Methods for Strength of Anchors in Concrete Elements.''

III. Backfitting and Issue Finality

As discussed in the ''Implementation'' section of DG–1284, the NRC has no current intention to impose this draft regulatory guide on holders of current operating licenses or combined licenses. Accordingly, the issuance of this draft regulatory guide, if finalized, would not constitute ''backfitting'' as defined in section 50.109(a)(1) of title 10 of the *Code of Federal Regulations* (10 CFR) of the Backfit Rule or be otherwise inconsistent with the applicable issue finality provisions in 10 CFR part 52.

This draft regulatory guide may be applied to applications for operating licenses and combined licenses docketed by the NRC as of the date of issuance of the final regulatory guide, as well as future applications for operating licenses and combined licenses submitted after the issuance of the regulatory guide. Such action would not constitute backfitting as defined in 10 CFR 50.109(a)(1) or be otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in 10 CFR part 52.

Dated at Rockville, Maryland, this 16th 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. 2019–07999 Filed 4–19–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of April 22, 29, May 6, 13, 20, 27, 2019.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of April 22, 2019

Tuesday, April 23, 2019

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Nuclear Materials Users Business Lines (Public Meeting). (Contact: Paul Michalak: 301–415–5804)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 29, 2019—Tentative

Tuesday, April 30, 2019

10:00 a.m. Briefing on the Annual Threat Environment (Closed Ex. 1)

Week of May 6, 2019—Tentative

There are no meetings scheduled for the week of May 6, 2019.

Week of May 13, 2019—Tentative

Tuesday, May 14, 2019

9:00 a.m. Briefing on Digital Instrumentation and Control (Public Meeting). (Contact: Jason Paige: 301–415–1474)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, May 16, 2019

10:00 a.m. Briefing on Security Issues (Closed Ex. 1)

2:00 p.m. Briefing on Security Issues (Closed Ex. 1)

Week of May 20, 2019—Tentative

There are no meetings scheduled for the week of May 20, 2019.

Week of May 27, 2019—Tentative

Thursday, May 30, 2019

9:00 a.m. Briefing on Nuclear Regulatory Research Program (Public Meeting). (Contact: Nicholas DiFrancesco: 301–415–1115)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Wendy.Moore@nrc.gov.*

Dated at Rockville, Maryland, this 18th day of April, 2019.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2019–08131 Filed 4–18–19; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 701, SEC File No. 270–306, OMB Control No. 3235–0522.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Rule 701 (17 CFR 230.701) under the Securities Act of 1933 (''Securities Act'') (15 U.S.C. 77a *et seq.*) provides an exemption for certain issuers from the registration requirements of the Securities Act for limited offerings and sales of securities issued under compensatory benefit plans or contracts. The purpose of Rule 701 is to ensure that a basic level of information is available to employees and others when substantial amounts of securities are issued in compensatory arrangements. Information provided under Rule 701 is mandatory. We estimate that approximately 800 companies annually rely on the Rule 701 exemption and that it takes 2 hours to prepare each response. We estimate that 25% of the 2 hours per response (0.5 hours) is prepared by the company for a total annual reporting burden of 400 hours (0.5 hours per response × 800 responses).

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 control number.

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 control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: April 17, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–08035 Filed 4–19–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85657; File No. SR–CBOE–2019–017]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Defined Terms in Its Rules, Delete Obsolete and Redundant Language, and Make Other Nonsubstantive Changes

April 16, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 10, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 the Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to update defined terms in its Rules, delete obsolete and redundant language, and make other nonsubstantive changes. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 1.1 currently contains definitions of terms used throughout the Cboe Options Rules. Each defined term is currently contained in a lettered paragraph within Rule 1.1. The proposed rule change first puts the defined terms in alphabetical order so that market participants can better locate defined terms within the Rules.

The proposed rule change also moves certain defined terms from other Rules to Rule 1.1, adds certain defined terms, makes certain nonsubstantive changes to existing definitions, and makes the changes described in the following table. The proposed rule change makes changes throughout the Rules to conform to the changes to defined terms.[5]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] For example, the proposed rule change deletes the definition of ''National Spread Market'' from Rule 6.25, Interpretation and Policy .07(b), and deletes the definition of ''Exchange Spread Market'' from Rule 6.53C, Interpretation and Policy .06(b)(2), as each term is defined in Rule 1.1.

Defined term	Provision	Current Cboe options rule	Description of change.
Aggregate Exercise Price.	the exercise price of an option contract multiplied by (a) for equity options, the number of units of the underlying security or (b) for index options, the index multiplier for the underlying index covered by the option contract.	1.1(t) and 24.1(c)	Applied the definition to index options and delete redundant definition in Rule 24.1(c).
American-Style Option.	option contract that, subject to the provisions of Rule 11.1 (relating to the cutoff time for exercise instructions) and to the Rules of the Clearing Corporation, may be exercised on any business day prior to and on its expiration date..	1.1(vv)	No change to definition, but delete redundant definitions in Rule 24.1(m).
BBO	the best bid or offer disseminated on the Exchange	6.45(a)(ii)(c)(2) and other Rules.	Moved to Rule 1.1.
Bid	the price of a limit order or quote to buy one or more options contracts.	N/A	Added to Rule 1.1.[6]
Board	the Exchange's Board of Directors	N/A (Board of Directors is currently referenced throughout the Rules).	Added to Rule 1.1.
Book and Simple Book.	electronic book of simple orders and quotes maintained by the System.	1.1(rrr)	Adding that Book may also be referred to as Simple Book.
Call	an option contract under which the holder of the option has the right, in accordance with the terms of the option and the Rules of the Clearing Corporation, to purchase from the Clearing Corporation (a) for equity options, the number of units of the underlying security covered by the option contract, at a price per unit equal to the exercise price, or (b) for index options, the current index value times the index multiplier upon the timely exercise of the option.	1.1(o) and 24.1(b)	Added clarifying language and applied the definition to index options;[7] deletes redundant definition in 24.1(b).
Capped-Style Option.	option contract that is automatically exercised when (a) for equity options, the cap price is reached or (b) for index options, the cap price is less (greater) than or equals the closing index value for calls (puts). If this does not occur prior to expiration, it may be exercised, subject to the provisions of Rule 11.1 (relating to the cutoff time for exercise instructions) and to the Rules of the Clearing Corporation, only on its expiration date; CAPS™ refers to capped-style options traded on the Exchange.	1.1(ww) and 24.1(o)	No change; delete redundant definition in 24.1(o).
Class and Hybrid Class.	all option contracts with the same unit of trading covering the same underlying security or index.	1.1(q)	Deletes unnecessary reference to options, given only options trade on the Exchange; applies the definition to index option; deletes that a class means options of the same type (currently defined as put or call), as a class is comprised of both puts and calls; adds that a class is comprised of option contracts with the same unit of trading covering the same underlying security or index (discussed below).[8]
Clearing Corporation and OCC.	Options Clearing Corporation	1.1(d)	Adding that the Clearing Corporation may also be referred to as OCC.
Clearing Trading Permit Holder.	a Trading Permit Holder that has been admitted to membership in the Clearing Corporation pursuant to the provisions of the rules of the Clearing Corporation and is self-clearing or that clears transactions for other Trading Permit Holders.	1.1(f)	Added that Clearing Trading Permit Holders self-clear or clear on behalf of others (consistent with Cboe Options today).[9]
Commission and SEC.	U.S. Securities and Exchange Commission	3.1(a)(vi) and other Rules	Moved to Rule 1.1 and adding that the Commission may also be referred to as SEC.

Defined term	Provision	Current Cboe options rule	Description of change.
Complex Order	order involving the concurrent execution of two or more different series in the same class (the ''legs'' or ''components'' of the order), for the same account, occurring at or near the same time and for the purpose of executing a particular investment strategy with no more than the applicable number of legs (which number the Exchange determines on a class-by-class basis); the Exchange determines in which classes complex orders are eligible for processing; unless the context otherwise requires, the term complex order includes stock-option order and security future-option order; for purposes of electronic trading, the term ''complex order'' has the meaning set forth in Rule 6.53C; for purposes of Rules 6.9, 6.42, 6.45(b), and 6.74, the term ''complex order'' means a spread order, combination order, straddle order, or ratio order (each as defined in Rule 6.53), a stock-option order, a security future-option order, or a complex order as defined Rule 6.53C.	6.42 and 6.53C(a)(1)	Added general definition of complex order; [10] the definition of complex order with respect to Rules 6.9, 6.42, 6.45, and 6.74 is limited pursuant to those Rules, so the proposed definition notes the limitations currently set forth in those Rules (and deletes them from the specified Rules); clarified that complex orders for the purpose of electronic processing have a different definition.[11]
Customer	Public Customer or broker-dealer	N/A	Added to Rule 1.1; new definition in the Rules, but concept of customers exists throughout current Rules (including in priority rules).
Customer Order	agency order for the account of a Customer	N/A	Added to Rule 1.1.
DEA	designated examining authority	3.6A(b) and others	Moved to Rule 1.1.
Discretion	authority of a broker or dealer to determine for a Customer the type of option, class or series of options, the number of contracts, or whether options are to be bought or sold.	N/A	Added to Rule 1.1; [12] concept of broker discretion contained in various Rules (see, *e.g.*, Rule 6.75).
DPM Designee	has the meaning set forth in Rule 8.81	8.81	Added to Rule 1.1 a reference to the definition.
Equity Option	option on an equity security (including Units (or ETFs) or Index-Linked Securities (or ETNs)).	N/A (equity options permitted by Chapter 5).	Added to Rule 1.1, and clarifying that equity options includes options on ETFs and ETNs (both of which are permitted to be listed pursuant to Rule 5.3).
European-Style option.	option contract that, subject to the provisions of Rule 11.1 (relating to the cutoff time for exercise instructions) and to the Rules of OCC, may be exercised only on its expiration date.	1.1(uu) and 24.1(k)	No change to definition, but delete redundant definitions in Rule 24.1(k).
Exchange or Cboe Options.	Cboe Exchange, Inc	N/A (but referenced throughout).	Added to rule 1.1.
Exchange Act	Securities Exchange Act of 1934, including rules and regulations thereunder.	1.1	Added rules and regulations, to which the Exchange is also subject.
Exercise Price	the specified price per unit at which (a) for equity options, the underlying security or (b) for index options, current index value may be purchased or sold upon the exercise of an option contract.	1.1(s) and 24.1(d)	Applied the definition to index options; deletes redundant definition in Rule 24.1(d).
Expiration Date	third Friday of expiration month	1.1	Deleted language about series that expire on Saturday rather than Friday, as no more grandfathered series are listed on the Exchange.
FINRA	Financial Industry Regulatory Authority, Inc	17.2, Interpretation and Policy .05 and other Rules.	Added to Rule 1.1.
Floor Broker	has the meaning set forth in Rule 6.70	6.70	Added to Rule 1.1 a reference to the definition.
He, Him, His	deemed to refer to persons of female as well as male gender and to include organizations, as well as individuals, when the context requires.	N/A	Added to Rule 1.1.
Index-Linked Security or ETN.	shares or other securities traded on a national securities exchange and defined as an ''NMS stock'' as set forth in Interpretation and Policy .13.	5.3, Interpretation and Policy .13.	Added to Rule 1.1.
Index Option	option on a broad-based, narrow-based, micro narrow-based or other index of equity securities prices.	N/A (index options permitted by Chapter 24).	Added to Rule 1.1.
Lead Market-Maker or LMM.	has the meaning set forth in Rule 8.15	8.15	Added to Rule 1.1 a reference to the definition.
Limit Up-Limit Down State.	has the meaning set forth in Rule 6.3A	6.3A	Added to Rule 1.1 a reference to the definition.
Market-Maker	has the meaning set forth in Rule 8.1	8.1	Added to Rule 1.1 a reference to the definition.

Defined term	Provision	Current Cboe options rule	Description of change.
NBB, NBO, and NBBO.	the national best bid, the national best offer, and the national best bid or offer the Exchange calculates based on market information it receives from OPRA.	6.80 (referenced throughout the Rules).	Added to Rule 1.1.
NMS Stock	has the meaning set forth in Rule 600 of Regulation NMS of the Exchange Act.	5.3(a)(1) and other Rules	Added to Rule 1.1.
Notional Value	value calculated by multiplying the number of contracts (contract size multiplied by the contract multiplier) in an order by the order's limit price.	6.25(e)(1)(C)	Added to Rule 1.1.
Offer	the price of a limit order or quote to sell one or more option contracts.	N/A	Added to Rule 1.1.[13]
OLPP	Options Listing Procedures Plan	5.5A	Moved to Rule 1.1.
OPRA	Options Price Reporting Authority	6.43	Moved to Rule 1.1.
Options Principal.	person engaged in the management and supervision of the TPH's business pertaining to option contracts that has responsibility for the overall oversight of the TPH's options-related activities on the Exchange.	N/A (but term used in various Rules).	Added to Rule 1.1.[14]
Order	firm commitment to buy or sell option contracts	1.1(ooo) and 6.53	Moved market order and limit order definitions to Rule 1.1.[15]
Order Service Firm.	has the meaning set forth in Rule 6.77	6.77	Added to Rule 1.1 a reference to the definition.
PAR Official	has the meaning set forth in Rule 6.12B	6.12B	Added to Rule 1.1 a reference to the definition.
Preferred Market-Maker or PMM.	has the meaning set forth in Rule 8.13	8.13	Added to Rule 1.1 a reference to the definition.
Put	option contract under which the holder of the option has the right, in accordance with the terms and provisions of the option and the Rules of the Clearing Corporation, to sell to the Clearing Corporation (a) for equity options, the number of units of the underlying security covered by the option contract, at a price per unit equal to the exercise price, or (b) for index options, the current index value times the index multiplier upon the timely exercise of the option.	1.1(n) and 24.1(a)	Added clarifying language and applied the definition to index options;[16] deletes redundant definition in Rule 24.1(a).
Reporting authority.	with respect to a particular index, the institution or reporting service designated by the Exchange as the official source for calculating the level of the index from the reported prices of the underlying securities that are the basis of the index and reporting such level.	24.1(h)	Moved from 24.1(h).
Series or Series of Options.	all option contracts of the same class that are the same type of option and have the same exercise price, and expiration date.	1.1	Clarified that a series consists of options of the same type (*i.e.,* options with the same exercise price and date that are calls are a series, and options with the same exercise price and date that are puts are another series).
Sponsored User.	has the meaning set forth in Rule 6.20A	6.20A	Added to Rule 1.1 a reference to the definition.
System or Hybrid Trading System.	the Exchange's trading platform that allows Market-Makers to submit electronic quotes in their appointed classes and any connectivity to the foregoing trading platform that is administered by or on behalf of the Exchange, such as a communications hub.	1.1(aaa)	As discussed below, deletes reference to Hybrid 3.0 platform and indicates it may be referred to as System in addition to Hybrid Trading System.
Trading Session.	hours during which the Exchange is open for trading for Regular Trading Hours or Global Trading Hours, each as defined in Rule 6.1.	6.1 and 6.1A	Added to Rule 1.1.
Transaction or Exchange transaction.	transaction involving a contract effected on or through the Exchange or its facilities or systems.	1.1(l)	Updated and simplified the definition to conform to the definition of transaction in C2 Rule 1.1.
UIT Interest	share, unit, or other interest in or relating to a unit investment trust, including any component resulting from the subdivision or separation of such an interest.	1.1(rr) and Interpretation and Policy .01.	Combined definition and types of UIT interests into a single term.
Unit or ETF	shares or other securities traded on a national securities exchange and defined as an "NMS stock" as set forth in Interpretation and Policy .06.	5.3, Interpretation and Policy .06 and 5.8(b).	Added to Rule 1.1.
Unit of Trading	defined in Rule 6.40	6.40	Added to Rule 1.1 a reference to the definition.
Web CRD	the Central Registration Depository operated by FINRA	2.23, Interpretation and Policy .02 and other Rules.	Moved to 1.1.

As noted above, the proposed rule change amends the definition of class to mean all option contracts with the same unit of trading (including adjusted series as determined by OCC) covering the same underlying security or index. The current definition states a class consists of options of the same type, which is defined as either a put or a call. This definition of class corresponds to the definition as used when options trading began on the Exchange in the 1970s. However, as options trading grew, the term class became understood to include both puts and calls. This is consistent with current industry use of the term ''class'' and use of the term class throughout the Exchange's Rules. Because a class is generally understood to include both puts and calls, which are types of series, not separate classes, the current definition of class is outdated. As described above, options with the same exercise price and expiration date that are puts constitute one series, and options with the same exercise price and expiration date that are calls constitute another series. Additionally, there are some exceptions for options that cover the same underlying but constitute a separate class, and the proposed definition incorporates this concept.[17] For example, mini-options cover the same underlying security as standard options, but are considered as separate class since they have a different deliverable (10 shares of the underlying security rather than 100 shares of the underlying security, respectively). Additionally, when OCC adjusts series in connection with corporate actions (see Rule 5.7), it announces whether those series are part of the same existing class or a new class covering the same underlying security. The concept of unit of trading more accurately describes the series that constitute a class (*e.g.,* the unit of trading for a mini-option is 10, and the unit of trading for a standard option is 100, making each a separate class under the proposed definition). The proposed definition accounts for these exceptions, and is a more accurate definition of what options constitute a class today on the Exchange.[18]

The proposed rule change alphabetizes the terms in Rule 6.53. In addition, the proposed rule change conforms the definition of ISO to the definition of ISO in C2 Rule 1.1 and moves the language regarding how ISOs are not eligible for processing under Rule 6.14A to that Rule. The proposed rule change amends the definition of a stop order to eliminate the reference to a trade on the Cboe Options floor, as the triggering trade may occur electronically (if the Exchange enables stop orders for electronic trading pursuant to Rule 6.53). The proposed rule change amends the definitions of FOK and IOC to provide that each may execute electronically in addition to in open outcry.

The proposed rule change also adds the following order times-in-force to Rule 6.53:

(a) *Day:* The term ''Day'' means, for an order so designated, an order to buy or sell that, if not executed, expires at the close of trading. While the term is not currently defined in the Rules, Day orders are currently referenced in various Rules and is consistent with current functionality.[19]

(b) *Good-til-Cancelled or GTC:* The terms ''Good-til-Cancelled'' or ''GTC'' mean, for an order so designated, if after entry into the System, the order is not fully executed, the order (or unexecuted portion) remains available for potential display or execution (with the same timestamp) unless cancelled by the entering User, or until the option expires, whichever comes first. While the term is not currently defined in the Rules, GTC orders are currently referenced in various Rules and is consistent with current functionality.[20]

The proposed rule change deletes ''One-Cancels-the-Other'' from current Rule 6.53(h). A one-cancels-the-other order consists of two or more orders treated as a unit. The Execution of any one of the orders causes the others to be cancelled. The Exchange no longer offers this order instruction for any class, and does not intend to in the future. The proposed rule change makes conforming changes throughout the Rules to delete this term. The proposed rule change also moves the provisions in Rule 6.53, Interpretation and Policy .01 to proposed Rule 6.45(d), and moves the provisions in Rule 6.53, Interpretation and Policy .02 to Rule 6.24(a)(5).

The proposed rule change makes nonsubstantive changes to the introductory language of Rule 6.53 to provide that the Exchange determines which order types are available (or not available) on a class-by-class and system-by-system basis. This is consistent with the flexibility currently provided by Rule 6.53.[21]

The proposed rule change amends Rule 6.12A(c) to state that, in addition to the orders that may not route to PAR pursuant to Rule 6.12A(c), orders may not be eligible to route to PAR if the Rules or context otherwise requires. For example, there are certain order types not currently listed in Rule 6.12A(c) that may not route to PAR by their terms.[22] Which orders may route to PAR are listed on the Exchange's website.[23] The proposed rule change ensures consistency throughout the Rules.

[6] The proposed definition is consistent with the industry term ''bid'' and is the same as the definition of bid in C2 Rule 1.1 and EDGX Rule 16.1(a)(6).

[7] The proposed definition is the same as the definition of call in C2 Rule 1.1 and EDGX Rule 16.1(a)(12).

[8] The proposed rule change is the same as the definition of class in C2 Rule 1.1.

[9] The proposed rule change is the same as the definition of Clearing Trading Permit Holder in C2 Rule 1.1.

[10] The proposed rule change is substantially similar the definition of complex orders that are permitted in open outcry of other exchanges. *See, e.g,* BOX Exchange LLC (''BOX'') Rule 7600(a)(4); and Nasdaq Phlx, LLC (''Phlx'') Rule 1098(a)(i) and (c)(iii).

[11] The proposed rule change has no impact on the trading, minimum increment, or priority of complex orders.

[12] The proposed rule change is substantively the same as the definition of discretion in C2 Rule 1.1 and EDGX Rule 16.1(a)(21).

[13] The proposed definition is consistent with the industry term ''offer'' and is the same as the definition of bid in C2 Rule 1.1 and EDGX Rule 16.1(a)(30).

[14] The proposed definition is the same as the definition of Options Principal in C2 Rule 1.1.

[15] The proposed rule change deletes the concept of ''reaching a post'' with respect to a market order, as that is solely related to floor trading and also an obsolete term. Market orders may trade on the floor or electronically, and trade at the best price available at the time of execution (either on the trading floor or in the System). The proposed rule change adds that a limit order to buy (sell) is marketable when, at the time it enters the System or is represented on the trading floor, the order is equal to or higher (lower) than the then-current offer (bid), which is substantively the same as the definition of limit order in C2 Rule 1.1.

[16] The proposed definition is the same as the definition of put in C2 Rule 1.1 and EDGX Rule 16.1(a)(49).

[17] The proposed definition is the same as the definition of class in C2 Rule 1.1. The proposed definition with respect to the phrase ''unit of trading'' is consistent with the OCC definition of that term (the Exchange notes the OCC definition continues to remain outdated, as it still refers to a class consisting of contracts of the same type (OCC By-Laws Article I, C.(11)). *See* OCC By-Laws Article 1, U.(5)(a unit of trading. The proposed definition of unit of trading is consistent with Rule 6.40.

[18] The proposed rule change makes conforming changes to Rule 4.11, Interpretation and Policy .01(a) and 24A.7(a)(4), which currently contain references to class as being puts only or calls only. The term class with respect to these Rules regarding position limits is currently interpreted to mean both puts and calls, as described by the proposed definition of class.

[19] *See, e.g.,* Rule 6.53C(c)(iii). The proposed definition of Day is the same as the definition of Day in C2 Rule 1.1.

[20] *See* Rule 6.53C(c)(iii). The proposed definition of Day is the same as the definition of Day in C2 Rule 1.1.

[21] The proposed rule change is also substantively the same as C2 Rule 6.10.

[22] *See, e.g.,* electronic-only order, opening rotation order.

[23] *See https://www.cboe.org/publish/opsettingsrth/operational-settings-for-rth.pdf.*

Various Rules provide the Exchange will generally announce any determinations pursuant to those Rules by Regulatory Circular. The Exchange announces determinations in a variety of ways, including Regulatory Circular and Exchange Notice. Proposed Rule 1.2 states the Exchange will announce to Trading Permit Holders all determinations it makes pursuant to the Rules via (a) specifications, Notices, or Regulatory Circulars with appropriate advanced notice, which will be posted on the Exchange's website, (b) electronic message, or (c) other communication method as provided in the Rules. To the extent the Rules provide the Exchange will announce a determination via Regulatory Circular, the Exchange may announce such determination via Notice. Proposed Rule 1.2 makes clear this information will be available on C2's website in an easily accessible manner, regardless of the manner in which the Exchange announces it. Additionally, certain determinations are made more real-time pursuant to electronic message received by Trading Permit Holders (*e.g.,* providing intra-day relief for parameter settings in in price protection mechanisms described in proposed Rule 6.14, Interpretation and Policy .01, other determinations related to need to maintain fair and orderly market). This single rule simplifies the Rules by eliminating the need to repeatedly state in the rules how the Exchange will announce determinations.[24]

The proposed rule change also deletes various Rules that are no longer necessary or in use. First, the proposed rule change deletes various Rules from Chapter II.[25] Current Rule 2.1 provides that the Board of Directors will have certain specified committees as well as other committees it establishes in accordance with the Bylaws and the Rules. Current Rule 2.2 provides the Board with the power to review Exchange decisions. The Exchange's Bylaws describe all of the Board's authority, include its authority to establish committees and to oversee the Exchange's activities.[26] Therefore, Rules 2.1 and 2.2 are redundant and unnecessary to include in the Rules, and the proposed rule change deletes them. Pursuant to the Bylaws, the Board will continue to retain the same authority as provided by these Rules. The Exchange notes other options exchanges do not contain similar rules.

Current Rule 2.15 describes divisions that the Exchange must have. This Rule relates to the corporate and operational structure of the Exchange, which is within the authority and discretion of Exchange management, and does not relate to the how the Exchange operates or regulates its market. Therefore, the proposed rule change deletes this rule. Exchange management will continue to have the authority to determine the Exchange's corporate structure in the same manner as it does today. The Exchange notes other options exchanges not contain similar rules.

Current Rule 2.22 provides the Exchange may, from time to time, fix and impose fees and charges other than those provided for by current Rule 2.20 to be paid to the Exchange or to an organization designated by the Exchange by Trading Permit Holders or by categories of Trading Permit Holders with respect to applications, registrations, approvals, use of Exchange facilities, or other services or privileges granted. However, current Rule 2.20 provides that the Exchange may fix, from time to time, fees and charges payable by Trading Permit Holders. This provision would include the fees and charges that the Exchange may impose pursuant to Rule 2.22, and thus Rule 2.22 is redundant. Therefore, the Exchange proposes to delete current Rule 2.22.

The proposed rule change renumbers the remaining Rules in Chapter II—current Rules 2.20, 2.23, 2.24, and 2.51—to be Rules 2.1, 2.2, 2.3, and 2.4, respectively. The proposed rule change also makes nonsubstantive changes to these Rules (including to make the Rules plain English and update paragraph lettering). The proposed rule change also updates cross-references as necessary throughout the Rules.

The following rules contain language that the C2 board of directors may make certain trading decisions:

- Rules 5.3(b) and Interpretation and Policy .01 and 5.4, Interpretation and Policy .01, which state the Board may establish guidelines the Exchange considers when evaluating potential underlying securities for options transactions, and that the Board may establish guidelines to be considered when the Exchange determines whether an underlying security previously approved for Exchange option transactions no longer meets its requirements for the continuance of such approval.[27]
- Rules 6.1, 21.10, and 24.6, which states the Board determines trading hours and Exchange holidays.[28]
- Rule 6.6(d), which provides the Board must approve any Exchange restriction on the entry of stop, stop-limit, or market-if-touched orders whenever market conditions warrant, if such restriction is to be effective more than two consecutive business days.
- Rule 6.17, which permits the Board to designate persons other than the CEO or President to halt or suspend trading and take other action if necessary or appropriate for the maintenance of a fair and orderly market or the protection of investors, due to emergency conditions, and requires the person taking action to notify the Board of actions taken pursuant to that Rule.
- Rule 8.7(d)(iv), which states an official designated by the Board may call upon a Market-Maker to submit a quote or maintain continuous quotes in a series of a class to which the Market-Maker is appointed.
- Rule 8.87, which permits the board to establish a participation entitlement formula applicable to DPMs.

These decisions relate to Exchange trading and operations, and thus are made by Exchange management, rather than the Board, which generally is not involved in determinations related to day-to-day operations of the Exchange. Therefore, the proposed rule change modifies these provisions to indicate the Exchange or senior Exchange officials, as applicable, will make these determinations rather than the Board. The Exchange notes pursuant to corresponding C2 and EDGX rules, those exchanges or senior exchange officials makes those determinations rather than the exchange's board.

[24] Proposed Rule 1.2 is substantively the same as C2 Rule 1.2.

[25] As a result of these deletions, the only remaining Rules in Chapter II relate to fees and charges imposed on Trading Permit Holders. The proposed rule change therefore renames Chapter II as ''Fees and Other Charges'' and deletes the different ''parts'' of Chapter II that are no longer necessary.

[26] *See* Bylaws Section 3 (providing the Board with, among other things, all powers necessary for the management of the business and affairs of the Exchange, the authority to exercise all power of the Exchange, and the authority make decisions as it deems necessary or appropriate) and Article IV (describing committees of the Board).

[27] The proposed rule change also deletes the provision in Rule 5.3(b) that states, in exceptional circumstances, an underlying security may be approved by the Exchange even though it does not meet all the guidelines. Rule 5.3, Interpretation and Policy .01 already provides that the guidelines set forth in that interpretation and policy must be met except in exception circumstances, and therefore the provision in Rule 5.3(b) is redundant.

[28] The proposed rule change also restructures Rule 6.1 to more clearly present the Regular and Global Trading Hours for options on securities and indexes, as well as identify other Rules that contain trading hours for different option products, as well as to make nonsubstantive changes (such as making the Rule plain English). Additionally, because Rule 6.1 references other Rules related to trading hours of different option products, the proposed rule change amends certain of those Rules to delete provisions that state those Rules replace or supplement Rule 6.1, as those Rules are part of Rule 6.1 by reference. *See* Rule 21.10, 28.9, and 29.11.

The proposed rule change deletes the following obsolete rules or redundant Rules and related provisions:

• *Hybrid 3.0:* The Rules currently provide that the Exchange has two trading platforms, and the Exchange determines on which platform each class of options will trade.[29] Currently, the Exchange has determined that all option classes trade on the Hybrid Trading System, and no option classes trade on the Hybrid 3.0 Platform.[30] The Exchange has no intention of trading any option classes on the Hybrid 3.0 Platform in the future. Therefore, the proposed rule change deletes all rule provisions related to and references to the Hybrid 3.0 Platform, as well as the concept of multiple trading platforms.[31]

• *Order Book Officials:* Recently, the Exchange deleted Rules related to Order Book Officials, who were Exchange employees responsible for maintaining the book with respect to classes assigned to them, effecting proper executions of orders placed with them, displaying bids and offers, and monitoring the market for classes assigned to them. The Exchange currently has no employees designated as, and does not intend to designate any employees as, Order Book Officials, as Order Book Official functions are generally obsolete now that most trading occurs electronically.[32] Several references to Order Book Officials were inadvertently left in the Rules, and the proposed rule change deletes those references.[33]

• *Quote Indications:* Rule 6.1, Interpretation and Policy .05 permits the Exchange to designate classes and time periods in which TPHs may, prior to the scheduled opening rotation of Regular Trading Hours, enter option market quote indications based upon the anticipated opening price of the security underlying such designated option class. The Exchange has not designated, and does not intend to designate, any classes in which TPHs may enter these option market quote indications. Therefore, the Exchange proposes to delete this Interpretation and Policy. TPHs may submit orders and quote prior to the opening rotation pursuant to Rule 6.2.

• *SAL:* Rule 6.13A describes the Simple Auction Liaison (''SAL''). SAL is a feature within the System that auctions marketable orders for price improvement over the NBBO. Pursuant to current Rule 6.13A(a), the Exchange has the authority to activate SAL on a class-by-class basis. Currently, the Exchange has not activated SAL for any class, and does not intend to activate it for any class in the future. Therefore, the proposed rule change deletes Rule 6.13A, and references to that Rule and SAL in various Rules.

• *COATS Implementation Language:* In 2005, the Exchange adopted Rule 6.24 to require TPHs to systematize certain order information in connection with the implementation of a consolidated order audit trail (''COATS''). Rule 6.24 states the requirements of that Rule were to commence on January 10, 2005, except for certain classes, for which the requirements of that Rule were to commence on March 28, 2005 (as set forth in paragraph (c)). As the requirements of Rule 6.24 are in place and applicable to all classes, the proposed rule change deletes those provisions.

• *Provision Related to Rule 6.13B:* Rule 6.47, Interpretation and Policy .02 indicates the applicability of Rule 6.47 to Rule 6.13B. Rule 6.13B no longer exists, so the proposed rule change deletes that Interpretation and Policy.

• *Transactions off the Exchange:* Rule 19c–3 under the Exchange Act describes a rule provision that each national securities change must contain regarding the ability of members to engage in transactions off an exchange. The proposed rule change adds this provision to Interpretation and Policy .01(b). The proposed rule change also deletes the introductory language in Interpretation and Policy .01, as it is unnecessary. Rules 19c–1 and 19c–3 under the Exchange Act only require the Exchange's Rules to include language set forth in those Exchange Act Rules. The proposed rule change also amends the current language in Interpretation and Policy .01 (proposed paragraph (a)) to incorporate terms used throughout the Rules.

• *Leg Orders:* Rule 6.53C(c)(iv) describes leg order functionality, pursuant to which leg orders may be automatically generated on behalf of complex orders so that they are represented in the individual leg markets. The Exchange has not implemented, and does not intend to implement, leg order functionality. Therefore, the proposed rule change deletes Rule 6.53C(C)(iv), as well as related provisions in current Interpretations and Policies .06, .07, and .12 and Rule 6.53(x).

• *Rules Related to Non-Option Transactions:* Currently, the Exchange only permits and has trading Rules related to options trading. Rules 6.65 and 10.10 through 10.22 relate to transactions in stocks, bonds, warrants, and other non-option products. Because these Rules do not apply to options trading, the proposed rule change deletes them.

• *Brokerage Bills:* Current Rules 6.76 and 6.76A describe certain payment practices related to amounts due from a customer to a broker. The Exchange no longer has a role in the billing brokerage services provided to a customer. All provisions related to how the Exchange bills Trading Permit Holders are contained in the Fees Schedule and Rule 3.23. Therefore, the proposed rule change deletes Rules 6.76 and 6.76A.

• *Class Quoting Limit:* Current Rule 8.3A states the Exchange may impose an upper limit on the aggregate number of Market-Makers that may quote in each product (the ''CQL''). The Exchange no longer intends to impose a limit on the aggregate number of TPHs that may quote electronically in each product during a trading session, and thus proposes to delete Rule 8.3A.[34] The current limit for each class is 50 pursuant to Rule 8.1, Interpretation and Policy .01, and there is no product for which the Exchange has increased the CQL, as the current number of quoters per class is below this maximum. The Exchange represents it has capacity to handle any additional quoters due to the elimination of the CQL. The Exchange monitors System capacity in other ways, making a CQL no longer necessary.[35]

• *RFQ Functionality:* Pursuant to Rule 8.14(b).3, the Exchange may activate request-for-quote (''RFQ'') functionality in index classes, and if it does, Market-Makers would have an obligation to respond to a specified percentage of RFQs. The Exchange has

[29] *See* current Rule 8.14(a).

[30] *See* current Rule 1.1(aaa) (definition of Hybrid Trading System and Hybrid 3.0 Platform).

[31] *See* Rules 1.1 (including definitions of Hybrid Trading System, Voluntary Professional, Professional, and broker-dealer order), 6.1A(b), 6.2(h) and Interpretation and Policy .05, 6.11, 6.12A(b)(v), 6.13(a), (b)(i)(A)(2) and (C)(1), 6.14A(a)(iii), 6.43(b), 6.45(c)(i)(C) and Interpretations and Policies .01 through .04, 6.53C, Interpretation and Policy .10, 8.3(c)(iii) and (iv), 8.7, Interpretation and Policy .03 (the proposed rule change restructures this Interpretation and Policy, as there is no longer a need for separately lettered paragraphs), 8.14(a), (b), and Interpretation and Policy .01, 8.15(c) and Interpretation and Policy .03, 8.18 (eliminating reference to Market-Makers as ''Hybrid Market-Makers,'' as the term Market-Makers is sufficient given that all appointed classes are Hybrid classes), 8.83(g), 8.85(e), and 24.9(d)(6).

[32] Securities Exchange Act Release No. 34–82529 (January 18, 2018), 83 FR 3372 (January 24, 2018) (SR–CBOE–2018–003).

[33] *See* Rules 3.9, Interpretation and Policy .02, 6.3B, Interpretation and Policy .01(c), 6.24, Interpretation and Policy .02, 6.46, 6.51, Interpretation and Policy .01, 6.74(a) and (d), 8.7, Interpretation and Policy .03, 8.17(b), 21.18, 24.13, Interpretation and Policy .02, and 29.17.

[34] The proposed rule change deletes a cross-reference to Rule 8.3A in Rule 3.1(b)(ii).

[35] *See, e.g.,* Rule 6.23B.

not activated, and does not intend to activate in the future, this RFQ functionality for any index class. Therefore, the proposed rule change deletes this provision.

• *Trading Crowd Definition:* Rule 1.1 defines in-crowd market participants. A trading crowd in a pit on the Exchange's trading floor today consists of market participants other than Market-Makers. The definition of trading crowd in Rule 8.50 is outdated, and therefore the proposed rule change deletes this Rule.

The proposed rule change makes additional nonsubstantive changes throughout the Rules, including to make Rules plain English, update paragraph lettering and numbering, update cross-references as necessary, and add or modify headings and subheadings.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[36] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[37] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[38] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change updates certain terms that are currently outdated and clarifies applicability of other terms, and deletes certain rules that are obsolete, no longer applicable to Cboe Options trading, or duplicative, and makes other nonsubstantive changes, such as reorganizing rules, updating paragraph lettering and numbering, and making rule provisions plain English. The Exchange believes this will more clearly identify currently applicable of rules, which the Exchange believes removes impediments to and perfects the mechanism of a free and open market. The Exchange believes the proposed rule change will eliminate confusion regarding which rules apply to current trading, which ultimately protects investors and the public interest. These changes will have no impact on current trading on Cboe Options.

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change to delete rules that no longer apply to Cboe Options trading and make other nonsubstantive changes will have no impact on current trading on Cboe Options, and thus are not intended to have any impact on competition. The proposed rule change eliminates confusion with respect to rules applicable to current trading on Cboe Options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. 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) of the Act[39] and Rule 19b–4(f)(6)[40] thereunder.[41] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2019–017 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–017. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2019–017, and

[36] 15 U.S.C. 78f(b).

[37] 15 U.S.C. 78f(b)(5).

[38] *Id.*

[39] 15 U.S.C. 78s(b)(3)(A).

[40] 17 CFR 240.19b–4(f)(6).

[41] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of 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.

should be submitted on or before May 13, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[42]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07983 Filed 4–19–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85655; File No. SR–Phlx–2019–06]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 1080(m) Related to Routing to Away Markets

April 16, 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 April 4, 2019, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes relocate and amend Rule 1080(m), titled ''Away Markets and Order Routing'' to new Rule 1093 with the same title. The Exchange also proposes to relocate Rule 1080(m)(v) to new Rule 1091.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.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 Exchange proposes to amend [3] and relocate Rule 1080(m), titled ''Away Markets and Order Routing'' to new Rule 1093 with the same title. The Exchange will also update cross references to Rule 1080(m) to reflect new Rule 1093.[4] The Exchange proposes to reserve Rule 1080(m). The Exchange proposes to relocate Rule 1080(m)(v) to Rule 1091, which is currently reserved, and title that Rule ''Cancellation of Orders and Error Account.'' The proposed changes will be discussed below in greater detail.

Rule 1093

As noted above, the Exchange is renaming proposed new Rule 1093 as ''Away Markets and Order Routing.'' There are some universal amendments that are proposed to this rule, which are explained herein. The Exchange proposes to utilize the term ''System'' [5] within proposed new Rule 1093 and remove references to ''Phlx XL'' which is an outdated term. The Exchange proposes new language at the beginning of the rule text to proposed new Rule 1093 as described below.

The Exchange utilizes the term ''NBBO'' in certain places in current Rule 1080(m), which term encompasses both the away market ''ABBO'' and local market ''PBBO,'' although in certain places were the local market has been exhausted, it is more accurate to refer to the away market only. The Exchange proposes to replace the term ''NBBO'' with the term ''ABBO'' where the local market has been exhausted to specifically refer to the away market. The Exchange proposes to define the term ''minimum price variation'' within the first paragraph of proposed Phlx Rule 1093 with the acronym ''MPV'' and utilize the acronym throughout the rule.

Rule 1080(m) references an Opening Process, Phlx Rule 1017, throughout the rule. Specifically, Phlx Rule 1017(k) references the portion of the Opening Process rule which explains the manner in which the Exchange will open an options series and route orders at the conclusion of an Opening Process. The language contained in Rule 1017(k) with respect to routing during an Opening Process is much more explicit than the broad language currently contained in Rule 1080(m). To avoid any confusion, the Exchange proposes to replace rule text related to an Opening Process with a reference to governing Rule 1017. Also, the Exchange proposes throughout the rule to remove language which states, ''during open trading'' and instead reference ''after an Opening Process.'' [6]

These universal changes impact multiple rule amendments and will be applied throughout the rule. In addition to these amendments, other proposed changes are described below.

The current paragraph to Rule 1080(m) provides,

> The Phlx XL II system will route FIND and SRCH Orders (as defined below) with no other contingencies. IOC Orders will be cancelled immediately if not executed, and will not be routed. Eligible orders can be designated as either available for routing or not available for routing. Routable FIND and SRCH Orders (as defined in Rule 1080(m)(iv) below) designated as available for routing will first be checked by the Phlx XL II system for available contracts for potential execution. After checking the Phlx XL II system for available contracts, orders are sent to other available market centers for potential execution. When checking the book, the Phlx XL II system will seek to execute at the price at which it would send the order to a destination market center. In situations where the Exchange's disseminated bid or offer is inferior to the NBBO price, the Phlx XL II system will contemporaneously route an order marked as an ISO to each away market disseminating prices better than the Exchange's price, for the lesser of: (a) The disseminated size of such away markets, or (b) the order size and, if order size remains after such routing, trade at the Exchange's disseminated bid or offer up to its disseminated size. If contracts still remain unexecuted after routing, they are posted on the book. Once on the book, should the order subsequently be locked or crossed by another market center, the Phlx XL II system will not route the order to the locking or crossing market center, except as specified below.

The Exchange is rewording the above language in proposed new Rule 1093(a). The Exchange continues to reflect the two routing strategies, FIND and SRCH and notes that the two routing strategies

[42] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange notes that the amendments to Rule 1080(m) reflect the current operation of the System. The purpose of the amendment is to align the rule to the specific operation of the routing functionality on Phlx.

[4] The Exchange proposes to amend cross-references in Rule 607 (Covered Sale Fee), Rule 1047 (Trading Halts), Rule 1066 (Certain Types of Floor-Based (Non-PHLX XL) Orders Defined) and Rule 1082 (Firm Quotations).

[5] *See* Rule 1000(b)(45).

[6] The Exchange is also defining the term ''Opening Process'' with this proposal as explained below.

will be explained in more detail below. The Exchange also proposes to note that an order may be marked Do Not Route or ''DNR.'' This concept does not exist in the current introductory paragraph although it is discussed later in the proposed rule. The Exchange proposes to add the concept of DNR at the beginning of proposed Rule 1093 to make clear up-front that this option is available when selecting a routing strategy. The Exchange is rewriting this initial paragraph to introduce concepts which are contained throughout the rule text in this initial paragraph. The term ''Immediate or Cancel'' is being defined as ''IOC'' within this paragraph for ease of reference.

The Exchange is adding the following sentences to the introductory sentence for clarity, to define terms and introduce universal concepts, ''For purposes of this rule, the Phlx's best bid or offer or ''PBBO'' does not include All-or-None Orders [7] or stop orders [8] which have not been triggered and the ''internal PBBO'' shall refer to the actual better price of an order resting on Phlx's Order Book, which is not displayed, but available for execution, excluding All-or-None Orders.'' This is the case today, non-displayed order types are not reflected in the Exchange's disseminated PBBO, rather the actual Order Book or ''internal PBBO'' represents both displayed and non-displayed order types on the Order Book. The Exchange will utilize the terms ''PBBO'' and ''internal PBBO,'' as explained herein, throughout the rule.

Generally, the Exchange proposes, for purposes of this rule, to provide an explanation of the Route Timer and remove detail concerning the Route Timer throughout the rule to avoid repetitiveness.[9] The Exchange proposes to add in this introductory paragraph, ''For purposes of this rule, a Route Timer shall not exceed one second [10] and shall begin at the time orders are accepted into the System, and the System will consider whether an order can be routed at the conclusion of each Route Timer.'' The Exchange believes that this additional language will assist market participants in understanding the manner in which this term is used throughout this rule.[11] The Route Timer is currently set at 200 milliseconds, which the Exchange has determined is a reasonable time period to gather additional interest on the Exchange before routing away. The Route Timer is intended to attract additional liquidity, much like an auction. The Exchange would issue a notice if it were to change the timing of the Route Timer. If the Exchange were to select a time which exceeds 1 second it would be required file a rule proposal with the Commission.

Also, for purposes of this rule, ''exposure'' or ''exposing'' an order shall mean a ''notification sent to participants with the price, size, and side of interest that is available for execution.'' The Exchange also proposes to add the following language to the end of this paragraph, ''Exposure notifications will be sent to participants in accordance with the routing procedures described in Rule 1093(a)(iii) below except if an incoming order is joining an already established PBBO price when the ABBO is locked or crossed with the PBBO, in which case such order will join the established PBBO price and no exposure notification will be sent.'' Also the Exchange proposes to add ''An order exposure alert is sent if the order size is modified.'' [12] The Exchange is adding this language to make clear the manner in which exposure notifications are handled today and when the exposure alert is sent. Also, the proposal seeks to make clear that an exposure notification is not being sent in cases where the incoming order joins a previously displayed price when the ABBO is locked or crossed with the PBBO. Today, the Exchange executes any response at a price at or better than the ABBO on a first come, first served basis prior to routing the order to an away market in accordance with the rules currently in effect in Rule 1080(m). If a response is received which is executable against the full volume of the order, it may execute immediately. Since the order was filled, the Route Timer no longer exists because the order no longer exists. The Exchange noted in the rule change establishing order exposure that, ''Broadcasting the message to all market participants should promote broader awareness of, and provide increased opportunities for greater participation in, these executions and consequentially, facilitate the ability of the Exchange to bring together participants and encourage more robust competition for these orders. In addition, the proposal would continue to guarantee that orders will receive an execution that is at a price at least as good as the price disseminated by the best away market at the time the order was received.''[13] The Exchange believes that the exposure notification is not necessary in a case where an incoming order joins an already established PBBO price when the ABBO is locked or crossed with the PBBO. This is because other orders previously established the PBBO on Phlx's Order Book. The established PBBO price is a disseminated price which is available to market participants. A second exposure message would reflect the same price as

[7] An All-or None Order may only be submitted by a public customer. All-or-None Orders are non-displayed and non-routable. All-or-None Orders are executed in price-time priority among all public customer orders if the size contingency can be met. The Acceptable Trade Range protection in Rule 1099(a) is not applied to All-Or-None Orders. *See* Phlx Rule 1093.

[8] A stop order is a limit or market order to buy or sell at a limit price when a trade or quote on the Exchange for a particular option contract reaches a specified price. A stop-market or stop-limit order shall not be triggered by a trade that is reported late or out of sequence or by a complex order trading with another complex order.

[9] The Exchange proposes to remove the term ''not to exceed one second'' throughout the Rule to avoid repeating this timeframe which the Exchange proposes to identify at the beginning of Rule 1093.

[10] The Exchange notes that the Route Timer shall not exceed one second in this paragraph. The Exchange proposes to remove this text throughout the rule to avoid repetitiveness.

[11] Proposed new Rule 1093(a) would provide, ''Phlx offers two routing strategies, FIND and SRCH. Each of these routing strategies will be explained in more detail below. An order may in the alternative be marked Do Not Route or ''DNR''. The Exchange notes that for purposes of this rule the System will route FIND and SRCH Orders with no other contingencies. Immediate or Cancel (''IOC'') Orders will be cancelled immediately if not executed, and will not be routed. The System checks the Order Book for available contracts for potential execution against the FIND or SRCH orders. After the System checks the Order Book for available contracts, orders are sent to other available market centers for potential execution. When checking the Order Book, the System will seek to execute at the price at which it would send the order to an away market. For purposes of this rule, the Phlx's best bid or offer or ''PBBO'' does not include All-or-None Orders or stop orders which have not been triggered and the ''internal PBBO'' shall refer to the actual better price of an order resting on Phlx's Order Book, which is not displayed, but available for execution, excluding All-or-None Orders. For purposes of this rule, a Route Timer shall not exceed one second and shall begin at the time orders are accepted into the System, and the System will consider whether an order can be routed at the conclusion of each Route Timer. Finally, for purposes of this rule, ''exposure'' or ''exposing'' an order shall mean a notification sent to participants with the price, size, and side of interest that is available for execution. An order exposure alert is sent if the order size is modified. Exposure notifications will be sent to participants in accordance with the routing procedures described in Rule 1093(a)(iii) below except if an incoming order is joining an already established PBBO price when the ABBO is locked or crossed with the PBBO, in which case such order will join the established PBBO price and no exposure notification will be sent. For purposes of this rule Phlx's opening process is governed by Rule 1017 and includes an opening after a trading halt (''Opening Process''). For purposes of this rule, the term ''Public Customer'' means a person or entity that is not a broker or dealer in securities and is not a professional as defined within Rule 1000(b)(14).''

[12] Today, order exposures are sent if the order size is modified. The Exchange believes that adding this rule text will clarify the rule.

[13] *See* Securities and Exchange Release Act No. 68517 (December 21, 2012), 77 FR 77134 (December 31, 2012) (SR–Phlx–2012–136).

the disseminated PBBO price and would not offer market participants new information. This change would conform the rule text to the System's operation.

The Exchange proposes to introduce a defined term ''Opening Process.'' The term would be defined as the Phlx opening process governed by Phlx Rule 1017 and would include an opening after a trading halt. Finally, the Exchange proposes for purposes of this rule to define a Public Customer as a person or entity that is not a broker or dealer in securities and is not a professional as defined within Phlx Rule 1000(b)(14). The Exchange proposes to replace references to the term ''customer'' with ''Public Customer'' throughout the rule.

The following rule text exists in the current introductory paragraph to Rule 1080(m):

In situations where the Exchange's disseminated bid or offer is inferior to the NBBO price, the Phlx XL II system will contemporaneously route an order marked as an ISO to each away market disseminating prices better than the Exchange's price, for the lesser of: (a) The disseminated size of such away markets, or (b) the order size and, if order size remains after such routing, trade at the Exchange's disseminated bid or offer up to its disseminated size. If contracts still remain unexecuted after routing, they are posted on the book. Once on the book, should the order subsequently be locked or crossed by another market center, the Phlx XL II system will not route the order to the locking or crossing market center, except as specified below.

The Exchange proposes removing the above language because ISO orders are currently addressed within Phlx Rule 1083(h) and 1084(a). The Exchange makes references to ISO orders throughout proposed Rule 1093. The manner in which an ISO is handled is sufficiently noted in other rules.[14] The Exchange does not believe that this language is necessary. Similar to other order types, if contracts still remain unexecuted after routing, they are posted on the Order Book. Today, once on the Order Book, should the order subsequently be locked or crossed by another market center, the System will not route the order to the locking or crossing market center, except as specified within proposed Rule 1093.

The Exchange is not substantively amending the paragraph in new proposed Rule 1093(a)(i) which is currently at Rule 1080(m)(i). The Exchange is predominately maintaining the language with some slight changes in word choice that the Exchange believes makes the paragraph easier to read.[15]

Rule 1080(m)(ii) is being relocated without change to proposed new Rule 1093(a)(ii). The Exchange is not substantively amending the paragraph in new proposed Rule 1093(a)(ii)(A) which is currently at Rule 1080(m)(iii)(A).[16]

Rules 1080(m)(iii)(B)–(G) are being relocated without change to proposed new Rule 1093(a)(ii)(B)–(G), respectively.

DNR Orders

The Exchange proposes to relocate current Rule 1080(m)(iv)(A) to proposed new Rule 1093(a)(iii)(A) and amend the rule. Proposed Rule 1093(a)(iii) would provide, ''The following order types are available:'' Current Rule 1080(m)(iv)(A) states,

DNR Order. A DNR order will never be routed outside of Phlx regardless of the prices displayed by away markets. A DNR order may execute on the Exchange at a price equal to or better than, but not inferior to, the best away market price but, if that best away market remains, the DNR order will remain in the Phlx book and be displayed at a price one minimum price variation inferior to that away best bid/offer. The Exchange shall immediately upon receipt of the DNR order expose the order at the NBBO to Phlx XL II participants and other market participants. Any incoming order interacting with such a resting DNR order will receive the best away market price. Should the best away market change its price, or move to an inferior price level, the DNR order will automatically re-price from its one minimum price variation inferior to the original away best bid/offer price to one minimum trading increment away from the new away best bid/offer price or its original limit price, and expose such orders at the NBBO to Phlx XL II participants and other market participants only if the re-priced order locks or crosses the ABBO. Once priced at its original limit price, it will remain at that price until executed or cancelled. Should the best away market improve its price such that it locks or crosses the DNR order limit price, the Exchange will execute the resulting incoming order that is routed from the away market that locked or crossed the DNR order limit price.

The Exchange proposes to add a new sentence to proposed new Rule 1093(a)(iii)(A) that provides, ''If the DNR Order is locking or crossing the ABBO, the DNR Order shall be entered into the Order Book at the ABBO price and displayed one minimum price variation (''MPV'')[17] away from the ABBO.'' An order that the entering party has elected not to make eligible for routing will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) and displayed at one MPV above (for offers) or below (for bids) the national best price. The Exchange displays the DNR Order at one MPV away in compliance with Regulation NMS. An order will not be executed at a price that trades through another market or displayed at a price that would lock or cross another market. An order that is designated by a member as non-routable will be re-priced in order to comply with applicable Trade-Through and Locked and Crossed Markets restrictions.[18] This proposed new sentence will add greater transparency as to the manner in which the Exchange handles locked and cross orders today and re-prices those orders. The Exchange proposes to amend the current sentence which states, ''The Exchange shall immediately upon receipt of the DNR Order expose the order at the NBBO to Phlx XL II participants and other market participants'' to provide, ''The Exchange shall immediately expose the order at the ABBO to participants, provided the option series has opened for trading.'' The Exchange notes that inserting ''ABBO'' more clearly provides that the away market is considered because the local book has already been exhausted

[14] Phlx Rule 1080 at Commentary .03 provides, ''Intermarket Sweep Order'' or ''ISO'' is a limit order that is designated as an ISO in the manner prescribed by the Exchange and is executed within the system by Participants at multiple price levels without respect to Protected Quotations of other Eligible Exchanges as defined in Rule 1083. ISOs are immediately executable within the Phlx XL II system or cancelled, and shall not be eligible for routing as set out in Rule 1080. Simultaneously with the routing of an ISO to the Phlx XL II system, one or more additional limit orders, as necessary, are routed by the entering party to execute against the full displayed size of any Protected Bid or Offer (as defined in Rule 1083(n)) in the case of a limit order to sell or buy with a price that is superior to the limit price of the limit order identified as an ISO. These additional routed orders must be identified as ISOs. *See also* Phlx 1083 and 1084(a).

[15] Proposed new Rule 1093(a)(i) would provide, ''Priority of Routed Orders. Orders sent to other markets do not retain time priority with respect to other orders in the System and the System shall continue to execute other orders while routed orders are away at another market center. Once routed by the System, an order becomes subject to the rules and procedures of the destination market including, but not limited to, order cancellation. A routed order can be for less than the original incoming order's size. If a routed order is subsequently returned, in whole or in part, that routed order, or its remainder, shall receive a new time stamp reflecting the time of its return to the System, unless any portion of the original order remains on the System, in which case the routed order shall retain its timestamp and its priority.''

[16] Proposed new Rule 1093(a)(ii) would provide, ''Entering member organizations whose orders are routed to away markets shall be obligated to honor such trades that are executed on away markets to the same extent they would be obligated to honor a trade executed on the Exchange.''

[17] Any reference to minimum price variance in the rules will be replaced with ''MPV.''

[18] Also, an order that is designated by the member as routable will be routed in compliance with applicable Trade-Through and Locked and Crossed Markets restrictions.

in this scenario. The Exchange proposes to amend the next sentence which provides, ''Any incoming order interacting with such a resting DNR Order will receive the best away market price.'' The Exchange proposes to instead state, ''Any incoming order interacting with such a resting DNR Order will execute at the ABBO price, unless the ABBO is improved to a price which crosses the DNR's displayed price, in which case the incoming order will execute at the previous ABBO price.'' The Exchange is expanding this language because it is accounting for a scenario where an ABBO was disseminated after the crossing condition took place. This is a change to reflect the current practice and amend the rule text to conform to the manner in which the System is operating. While the ABBO can improve, when it crosses the DNR Order the updated ABBO cannot be utilized to execute the DNR Order. The Exchange is amending the sentence, ''Should the best away market change its price, or move to an inferior price level, the DNR order will automatically re-price from its one minimum price variation inferior to the original away best bid/offer price to one minimum trading increment away from the new away best bid/offer price or its original limit price, and expose such orders at the NBBO to Phlx XL II participants and other market participants only if the re-priced order locks or crosses the ABBO'' to ''Should the best away market change its price to an inferior price level, the DNR Order will automatically re-price from its one minimum price variation inferior to the original away best bid/offer price to one minimum trading increment away from the new away best bid/offer price or its original limit price, and expose such orders at the ABBO to participants only if the re-priced order locks or crosses the ABBO.'' The Exchange is rewording this sentence because the NBBO by definition includes the PBBO. However, if the DNR Order locks or crosses the PBBO, the DNR Order will immediately execute. Only if the DNR Order locks or crosses the ABBO will the DNR Order be exposed. This amendment reflects current practice.

The proposed rule text is intended to bring more clarity to the current rule regarding DNR Orders.[19] The Exchange believes that adding context around a DNR Order when that order is locked or crossed will provide more transparency to the current rule. The Exchange notes that consistent with FIND and SRCH Orders, a DNR Order that is locked or crossed will display one MPV away from the ABBO. The Exchange believes that the proposed language will benefit market participants because it provides greater information.

FIND Order

Current Rule 1080(m)(iv)(B) states,

FIND Order. A FIND order is an order that is routable upon receipt during open trading. Only a customer FIND order on the Phlx XL II book, whether it is received prior to the opening or it is a GTC FIND order from a prior day, may be routed as part of the Opening Process. Non-customer FIND orders are not eligible for routing during the Opening Process. Once the Opening Process is complete, any FIND order is either eligible to trade at the Phlx price or placed on the Phlx book either at its limit price or at a price that is one Minimum Price Variation (''MPV'') from the ABBO price if it would otherwise lock or cross the ABBO. Such FIND order will not be eligible for routing until the next time the option series is subject to a new Opening Process.

The Exchange proposes to relocate this paragraph to proposed new Rule 1093(a)(iii)(B) and amend this language to provide, ''A FIND Order is an order that is: (i) Routable at the conclusion of an Opening Process; and (ii) routable upon receipt during regular trading, after an option series is open.'' The Exchange believes that expanding the current language to add the reference to an Opening Process as well as intra-day is more inclusive and will add clarity to the rule text which follows this introductory paragraph. The remainder of new Rule 1093(a)(iii)(B) includes new rule text that is proposed to add context to the rule text which follows this paragraph. The Exchange proposes to state, ''FIND Orders submitted after an Opening Process initiate their own Route Timers and are routed in the order in which their Route Timers end.'' Specifically, each order begins a separate Route Timer, which cannot be early terminated. Each individual order's Route Timer must complete before the order can route to an away market. The Exchange believes that this language makes clear how the FIND Order is prioritized today for routing purposes, which is sequentially based on the Route Timer. Finally, the Exchange proposes to state in the introductory paragraph that the System handles marketable and non-marketable FIND Orders differently. Specifically, FIND Orders that are not marketable with ABBO upon receipt will be treated as DNR for the remainder of the trading day.[20]

The remainder of the introductory paragraph at current Rule 1080(m)(iv)(B) is proposed to be relocated within new Rule 1093(a)(iii)(B)(1). The Exchange adds the context, ''With respect to an Opening Process'' before the current text in Rule 1080(m)(iv)(B) starting at the second sentence. The Exchange is amending the next sentence to state ''at the conclusion of an Opening Process'' to further add context that this routing takes places during an Opening Process. The current rule text which states, ''Once the Opening Process is complete, any FIND order is either eligible to trade at the Phlx price or placed on the Phlx book either at its limit price or at a price that is one Minimum Price Variation (''MPV'') from the ABBO price if it would otherwise lock or cross the ABBO'' is being reworded. The Exchange proposes to state, ''At the end of an Opening Process, any FIND Order that is priced through the Opening Price,[21] pursuant to Phlx Rule 1017(a)(iii), will be cancelled, and any FIND Order that is at or inferior to the Opening Price will be executed pursuant to Rule 1017(k).''[22] This

[19] Proposed new Rule 1093(a)(iii)(A) would provide, ''DNR Order. A DNR Order will never be routed outside of Phlx regardless of the prices displayed by away markets. A DNR Order may execute on the Exchange at a price equal to or better than, but not inferior to, the best away market price but, if that best away market remains, the DNR Order will remain in the Phlx Order Book and be displayed at a price one MPV inferior to that away best bid/offer. If the DNR Order is locking or crossing the ABBO, the DNR Order shall be entered into the Order Book at the ABBO price and displayed one MPV away from the ABBO. The Exchange shall immediately expose the order at the ABBO to participants, provided the option series has opened for trading. Any incoming order interacting with such a resting DNR Order will execute at the ABBO price, unless the ABBO is improved to a price which crosses the DNR's displayed price, in which case the incoming order will execute at the previous ABBO price. Should the best away market change its price to an inferior price level, the DNR Order will automatically re-price from its one minimum price variation inferior to the original away best bid/offer price to one minimum trading increment away from the new away best bid/offer price or its original limit price, and expose such orders at the ABBO to participants only if the re-priced order locks or crosses the ABBO. Once priced at its original limit price, it will remain at that price until executed or cancelled. Should the best away market improve its price such that it locks or crosses the DNR Order limit price, the Exchange will execute the resulting incoming order that is routed from the away market that locked or crossed the DNR Order limit price.''

[20] The remainder of the trading day is intended to indicate that good-till-cancel and good-till-day orders remaining on the Order Book would be able to route the next trading day but not for the remainder of the current trading day. The tags would be retained on those orders.

[21] Opening Price is defined in Phlx Rule 1017(a)(iii).

[22] Proposed new Rule 1093(a)(iii)(B)(1) would provide, ''With respect to an Opening Process, only a Public Customer and professional FIND Order on the Order Book, whether it is received prior to the opening or it is a GTC FIND Order from a prior day, may be routed at the conclusion of an Opening Process. Non-Public Customer and non-professional FIND Orders are not eligible for routing at the conclusion of an Opening Process. At the end of an

proposed sentence describes which FIND Orders would be cancelled, which is currently not described in the rules, although it is the current practice. The sentence also references back to Rule 1017(k) for execution during an Opening Process. FIND Orders received after an Opening Process are subject to other portions of this rule such as proposed Rule 1093(a)(iii)(B)(3) and (4), which language is discussed below and was relocated from the current Rule 1080(m). Phlx Rule 1017(k) explains the various processes by which the Exchange will open an options series and route orders at the conclusion of an Opening Process. The language contained in Rule 1017(k) with respect to routing during an Opening Process is much more explicit than the broad language contained in Rule 1080(m). To avoid any confusion, the Exchange proposes to remove any language from Rule 1080(m), which explains the routing process during the opening, and simply refer to the governing rule. Proposed new Rule 1093(a)(iii)(B)(2) provides a further description of when FIND Orders would rest on the Order Book and the reason the order would rest.

The Exchange is adding a new paragraph that is not currently in Rule 1080(m) at proposed new Rule 1093(a)(iii)(B)(2). The new proposed rule text would read as follows:

With respect to an Opening Process, if during a route timer at the conclusion of an Opening Process pursuant to Rule 1017(k) markets move such that the FIND Order is executable against Exchange interest, the FIND Order will immediately execute. If during a route timer, ABBO markets move such that the FIND Order is no longer marketable against the ABBO nor marketable against the PBBO, the FIND Order will post at its limit price. If the FIND Order is locked or crossed by away quotes, it will route at the completion of the route timer. If the ABBO worsens but remains better than the PBBO, the FIND Order will reprice and be re-exposed at the new price(s) without interrupting the route timer.

The Exchange currently does not specify in Rule 1080(m) a circumstance, when, during an Opening Process route timer, markets move and the FIND Order becomes executable against resting interest on the Exchange's Order Book. The Exchange proposes to add this scenario as well as the outcome. Further, this new language addresses the circumstance when during the Opening Process route timer the ABBO moves such that the FIND Order is no longer marketable anywhere, then it would post to the book. Finally, a locked or crossed FIND Order would route at the completion of the route timer, however if the ABBO worsens but is better than the PBBO, the FIND order will reprice and be re-exposed at the new price(s) and the route timer would continue without interruption.[23] The Exchange rules currently does not address what happens during the route timer in these situations. The Exchange believes that adding this language to proposed new Rule 1093 will bring greater clarity to the Rulebook and provide market participants with additional information as to the manner in which a FIND Order will be handled during the route timer.

The Exchange is relocating the second paragraph within Rule 1080(m)(iv)(B) to proposed new Rule 1093(a)(iii)(B)(3).[24] The proposed new rule text reads as follows:

A FIND Order received after an Opening Process that is not marketable against the PBBO or the ABBO will be entered into the Order Book at its limit price. The FIND Order will be treated as DNR for the remainder of the trading day.

The Exchange is also relocating the third paragraph within Rule 1080(m)(iv)(B) to proposed new Rule 1093(a)(iii)(B)(4).[25] The proposed new rule text reads as follows:

A FIND Order received after an Opening Process that is marketable against the internal PBBO when the ABBO is inferior to the internal PBBO will be traded at the Exchange at or better than the PBBO price. If the FIND Order has size remaining after exhausting the PBBO, it may: (1) Trade at the next PBBO price (or prices) if the order price is locking or crossing that price (or prices) up to and including the ABBO price, (2) be entered into the Order Book at its limit price, or (3) if locking or crossing the ABBO, be entered into the Order Book at the ABBO price and displayed one MPV away from the ABBO. The FIND Order will be treated as DNR for the remainder of the trading day.

The Exchange is adding the newly defined term ''internal PBBO'' in place of PBBO to account for All-or-None Order treatment. The Exchange also notes, the internal PBBO will be traded at the Exchange *at or better* than the PBBO price because All-or-None Orders are non-displayed orders that are available for execution on the Order Book. The addition of this specificity will make clear that a market participant could receive a better execution because the all-or-none resting order is not displayed. The Exchange is amending the rule text which currently states, ''The FIND order will not be eligible for routing until the next time the option series is subject to a new Opening Process'' to ''The FIND Order will be treated as DNR for the remainder of the trading day.'' This language is being amended to conform to the current System practice. As noted in the introductory paragraph to FIND Orders, these orders that are not marketable with the ABBO upon receipt, rather these orders will be treated as DNR for the remainder of the trading day. FIND Orders that are marketable with ABBO at the time of receipt will not be eligible for routing until the next time the option series is subject to a new Opening Process. In this particular instance the order was marketable against the PBBO and therefore is marked DNR for the remainder of the trading day. The Exchange notes that because the FIND Order would not route, even if there was a reopening that it proposes to state that the FIND Order would be treated as DNR for the remainder of the trading day. The Exchange is making this adjustment to conform its rule text to its practice.

The Exchange is amending the fourth paragraph within Rule 1080(m)(iv)(B) and relocating it to proposed new Rule

Opening Process, any FIND Order that is priced through the Opening Price, pursuant to Phlx Rule 1017(a)(iii), will be cancelled, and any FIND Order that is at or inferior to the Opening Price will be executed pursuant to Rule 1017(k). Such FIND Order will not be eligible for routing until the next time the option series is subject to a new Opening Process.''

[23] Proposed new Rule 1093(a)(iii)(B)(2) would provide, ''With respect to an Opening Process, if during a route timer at the conclusion of an Opening Process pursuant to Rule 1017(k) markets move such that the FIND Order is executable against Exchange interest, the FIND Order will immediately execute. If during a route timer, ABBO markets move such that the FIND Order is no longer marketable against the ABBO nor marketable against the PBBO, the FIND Order will post at its limit price. If the FIND Order is locked or crossed by away quotes, it will route at the completion of the route timer. If the ABBO worsens but remains better than the PBBO, the FIND Order will reprice and be re-exposed at the new price(s) without interrupting the route timer.''

[24] The Exchange proposes to replace ''not eligible for routing'' with ''treated as a DNR'' for additional clarity. The current rule text reads as follows: A FIND order received during open trading that is not marketable against the PBBO or the ABBO will be entered into the Phlx XL II book at its limit price. The FIND order will not be eligible for routing until the next time the option series is subject to a new Opening Process.

[25] Currently, the rule text reads as follows: ''A FIND order received during open trading that is marketable against the PBBO when the ABBO is inferior to the PBBO will be traded at the Exchange at the PBBO price. If the FIND order has size remaining after exhausting the PBBO, it may: (1) Trade at the next PBBO price (or prices) if the order price is locking or crossing that price (or prices) up to and including the ABBO price, or (2) be entered into the Phlx XL II book at its limit price, or one MPV away from the ABBO if locking or crossing the ABBO. The FIND order will not be eligible for routing until the next time the option series is subject to a new Opening Process.''

1093(a)(iii)(B)(5).[26] Proposed new Rule 1093(a)(iii)(B)(5) would read as follows:

A FIND Order received after an Opening Process that is marketable against the internal PBBO when the ABBO is equal to the internal PBBO will be traded at the Exchange at the internal PBBO. If the FIND Order has size remaining after exhausting the PBBO, it will initiate a Route Timer, and expose the FIND Order at the ABBO to allow market participants an opportunity to interact with the remainder of the FIND Order. During the Route Timer, the FIND Order will be included in the PBBO at a price one MPV away from the ABBO. If, during the Route Timer, any new interest arrives opposite the FIND Order that is equal to or better than the ABBO price, the FIND Order will trade against such new interest at the ABBO price. If during the Route Timer, the ABBO moves and crosses the FIND Order, any new interest arrives opposite the FIND Order that is marketable against the FIND Order will trade at the FIND Order price.

The Exchange is adding the word ''internal'' before PBBO several times within this paragraph as well to account for All-or-None Orders resting on the Order Book. The word ''internal'' is meant to represent interest on the book, including non-displayed interest. The Route Timer was described in the current paragraph, as well as the descriptive language 'not to exceed one second.'' The Exchange proposes to remove the descriptive language here because it is repetitive. Thus, the Exchange is amending the following sentence, ''If the FIND order has size remaining after exhausting the PBBO, it will initiate a Route Timer, not to exceed one second, and expose the FIND order at the NBBO to allow market participants an opportunity to interact with the remainder of the FIND Order'' to provide ''If the FIND Order has size remaining after exhausting the PBBO, it will initiate a Route Timer, and expose the FIND Order at the *ABBO* to allow market participants an opportunity to interact with the remainder of the FIND Order.'' The Exchange notes that use of the term ABBO is a more accurate representation than NBBO because the local market has been exhausted and this portion of the rule is describing the FIND Order reacting to the ABBO. Finally, the Exchange proposes to add the following sentence to the end of this paragraph, ''If during the Route Timer, the ABBO moves and crosses the FIND Order, any new interest that arrives opposite the FIND Order that is marketable against the FIND Order will trade at the FIND Order price.'' This new sentence will address the specific situation where the ABBO crosses the FIND Order and the price at which the FIND Order would trade. This situation is not currently addressed in Rule 1080(m). If the away market price crosses the PBBO, the market is crossed and contra interest would execute at the price the order rested on the Order Book. If the away price locks the displayed price, the contra interest would execute at its displayed price in accordance with trade-through provisions. The price at which the order booked on Phlx is a valid execution price because of the crossed market condition present in this example. The Exchange notes that in this situation the away market crossed Phlx's displayed market price. The new language will provide market participants with greater transparency as to the manner in which the System will handle a FIND Order in that particular situation. The Exchange believes that this amendment brings more specificity to the current rule.

The Exchange is amending the fifth paragraph within Rule 1080(m)(iv)(B) and relocating it to proposed new Rule 1093(a)(iii)(B)(6). The current rule text reads as follows:

In the circumstances described in the preceding paragraph, what happens to a FIND order after the timer expires depends on the ABBO price at that time. If, at the end of the Route Timer, the ABBO is still at the same or a better price, the FIND order will route to the away market up to a size equal to the lesser of either (a) the away market's size or (b) the remaining size of the FIND order. If the FIND order still has remaining size after routing, it will be entered into the Phlx XL II book and posted at the same price at which it was routed. The FIND order will not be eligible for routing until the next time the option series is subject to a new Opening Process.

The Exchange is proposing to eliminate the first sentence, ''In the circumstances described in the preceding paragraph, what happens to a FIND order after the timer expires depends on the ABBO price at that time'' because this text is unnecessary and does not provide any new information. The Exchange is replacing the words, ''the ABBO is still at the same or better price'' with ''the FIND Order is still marketable with the ABBO'' in the second sentence of the current rule text because the Exchange believes that this phrase better defines the contingency for when the FIND Order will route. The Exchange is amending the penultimate sentence to provide that the FIND Order may still trade at a PBBO price within the Order Book or rest on the Order Book. The Exchange is accounting for the possibility that the FIND Order still has the possibility of executing or posting to the book. The Exchange is also clarifying that only if size remains will the FIND Order not be eligible for routing until the next time the option series is subject to a new Opening Process. The Exchange believes that this will provide additional context to this statement in light of the rest of the rule text in this paragraph. Finally, the Exchange proposes to add the following sentence for clarity, ''The remaining size of a non-Public Customer and non-professional FIND Order will be cancelled upon an intra-day trading halt.'' The current rule does not account for an intra-day trading halt. Public Customer and professional[27] orders are held by the System until trading resumes, at which point they are handled at their original limit price. At the conclusion of an Opening Process, the System will only route non-contingency Public Customer and professional orders.[28] The Exchange notes that it cancels all non-routable interest at the time of an intra-day trading halt. When the Exchange re-opens the market, an Opening Process pursuant to Rule 1017 will occur and at that time, only Public Customer and professional orders would be subject to routing. This language provides more transparency for market participants as to trading halt situations.[29]

[26] The current rule text provides, ''A FIND order received during open trading that is marketable against the PBBO when the ABBO is equal to the PBBO will be traded at the Exchange at the PBBO. If the FIND order has size remaining after exhausting the PBBO, it will initiate a Route Timer, not to exceed one second, and expose the FIND order at the NBBO to allow Phlx XL II participants and other market participants an opportunity to interact with the remainder of the FIND order. During the Route Timer, the FIND order will be included in the PBBO at a price one MPV away from the ABBO. If, during the Route Timer, any new interest arrives opposite the FIND order that is equal to or better than the ABBO price, the FIND order will trade against such new interest at the ABBO price.

[27] Professional is defined within Rule 1000(b)(14).

[28] See Phlx Rule 1017(k)(C)(6). The System will execute orders at the Opening Price that have contingencies (such as, without limitation, all-or-none) and non-routable orders, such as a ''Do Not Route'' or ''DNR'' Orders, to the extent possible.

[29] Proposed new Rule 1093(a)(iii)(B)(6) would provide, ''If, at the end of the Route Timer pursuant to subparagraph (5) above, the FIND Order is still marketable with the ABBO, the FIND Order will route to an away market up to a size equal to the lesser of either (1) an away market's size or (2) the remaining size of the FIND Order. If the FIND Order still has remaining size after routing, it will (i) trade at the next PBBO price or better, subject to the order's limit price, and, if contracts still remain unexecuted, the remaining size will be routed to away markets disseminating the same price as the PBBO, or (ii) be entered into the Order Book and posted either at its limit price or re-priced one MPV away if the order would otherwise lock or cross the ABBO. If size still remains, the FIND Order will not be eligible for routing until the next time the option series is subject to a new Opening Process. The remaining size of a non-Public Customer and non-professional FIND Order will be cancelled upon an intra-day trading halt.''

The Exchange proposes to provide an example for proposed Rule 1093(B)(6).

Example 1: Find Order received when (internal PBBO and ABBO equal)—Proposed Rule 1093(a)(iii)(B)(6)

MPV: Penny
Away BBO: 4.30 (100) × 4.40 (20)
PBBO: 4.10 × 4.60
Enter Public Customer FIND Order to sell 50 @ 4.40
PBBO (reprices) 4.10 × 4.40
ABBO (unchanged) 4.30 × 4.40
Enter Firm FIND Order to buy 100 @ 4.40

Conclusion:

The Find Order would execute 50 contracts against the Public Customer order immediately.

Subsequently, a Route Timer would initiate and the 50 remaining contracts from the FIND Order would be exposed @ 4.40 via an exposure notification over market data feeds and protocols.

At the conclusion of the Route Timer, the FIND Order would route 20 contracts to the away market BBO @ 4.40.

The remaining volume of the FIND Order would rest on the Order Books and display 30 contracts @ 4.40.

The Exchange is amending the sixth paragraph within Rule 1080(m)(iv)(B) and relocating it to proposed new Rule 1093(a)(iii)(B)(7). The rule text currently reads as follows:

A FIND order received during open trading that is marketable against the ABBO when the ABBO is better than the PBBO will initiate a Route Timer not to exceed one second, and expose the FIND order at the NBBO to allow Phlx XL II participants and other market participants an opportunity to interact with the FIND order. During the Route Timer, the FIND order will be included in the PBBO at a price one MPV away from the ABBO. If, during the Route Timer, any new interest arrives opposite the FIND order that is equal to or better than the ABBO price, the FIND order will trade against such new interest at the ABBO price.

The Exchange is adding the word ''internal'' before PBBO several times within this paragraph as well to account for All-or-None Orders resting on the Order Book, which are non-displayed. The word ''internal'' is meant to represent interest on the Order Book, including non-displayed interest. The Route Timer was described in the current paragraph, as well as the descriptive language ''not to exceed one second.'' The Exchange proposes to remove the descriptive language here as it is repetitive. The Exchange is replacing the ''NBBO'' with ''ABBO'' so that the first sentence of new Rule 1093(a)(iii)(B)(7) would read, ''A FIND Order received after an Opening Process that is marketable against the ABBO when the ABBO is better than the internal PBBO will initiate a Route Timer, and expose the FIND Order at the *ABBO* to allow participants and other market participants an opportunity to interact with the FIND Order.'' The Exchange believes that ABBO is a more accurate representation than NBBO because the local market has been exhausted. Finally, the Exchange is adding more clarifying language in the penultimate last sentence to provide, ''During the Route Timer, the FIND Order will be included in the PBBO at a price *that is the better of* one MPV away from the ABBO *or the PBBO.*'' [30] The addition of the proposed italicized new text accounts for the differences that may exist between the local and away markets. Market participants would receive the best price and this language more accurately reflects this distinction.[31]

The Exchange is amending the seventh paragraph within Rule 1080(m)(iv)(B) and relocating it to proposed new Rule 1093(a)(iii)(B)(8). The rule text currently reads as follows:

In the circumstances described in the preceding paragraph, what happens to a FIND order after the Route Timer expires depends on the ABBO price at that time. If, at the end of the Route Timer, the ABBO is still the best price, the FIND order will route to the away market(s) whose disseminated price is better than the PBBO, up to a size equal to the lesser of either: (a) The away markets' size, or (b) the remaining size of the FIND order. If the FIND order still has remaining size after such routing, it will (i) trade at the next PBBO price, subject to the order's limit price, and, if contracts still remain unexecuted, the remaining size will be routed to away markets disseminating the same price as the PBBO, or (ii) be entered into the Phlx XL II book and posted at its limit price. The Phlx XL II system will route and execute contracts contemporaneously at the end of the Route Timer. The FIND order will not be eligible for routing until the next time the option series is subject to a new Opening Process.

The Exchange is eliminating the first sentence because it proposes to add a cross-reference to the prior subparagraph (7) within the new rule text. The Exchange is adding the phrase ''and is marketable with the FIND Order'' in the second sentence to add more context to when the order will route. The Exchange proposes to state, ''If, at the end of the Route Timer pursuant to subparagraph (7) above, the ABBO is still the best price *and is marketable with the FIND Order,*[32] the order will route to the away market(s) whose disseminated price*(s)* is better than the PBBO, up to a size equal to the lesser of either: *(1)* The away markets' size, or *(2)* the remaining size of the FIND Order.'' The Exchange believes that the italicized new text better defines the contingency for when the FIND Order will route. Further, the Exchange proposes to amend the next sentence to provide, ''If the FIND Order still has remaining size after such routing, it will (i) trade at the PBBO price *or better,* subject to the order's limit price, and, if contracts still remain unexecuted, the remaining size will be routed to away markets disseminating the same price as the PBBO, or (ii) be entered into the Order Book and posted either at its limit price *or re-priced one MPV away if the order would otherwise lock or cross the ABBO.*'' The Exchange believes that adding ''or better'' makes this statement accurate because the price can be better than the local market. The Exchange is also amending the rule to note that the order will reprice one MPV away if it locks or crosses the ABBO. This is the case today and the addition of this language makes this sentence more accurate because it accounts for a scenario where the market locks or crosses the ABBO. The Exchange is deleting this sentence, ''The Phlx XL II system will route and execute contracts contemporaneously at the end of the Route Timer.'' This sentence is not accurate because the FIND Order may not route at the end of the Route Timer. The Exchange's System has operated as explained herein. The current rule text does not provide for the possibility that the FIND Order may not route at the end of the Route Timer. This language will provide an accurate description of the current System. The Exchange is also clarifying that only if size remains will the FIND Order not be eligible for routing until the next time the option series is subject to a new Opening Process. The Exchange believes that this will provide additional context to this statement in light of the rest of the rule text in this paragraph. Finally, the Exchange proposes to add the following sentence for clarity, ''The remaining size of a non-Public Customer and non-professional FIND Order will be cancelled upon an intra-day trading halt.'' The current rule does not account

[30] The italicized language represents proposed new rule text.

[31] Proposed new Rule 1093(a)(iii)(B)(7) would provide, ''A FIND Order received after an Opening Process that is marketable against the ABBO when the ABBO is better than the internal PBBO will initiate a Route Timer, and expose the FIND Order at the ABBO to allow participants and other market participants an opportunity to interact with the FIND Order. During the Route Timer, the FIND Order will be included in the PBBO at a price that is the better of one MPV away from the ABBO or the PBBO. If, during the Route Timer, any new interest arrives opposite the FIND Order that is equal to or better than the ABBO price, the FIND Order will trade against such new interest at the ABBO price.''

[32] The italicized language represents proposed new rule text.

for an intra-day trading halt. Public Customer and professional orders are held by the System until trading resumes, at which point they are handled at their original limit price. At the conclusion of an Opening Process, the System will only route non-contingency Public Customer and professional orders. The Exchange notes that it cancels all non-routable interest at the time of an intra-day trading halt. When the Exchange re-opens the market, an Opening Process pursuant to Rule 1017 will occur and at that time, only Public Customer and professional orders would be subject to routing. This language provides more transparency for market participants as to halt situations.[33]

Finally, the Exchange is amending the last paragraph within Rule 1080(m)(iv)(B) and relocating it to proposed new Rule 1093(a)(iii)(B)(9). The rule text currently reads, ''A FIND Order that is routed to an away market will be marked as an ISO.'' The Exchange proposes to amend this sentence to state, ''A FIND Order that is routed to an away market(s) will be marked as an Intermarket Sweep Order ''ISO'' and designed as an IOC order.'' The Exchange today marks these orders as IOC. Orders are routed as IOC so that they do not rest on the away market's order book. Unexecuted portions of the routed order would be returned to Phlx for further handling. Adding this detail provides greater transparency to the rules.

SRCH Order

The first paragraph current Rule 1080(m)(iv)(C) provides,

SRCH Order. A SRCH order is a customer order that is routable at any time. A SRCH order on the Phlx XL II book during the Opening Process (including a re-opening following a trading halt), whether it is received prior to the opening or it is a GTC SRCH order from a prior day, may be routed as part of the Opening Process. Once the Opening Process is complete, a SRCH order is eligible either to: (1) trade at the Phlx price if that price is equal to or better than the ABBO or, if the ABBO is better than the Phlx price, orders have been routed to better priced markets for their full size; or (2) be routed to better priced markets if the ABBO price is the best price, and/or (3) be placed on the Phlx XL II book at its limit price if not participating in the Phlx opening at the opening price and not locking or crossing the ABBO. Once on the book, the SRCH order is eligible for routing if it is locked or crossed by an away market (see below).

The Exchange proposes to amend and relocate the first two sentences of Rule 1080(m)(iv)(C) into paragraph Rule 1093(a)(iii)(C). The Exchange proposes to add new rule text to the end of proposed Rule 1093(a)(iii)(C) to provide, ''Orders initiate their own Route Timers and are routed in the order in which their Route Timers end.'' Specifically, each order begins a separate Route Timer, which cannot be early terminated. Each individual order's Route Timer must complete before the order can route to an away market. Additionally, a new Route Timer would commence at the conclusion of each Route Timer interval, provided the order is still available to trade. The Exchange believes that this language makes clear how the SRCH Order is prioritized today for routing purposes, which is sequentially based on the Route Timer.[34]

The Exchange also proposes to add new text into proposed Rule 1093(a)(iii)(C)(1) as follows,

At the end of an Opening Process, any SRCH Order that is priced through the Opening Price will be cancelled, and any SRCH Order that is at or inferior to the Opening Price will be executed pursuant to Rule 1017(k). If during a Route Timer, ABBO markets move such that the SRCH Order is no longer marketable against the ABBO nor marketable against the PBBO, the SRCH Order will book at its limit price. If the SRCH Order is locked or crossed by away quotes, it will route at the completion of the Route Timer. If the ABBO worsens but remains better than the PBBO, the SRCH Order will reprice and be re-exposed at the new price(s) without interrupting the Route Timer.

The Exchange is removing the third and fourth sentences of Rule 1080(m)(iv)(C) which currently describe the manner in which a SRCH Order would route at the end of an Opening Process and replace it with a reference to Phlx Rule 1017(k) as described in the new text that is being added to 1093(a)(iii)(C)(1). The Exchange believes that the addition of this new paragraph which references Phlx Rule 1017(k) applies to the manner in which a SRCH Order would route at the end of an Opening Process. The Exchange is updating the current rule text to make clear that routing is subject to Phlx Rule 1017. Phlx Rule 1017(k) explains the various processes by which the Exchange will open an options series and route orders at the conclusion of an Opening Process. The language contained in Rule 1017(k) with respect to routing during an Opening Process is much more explicit than the broad language currently contained in Rule 1080(m). To avoid any confusion, the Exchange proposes to remove any current language in Rule 1080(m), which explains the routing process during the opening, and simply refer to the governing rule. The Exchange also proposes various scenarios that may occur to a SRCH Order when the Route Timer is in effect. The Exchange proposes to add similar scenarios to the FIND Order rule. The Exchange believes the proposed rule text adds greater transparency to the manner in which Phlx routes by providing market participants with all possible outcomes during a Route Timer.

The Exchange proposes to relocate the following language within the second paragraph of current Rule 1080(m)(iv)(C) to Rule 1093(a)(iii)(C)(2) without any substantive changes. The new text would state that, ''A SRCH Order received after an Opening Process that is not marketable against the PBBO or the ABBO will be entered into the Order Book. Once on the Order Book, the SRCH Order is eligible for routing if it is locked or crossed by an away market.''[35]

The Exchange proposes to relocate the following language within the third paragraph of Rule 1080(m)(iv)(C) to Rule 1093(a)(iii)(C)(3) without any substantive changes. The current rule text reads as follows:

A SRCH order received during open trading that is marketable against the PBBO when the ABBO is inferior to the PBBO will be traded at the Exchange at the PBBO price. If the SRCH order has size remaining after exhausting the PBBO, it may: (1) Trade at the

[33] Proposed new Rule 1093(a)(iii)(B)(8) would provide, ''If, at the end of the Route Timer pursuant to subparagraph (7) above, the ABBO is still the best price and is marketable with the FIND Order, the order will route to the away market(s) whose disseminated price(s) is better than the PBBO, up to a size equal to the lesser of either: (1) The away markets' size, or (2) the remaining size of the FIND Order. If the FIND Order still has remaining size after such routing, it will (i) trade at the PBBO price or better, subject to the order's limit price, and, if contracts still remain unexecuted, the remaining size will be routed to away markets disseminating the same price as the PBBO, or (ii) be entered into the Order Book and posted either at its limit price or re-priced one MPV away if the order would otherwise lock or cross the ABBO. If size remains, the FIND Order will not be eligible for routing until the next time the option series is subject to a new Opening Process. The remaining size of a non-Public Customer and non-professional FIND Order will be cancelled upon an intra-day trading halt.''

[34] Proposed new Rule 1093(a)(iii)(C) would provide, ''*SRCH Order.* A SRCH Order is a Public Customer order that is routable at any time. A SRCH Order on the Order Book during an Opening Process (including a re-opening following a trading halt), whether it is received prior to an Opening Process or it is a GTC SRCH Order from a prior day, may be routed as part of an Opening Process. Orders initiate their own Route Timers and are routed in the order in which their Route Timers end.''

[35] Proposed new Rule 1093(a)(iii)(C)(2) would provide, ''A SRCH Order received after an Opening Process that is not marketable against the PBBO or the ABBO will be entered into the Order Book. Once on the Order Book, the SRCH Order is eligible for routing if it is locked or crossed by an away market.''

next PBBO price (or prices) if the order price is locking or crossing that price (or prices) up to and including the price equal to the ABBO price, and/or (2) be routed, subject to a Route Timer not to exceed one second, to away markets if all Phlx interest at better or equal prices has been exhausted, and/or (3) be entered into the Phlx XL II book at its limit price if not locking or crossing the Phlx price or the ABBO. Once on the book, the SRCH order is eligible for routing if it is locked or crossed by an away market.

The Exchange is adding the phrase ''at or better than the PBBO price'' to account for All-or-None Orders that are non-displayed. The Exchange is also removing the reference to ''not to exceed one second'' for the same reasons described in the discussion regarding the proposed changes to Rule 1080(m)(iv)(B).[36] Finally, the Exchange is replacing the reference to ''Phlx price'' with ''PBBO,'' and also adding a phrase to make clear that it would also include All-or-None Orders that can be satisfied. All-or-none orders are non-displayed orders and therefore not included in the PBBO. For purposes of the execution price, an All-or-None Order that can be satisfied may be accessed and a better price could be obtained.

The Exchange proposes to relocate the fourth paragraph of current Rule 1080(m)(iv)(C) to Rule 1093(a)(iii)(C)(4) without any substantive changes. The current rule text reads as follows:

A SRCH order received during open trading that is marketable against the PBBO when the ABBO is equal to the PBBO will be traded at the Exchange at the PBBO. If the SRCH order has size remaining after exhausting the PBBO, it will initiate a Route Timer not to exceed one second, and expose the SRCH order at the NBBO to allow Phlx XL II participants and other market participants an opportunity to interact with the SRCH order. During the timer, the SRCH order will be included in the PBBO at a price one MPV away from the ABBO. If, during the Route Timer, any new interest arrives opposite the SRCH order that is equal to or better than the ABBO price, the SRCH order will trade against such new interest at the ABBO price.

The Exchange is adding the term ''internal PBBO'' in two places in the first sentence to account for All-or-None Orders that are non-displayed. The Exchange is replacing ''NBBO'' with ''ABBO'' where only the away market is considered because the local market is exhausted. The Exchange is also removing the reference to ''not to exceed one second'' for the same reasons described in the discussion regarding the proposed changes to Rule 1080(m)(iv)(B). Finally, the Exchange proposes to add the following sentence to the end of this paragraph, ''If during the Route Timer, the ABBO moves and crosses the SRCH Order, any new interest that arrives opposite the SRCH Order that is marketable against the SRCH Order will trade at the SRCH Order price.'' This new sentence will address the specific situation where the ABBO cross a SRCH Order and the price at which the SRCH Order would trade. In this situation, the away market has crossed Phlx's PBBO. The contra interest would therefore execute at the SRCH Order price. This situation is not currently addressed within Rule 1080(m). The new language will provide market participants with greater transparency as to the manner in which the System currently handles a SRCH Order in that particular situation.[37]

The Exchange proposes to relocate the following language within the fifth paragraph of current Rule 1080(m)(iv)(C) to Rule 1093(a)(iii)(C)(5). The current rule text reads as follows:

In the circumstances described in the preceding paragraph, what happens to a SRCH order after the Route Timer expires depends on the ABBO price at that time. If, at the end of the Route Timer, the ABBO is still the best price, the SRCH order will route to the away market(s) whose disseminated price is better than the PBBO, up to a size equal to the lesser of either: (a) The away markets' size, or (b) the remaining size of the SRCH order. If the SRCH order still has remaining size after such routing, it may (1) trade at the next PBBO price (or prices) if the order price is locking or crossing that price (or prices) up to the ABBO price, and/or (2) be entered into the Phlx XL II book at its limit price if not locking or crossing the Phlx price or the ABBO. The Phlx XL II system will route and execute contracts contemporaneously at the end of the Route Timer. Once on the book, the SRCH order is eligible for routing if it is locked or crossed by an away market.

The Exchange proposes to eliminate the first sentence, ''In the circumstances described in the preceding paragraph, what happens to a SRCH order after the Route Timer expires depends on the ABBO price at that time'' because it is unnecessary and does not provide any new information. The Exchange proposes new text within Rule 1093(a)(iii)(C)(5) to explain the various scenarios that may occur both during the Route Timer and also once the Route Timer ends. The second sentence of the current rule text provides, ''If, at the end of the Route Timer, the ABBO is still the best price, the SRCH order will route to the away market(s) whose disseminated price is better than the PBBO, up to a size equal to the lesser of either: (a) the away markets' size, or (b) the remaining size of the SRCH order.'' The Exchange proposes to reword this sentence to provide ''If, at the end of the Route Timer pursuant to subparagraph (4) above, the SRCH Order is still marketable with the ABBO, the SRCH Order will route up to a size equal to the lesser of either: (1) the away markets' size, or (2) the remaining size of the SRCH Order.'' The Exchange is adding the phrase ''the SRCH Order is marketable with the ABBO'' in place of ''the ABBO is still the best price'' to add the specific contingency as to when the order will route. The Exchange is removing the wording ''to the away market(s) whose disseminated price is better than the PBBO'' because this language is not necessary. The rule text does not add any new information. Routing would occur because the order cannot be satisfied on Phlx. Next the Exchange is adding language to account for a scenario where the SRCH Order is locked or crossed by away quotes, in which case it would route at the completion of the Route Timer. Also, the Exchange is adding the situation where the ABBO worsens but is better than the PBBO, in which case the SRCH Order will reprice and be re-exposed at the new price(s) without interrupting the Route Timer. The Exchange believes that this additional language will provide more transparency as to all the possibilities with respect to routing the

[36] Proposed new Rule 1093(a)(iii)(C)(3) would provide, ''A SRCH Order received after an Opening Process that is marketable against the PBBO when the ABBO is inferior to the PBBO will be traded at the Exchange at or better than the PBBO price. If the SRCH Order has size remaining after exhausting the PBBO, it may: (1) Trade at the next PBBO price (or prices) if the order price is locking or crossing that price (or prices) up to and including the price equal to the ABBO price, and/or (2) be routed, subject to a Route Timer, to away markets if all Phlx interest at better or equal prices has been exhausted, and/or (3) be entered into the Order Book at its limit price if not locking or crossing the PBBO, including All-or-None Orders which can be satisfied, or the ABBO. Once on the Order Book, the SRCH Order is eligible for routing if it is locked or crossed by an away market.''

[37] Proposed new Rule 1093(a)(iii)(C)(4) would provide, ''A SRCH Order received after an Opening Process that is marketable against the PBBO when the ABBO is equal to the internal PBBO will be traded at the Exchange at the internal PBBO price. If the SRCH Order has size remaining after exhausting the PBBO, it will initiate a Route Timer and expose the SRCH Order at the ABBO to allow participants and other market participants an opportunity to interact with the SRCH Order. During the timer, the SRCH Order will be included in the PBBO at a price one MPV away from the ABBO. If, during the Route Timer, any new interest arrives opposite the SRCH Order that is equal to or better than the ABBO price, the SRCH Order will trade against such new interest at the ABBO price. If during the Route Timer, the ABBO moves and crosses the SRCH Order, any new interest arrives opposite the SRCH Order that is marketable against the SRCH Order will trade at the SRCH Order price.''

SRCH Order once the Route Timer expires.[38]

The Exchange proposes to relocate the following language within the sixth paragraph of current Rule 1080(m)(iv)(C) to Rule 1093(a)(iii)(C)(6). The current rule text reads as follows:

A SRCH order received during open trading that is marketable against the ABBO when the ABBO is better than the PBBO will initiate a Route Timer not to exceed one second, and expose the SRCH order at the NBBO to allow Phlx XL II participants and other market participants an opportunity to interact with the remainder of the SRCH order. During the Route Timer, the SRCH order will be included in the PBBO at a price one MPV inferior to the ABBO. If, during the Route Timer, any new interest arrives opposite the SRCH order that is equal to or better than the ABBO price, the SRCH order will trade against such new interest at the ABBO price.

The Exchange is removing the ''not to exceed one second'' language in the first sentence consistent with other amendments described herein. The Exchange is also replacing ''NBBO'' with ''ABBO'' where only the away market is being considered because the local market has been exhausted. The words ''with the remainder of'' are being removed from the end of the first sentence because these words are superfluous. Finally the Exchange is adding additional language, which is italicized, to the second sentence to provide, ''During the Route Timer, the SRCH Order will be included in the PBBO at a price that *is the better of* one MPV inferior to the ABBO *or at the PBBO,*'' to account for All-or-None Orders which may rest on the Order Book as non-displayed orders.[39]

The Exchange proposes to relocate the following language within the seventh paragraph of current Rule 1080(m)(iv)(C) to Rule 1093(a)(iii)(C)(7) without substantive rule changes. The current rule text reads as follows:

In the circumstances described in the preceding paragraph, what happens to a SRCH order after the Route Timer expires depends on the ABBO price at that time. If, at the end of the Route Timer, the ABBO is still the best price, the SRCH order will route to the away market(s) whose disseminated price is better than the PBBO, up to a size equal to the lesser of either: (a) The away markets' size, or (b) the remaining size of the SRCH order. If the SRCH order still has remaining size after such routing, it may: (1) Trade at the next PBBO price (or prices) if the order price is locking or crossing that price (or prices) up to the ABBO price, and/or (2) be entered into the Phlx XL II book at its limit price if not locking or crossing the Phlx price or the ABBO. Once on the book, the SRCH order is eligible for routing if it is locked or crossed by an away market.

The Exchange is rewording the second sentence to replace ''If, at the end of the Route Timer, the ABBO is still the best price, the SRCH order will route to the away market(s)'' with ''If, at the end of the Route Timer pursuant to subparagraph (6) above, the ABBO is still the best price and is marketable with the SRCH Order, the order will route to the away market(s)'' because the language will conform to similar language in this rule. The Exchange believes that this proposed rule text does not change the meaning of the sentence, rather it rewords the sentence for clarity. The proposed replacement language adds more clarity to the rule text.[40]

The Exchange proposes to relocate the following language within the eighth paragraph of current Rule 1080(m)(iv)(C) to Rule 1093(a)(iii)(C)(8). The current rule text reads as follows:

A SRCH order on the Phlx XL II book may be routed to an away market if it is locked or crossed by an away market. If an ABBO locks or crosses the PBBO which includes a SRCH order, the Phlx XL II system will initiate a Route Timer not to exceed one second in order to allow Phlx users an opportunity to interact with the SRCH order. During the Route Timer, the SRCH order remains in the PBBO at its posted price. If, during the Route Timer, any new interest arrives opposite the SRCH order that is equal to or better than the ABBO price, the SRCH order will trade against such new interest at its ABBO price.

The Exchange proposes to amend the remainder of the paragraph to read as follows, ''If an ABBO locks or crosses the SRCH Order during a new Route Timer, which would subsequently initiate at the conclusion of any Route Timer if interest remains, the SRCH Order may route to the away market at the ABBO at the conclusion of such Route Timer. If, during such Route Timer, any new interest arrives opposite the SRCH Order that is equal to or better than the ABBO price, the SRCH Order will trade against such new interest at its SRCH Order price.''[41] The Exchange notes in this new rule text that a Route Timer would subsequently initiate at the conclusion of another Route Timer provided interest remains. The Exchange notes that with a SRCH Order a Route Timer would initiate at the conclusion of a Route Timer in each case. This paragraph is intended to convey the repeated process of routing which takes place with SRCH Orders when a Route Timer ends. The second and third sentence of the current rule text are being removed because they are unnecessary and do not provide any new information; the prior paragraph provides the context necessary to obtain this information. The Exchange is instead noting that where the market is locked or crossed the SRCH Order may route at the ABBO when the Route Timer concludes. This information provides market participant with greater transparency. The Exchange is amending the final sentence to replace ''ABBO price'' with ''SRCH Order Price''

[38] Proposed new Rule 1093(a)(iii)(C)(5) would provide, ''If, at the end of the Route Timer pursuant to subparagraph (4) above, the SRCH Order is still marketable with the ABBO, the SRCH Order will route up to a size equal to the lesser of either: (1) The away markets' size, or (2) the remaining size of the SRCH Order. If the SRCH Order is locked or crossed by away quotes, it will route at the completion of the Route Timer. If the ABBO worsens but remains better than the PBBO, the SRCH Order will reprice and be re-exposed at the new price(s) without interrupting the Route Timer. If the SRCH Order still has remaining size after such routing, it may: (1) Trade at the next PBBO price (or prices) if the order price is locking or crossing that price (or prices) up to the ABBO price, and/or (2) be entered into the book at its limit price if not locking or crossing the PBBO, including All-or-None Orders which can be satisfied, or the ABBO. The System will route and execute contracts contemporaneously at the end of the Route Timer. Once on the book, the SRCH Order is eligible for routing if it is locked or crossed by an away market.''

[39] Proposed new Rule 1093(a)(iii)(C)(6) would provide, ''A SRCH Order received after an Opening Process that is marketable against the ABBO when the ABBO is better than the PBBO will initiate a Route Timer, and expose the SRCH Order at the ABBO to allow participants and other market participants an opportunity to interact with the SRCH Order. During the Route Timer, the SRCH Order will be included in the PBBO at a price that is the better of one MPV inferior to the ABBO or at the PBBO. If, during the Route Timer, any new interest arrives opposite the SRCH Order that is equal to or better than the ABBO price, the SRCH Order will trade against such new interest at the ABBO price.''

[40] Proposed new Rule 1093(a)(iii)(C)(7) would provide, ''If, at the end of the Route Timer pursuant to subparagraph (6) above, the ABBO is still the best price and is marketable with the SRCH Order, the order will route to the away market(s) whose disseminated price is better than the PBBO, up to a size equal to the lesser of either: (1) The away markets' size, or (2) the remaining size of the SRCH Order. If the SRCH Order still has remaining size after such routing, it may: (1) Trade at the next PBBO price (or prices) if the order price is locking or crossing that price (or prices) up to the ABBO price, and/or (2) be entered into the Order Book at its limit price if not locking or crossing the PBBO including All-or-None Orders which can be satisfied or the ABBO. Once on the Order Book, the SRCH Order is eligible for routing if it is locked or crossed by an away market.''

[41] Proposed new Rule 1093(a)(iii)(C)(8) would provide, ''A SRCH Order on the Order Book may be routed to an away market if it is locked or crossed by an away market. If an ABBO locks or crosses the SRCH Order during a new Route Timer, which would subsequently initiate at the conclusion of any Route Timer if interest remains, the SRCH Order may route to the away market at the ABBO at the conclusion of such Route Timer. If, during such Route Timer, any new interest arrives opposite the SRCH Order that is equal to or better than the ABBO price, the SRCH Order will trade against such new interest at its SRCH Order price.''

to properly reflect the price at which the order will be executed.

The Exchange proposes to relocate the following language within the ninth paragraph of current Rule 1080(m)(iv)(C) to Rule 1093(a)(iii)(C)(9).[42] The paragraph currently reads as follows:

> In the circumstances described in the preceding paragraph, what happens to a SRCH order after the Route Timer expires depends on the ABBO price at that time. If, at the end of the Route Timer, the ABBO is still the best price, the SRCH order will route to the away market(s) up to a size equal to the lesser of either: (a) The away markets' size, or (b) the remaining size of the SRCH order. If the SRCH order still has remaining size, that size will remain on the book.

The Exchange proposes to amend the last sentence which provides, ''If the SRCH order still has remaining size, that size will remain on the book.'' The Exchange proposes to state, ''If the SRCH Order still has remaining size after such routing, it may: (i) Trade at the next PBBO price (or prices) if the order price is locking or crossing that price (or prices) up to the ABBO price, and/or (ii) be entered into the Order Book at its limit price if not locking or crossing the PBBO, including All-or-None Orders which can be satisfied, or the ABBO.'' The Exchange notes with this proposed language that the SRCH Order may still trade at a PBBO price within the Order Book or rest on the Order Book. The Exchange is accounting for the possibility that the SRCH Order still has the possibility of executing or posting to the book. This proposed rule text conforms with proposed rule text within the FIND Order portion of the proposed rule. This new language represents current handling.

The Exchange proposes to relocate the following language within the last paragraph of current Rule 1080(m)(iv)(C) to Rule 1093(a)(iii)(C)(10). The current rule text reads as follows: ''A SRCH Order that is routed to an away market will be marked as an ISO.'' The Exchange proposes to amend this rule text to provide, ''A SRCH Order that is routed to an away market(s) will be marked as an ISO and designated as an IOC order.'' The Exchange today marks these orders as IOC. Orders are routed as IOC so that they do not rest on the away market's order book. Unexecuted portions of the routed order would be returned to Phlx for further handling. Adding this detail provides greater transparency to the proposed rule.

Rule 1091

The Exchange proposes to relocate the rule text currently contained in Rule 1080(m)(v) to proposed new Rule 1091 and title that rule ''Cancellation of Orders and Error Account.'' The Exchange proposes to re-letter and renumber the rule, however, no other changes are proposed except to amend internal cross-references to the proposed re-lettering and renumbering.

Rule 1080

The Exchange proposes to update cross-references to Rule 1080(m) within this rule.

Rule 1047

The Exchange proposes to amend Rule 1047 to make clear the manner in which interest is handled during a Trading Halt on Phlx. The Exchange proposes an affirmative statement that during a trading halt, existing quotes are cancelled. This language is not being amended, rather the sentence was confusing and the text is being broken into two sentence. Also, the Exchange proposes to address auctions by making clear that auction orders and auction responses as well as Crossing Orders which can be entered into an auction mechanism will be rejected. The Exchange believes that this information will bring greater clarity to the trading halt rule.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[43] in general, and furthers the objectives of Section 6(b)(5) of the Act,[44] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest because the Exchange is adding more detail to its routing rule to provide market participants with greater transparency. The Exchange believes the added scenarios will provide more context to routing in general and for the specific routing strategies for the benefit of investors and the public interest. Also, in defining terms and utilizing consistent language throughout the rule, the Exchange believes proposed Rule 1093 will be more transparent with respect to the manner in which Phlx routes orders. The Exchange continues to offer various choices to its market participants with respect to routing.

Rule 1093

The Exchange's proposal to utilize the term ''System'' will conform this rule to other Phlx rules which utilize that term. Explaining the Route Timer at the beginning with detail will provide context to use of the term throughout the rule and avoid repetitiveness. Replacing the term ''NBBO'' with the term ''ABBO'' where appropriate is consistent with the Act because the term ''ABBO'' refers to the away market and not the local market, which is a more accurate term in situation where the local market has been exhausted. Defining minimum price variation, Opening Process and Public Customer will bring greater transparency to proposed Rule 1093. The use of defined terms will add greater transparency to the Exchange's rule.

The Exchange believes that it is consistent with the Act to remove any language from Rule 1080(m), which explains the routing process during an Opening Process, and simply refer to the governing rule as it will avoid confusion for market participants. Also, the Exchange is proposing rule text within proposed Rule 1093 to describe more specifically when routing takes places with respect to an Opening Process.

The Exchange's proposal to add the concept of DNR at the beginning of the rule to make clear up-front that this option is available when selecting a routing strategy is a structural non-substantive change intended to bring greater clarity to the rule.

The addition of proposed text rule text defining the Phlx's best bid or offer or ''PBBO'' and the ''internal PBBO'' is intended to add greater transparency to proposed Rule 1093. The Exchange proposes to more clearly define the terms ''PBBO'' and ''internal PBBO'' to make clear that certain non-displayed order types are not reflected in the Exchange's disseminated PBBO, rather the actual Order Book or ''internal PBBO'' represents both displayed and non-displayed order types on the Order Book. The Exchange believes that it is consistent with the Act and the protection of investors to utilize these two different terms, ''PBBO'' and ''internal PBBO,'' to more specifically refer to the Order Book.

The Exchange proposes to more specifically explain within the rule text what is meant by ''exposure'' or ''exposing'' an order. The Exchange proposes to make clear that exposure shall mean a ''notification sent to

[42] Proposed new Rule 1093(a)(iii)(C)(9) would provide, ''If, at the end of the Route Timer pursuant to subparagraph (8) above, the ABBO is still the best price, the SRCH Order will route to the away market(s) up to a size equal to the lesser of either: (1) The away markets' size, or (2) the remaining size of the SRCH Order. If the SRCH Order still has remaining size after such routing, it may: (i) Trade at the next PBBO price (or prices) if the order price is locking or crossing that price (or prices) up to the ABBO price, and/or (ii) be entered into the Order Book at its limit price if not locking or crossing the PBBO, including All-or-None Orders which can be satisfied, or the ABBO.''

[43] 15 U.S.C. 78f(b).

[44] 15 U.S.C. 78f(b)(5).

participants with the price, size, and side of interest that is available for execution.'' The Exchange believes that this additional language in consistent with the Act because it will assist market participants in understanding the manner in which these terms are used throughout this rule. In addition, the Exchange's proposal to add the following rule text ''An order exposure alert is sent if the order size is modified.'' [45] The addition of this rule text is consistent with the Act because it will make clear the manner in which exposure notifications are handled today and when the exposure alert is sent.

The Exchange's proposal to add the following language, ''Exposure notifications will be sent to participants in accordance with the routing procedures described in Rule 1093(a)(iii) below except if an incoming order is joining an already established PBBO price when the ABBO is locked or crossed with the PBBO, in which case such order will join the established PBBO price and no exposure notification will be sent'' is consistent with the Act because it will assist market participants in understanding the manner in which these terms are used throughout this rule. The Exchange's proposal to not disseminate an exposure notification to participants if an incoming order is joining an already established PBBO price when the ABBO is locked or crossed with the PBBO is consistent with the Act because in this case, such order will join the established PBBO price, which is already disseminated. This proposed change would conform the rule to the System operation. The Exchange believes that exposing an order which reflects a disseminated price could cause confusion rather than inform investors and the general public of the availability of an order. Today, the Exchange executes responses at a price at or better than the ABBO on a first come, first served basis prior to routing the order to an away market in accordance with the rules currently in effect in Rule 1080(m). If a response is received which is executable against the full volume of the order, it may execute immediately. Since the order was filled, the Route Timer no longer exists because the order no longer exists. The Exchange noted in the rule change establishing order exposure that, ''Broadcasting the message to all market participants should promote broader awareness of, and provide increased opportunities for greater participation in, these executions and consequentially, facilitate the ability of the Exchange to bring together participants and encourage more robust competition for these orders. In addition, the proposal would continue to guarantee that orders will receive an execution that is at a price at least as good as the price disseminated by the best away market at the time the order was received.'' [46] The Exchange believes that this notification is not necessary in the case of an incoming order that joins an already established PBBO price when the ABBO is locked or crossed with the PBBO as other orders previously established the PBBO on the Order Book. The established PBBO price is a disseminated price which is available to market participants. A second notification with the exposure message would reflect the same price as the disseminated PBBO price and would not offer market participants new information.

The Exchange's proposal to remove certain rule text concerning ISO orders throughout the new rule is consistent with the Act because other Phlx rules address the manner in which an ISO is handled.[47] Also, the text which refers to unexecuted contracts is similar to other order types. Today, if contracts still remain unexecuted after routing, they are posted on the Order Book, should the order subsequently be locked or crossed by another market center, the System will not route the order to the locking or crossing market center, except as specified within Rule 1080(m). This behavior is not specific to ISO Orders.

The remainder of the rule changes in the introduction are non-substantive rule changes that simply seek to reorganize and add transparency to the current rule text.

DNR Orders

The Exchange's proposal to add a new sentence to proposed new Rule 1093(a)(iii)(A) that provides, ''If the DNR Order is locking or crossing the ABBO, the DNR Order shall be entered into the Order Book at the ABBO price and displayed one MPV away from the ABBO'' is consistent with the Act because this behavior is compliant with Regulation NMS. An order will not be executed at a price that trades through another market or displayed at a price that would lock or cross another market. An order that is designated by a member as non-routable will be re-priced in order to comply with applicable Trade-Through and Locked and Crossed Markets restrictions.[48] The Exchange's proposal to account for a scenario where an ABBO was disseminated after the crossing condition took place is consistent with the Act because an updated ABBO that crosses the DNR Order cannot be utilized to execute the DNR Order. The Exchange believes that adding context around a DNR Order when that order is locked or crossed will provide more transparency to the rule. The Exchange notes that consistent with FIND and SRCH Orders, a DNR Order that is locked or crossed will display one MPV away from the ABBO. The Exchange believes that the proposed language will benefit market participants because it provides greater information.

FIND and SRCH Orders

The Exchange's proposal to expand the current language within FIND and SRCH Orders to add a reference to an Opening Process as well as an intra-day re-opening is more inclusive and will add clarity to the rule text which follows this introductory paragraph.[49] Also, making clear that each order begins a separate Route Timer, which cannot be early terminated and the individual order's Route Timer must complete before the order can route to an away market is consistent with the Act because the Exchange is allowing the entire time on the Route Timer to obtain the best price for the order. Finally, in order to maintain priority within the System, FIND and SRCH Orders are prioritized today for routing purposes. The priority is sequentially based on the Route Timer. This proposed new language is consistent with the Act because it will make clear

[45] Today, order exposures are sent if the order size is modified. The Exchange believes that adding this rule text will clarify the rule.

[46] *See* Securities and Exchange Release Act No. 68517 (December 21, 2012), 77 FR 77134 (December 31, 2012) (SR–Phlx–2012–136).

[47] Phlx Rule 1080 at Commentary .03 provides, ''Intermarket Sweep Order'' or ''ISO'' is a limit order that is designated as an ISO in the manner prescribed by the Exchange and is executed within the system by Participants at multiple price levels without respect to Protected Quotations of other Eligible Exchanges as defined in Rule 1083. ISOs are immediately executable within the Phlx XL II system or cancelled, and shall not be eligible for routing as set out in Rule 1080. Simultaneously with the routing of an ISO to the Phlx XL II system, one or more additional limit orders, as necessary, are routed by the entering party to execute against the full displayed size of any Protected Bid or Offer (as defined in Rule 1083(n)) in the case of a limit order to sell or buy with a price that is superior to the limit price of the limit order identified as an ISO. These additional routed orders must be identified as ISOs. *See also* Phlx 1084 and 1086 also discuss ISO orders.

[48] Also, an order that is designated by the member as routable will be routed in compliance with applicable Trade-Through and Locked and Crossed Markets restrictions.

[49] *See* proposed rule text at Rule 1093(a)(iii)(B) and (C).

the manner in which the Route Timer operates.

The Exchange also proposes to make clear within the proposed rule text the diverse handling of marketable and non-marketable orders. The proposed language seeks to utilize the terms ''ABBO'' and ''PBBO'' more succinctly to distinguish orders which can be executed locally and orders must route to an away market to receive an execution.

The Exchange's proposal to add ''at the conclusion of an Opening Process'' to further the proposed text is a non-substantive change that adds context that this routing takes places during an Opening Process.[50] Making clear that at the end of an Opening Process, any order that is priced through the Opening Price will be cancelled, also adds context to the current rule text.[51] As well as noting that any order that is at or inferior to the Opening Price will be executed pursuant to Rule 1017(k).[52] The Exchange will not execute orders at inferior prices. The Exchange believes that this language is consistent with the Act because it provides an expectation that is consistent for the market participant as to the manner in which Phlx will handle their order. Phlx Rule 1017(k) explains the various processes by which the Exchange will open an options series and route orders at the conclusion of an Opening Process. The language contained in Rule 1017(k) with respect to routing during an Opening Process is much more explicit than the broad language contained in Rule 1080(m). The Exchange's proposal to remove any language from Rule 1080(m), which explains the routing process during an Opening Process, and simply refer to the governing rule is consistent with the Act because the Rule 1017(k) describes an Opening Process as part of the larger process and provides more context. The reference to the rule will provide a reference for market participants.

FIND Order

The Exchange's proposal to provide a scenario which specifies a circumstance when, during a Route Timer, if markets move and the FIND Order becomes executable against resting interest on the Exchange's Order Book that the order would execute is consistent with the Act because it makes clear that in this situation the order would post to the Order Book because the FIND Order is no longer marketable.[53] Also with respect to a locked or crossed scenario, a FIND Order would route at the completion of the Route Timer, however if the ABBO worsens but is better than the PBBO, the FIND order will reprice and be re-exposed at the new price(s) and the Route Timer would continue without interruption.[54] For both FIND and SRCH Orders, the Exchange notes that it is consistent with the Act to route marketable orders and not trade-through an away market. The Exchange believes that adding this language to its rules will bring greater clarity to the Rulebook and provide market participants with additional information as to the manner in which an order will be handled during the Route Timer. This is also the case for SRCH Orders.

The Exchange proposes to note that FIND Orders that are not marketable with ABBO upon receipt will be treated as DNR for the remainder of the trading day.[55] This language is being amended to conform to the current System practice. As noted in the introductory paragraph to FIND Orders, these orders that are not marketable with the ABBO upon receipt, rather these orders will be treated as DNR for the remainder of the trading day. FIND Orders that are marketable with ABBO at the time of receipt will not be eligible for routing until the next time the option series is subject to a new Opening Process. In this particular instance, the FIND Order was marketable against the PBBO and therefore is marked DNR for the remainder of the trading day. The Exchange notes that because the FIND Order would not route, even if there was a reopening that it proposes to state that the FIND Order would be treated as DNR for the remainder of the trading day. The Exchange believes this amendment is consistent with e the Act because it will provide market participants with the expected outcome and allow them to determine if they would like to cancel the order or allow it to remain on the Order Book. Providing members with expectations as to the manner in which their order will be handled provides clarity and consistency.

The Exchange's proposal to note a scenario where the ABBO moves and crosses the FIND Order during a Route Timer.[56] In this case, any new interest that arrives opposite the FIND Order that is marketable against the FIND Order will trade at the FIND Order price. This situation is not currently addressed in the rules. If the away market price crosses the PBBO, the market is crossed and contra interest would execute at the price the order rested on the Order Book. If the away price locks the displayed price, the contra interest would execute at its displayed price. This proposed rule text is consistent with the Act because it would not permit a trade-through but would allow a FIND Order to trade where the order is marketable, but does not trade-though. The new language will provide market participants with greater transparency as to the manner in which the System will handle a FIND Order in that particular situation. This is also applicable to SRCH Orders.

The Exchange's addition of language within the FIND Order which accounts for both possibilities where the FIND Order may still trade at a PBBO price within the Order Book or rest on the Order Book[57] is consistent with the Act because the more expansive language takes into account a greater number of potential accounts to inform the participant of all possibilities when routing an order. The Exchange's clarification that only if size remains will the FIND Order not be eligible for routing until the next time the option series is subject to a new Opening Process merely provides context for purposes of the rule that size may have been exhausted at that point. The Exchange views this amendment as non-substantive.

With respect to the language which provides, ''The remaining size of a non-Public Customer and non-professional FIND or SRCH Order will be cancelled upon an intra-day trading halt, the Exchange believes that this amendment to the rule text is consistent with the Act because Public Customer and professional orders are held by the System until trading resumes, at which point they are handled at their original limit price. At the conclusion of an Opening Process, the System will only route non-contingency Public Customer and non-professional orders.[58] The

[50] *See* proposed rule text at Rule 1093(a)(iii)(B), (B)(1) and (2), and (C)(8).

[51] *See* proposed rule text at Rule 1093(a)(iii)(B)(1) and (C)(1).

[52] *See* proposed rule text at Rule 1093(a)(iii)(B)(1) and (2) and (C)(1). The proposed text makes clear which orders would be cancelled, which is currently not described in the rules, although it is the current practice. This cited rule text also references back to Phlx Rule 1017(k) for execution during an Opening Process.

[53] *See* proposed new Rule 1093(a)(iii)(B)(2).

[54] *See* proposed new Rule 1093(a)(iii)(B)(4).

[55] The remainder of the trading day is intended to indicate that good-till-cancel and good-till-day orders remaining on the Order Book would be able to route the next trading day but not for the remainder of the current trading day. The tags would be retained on those orders.

[56] *See* proposed new Rule 1093(a)(iii)(B)(5).

[57] *See* proposed new Rule 1093(a)(iii)(B)(6).

[58] *See* Phlx Rule 1017(k)(C)(6). The System will execute orders at the Opening Price that have contingencies (such as, without limitation, all-or-none) and non-routable orders, such as a ''Do Not Route'' or ''DNR'' Orders, to the extent possible.

Exchange notes that it cancels all non-routable interest at the time of an intra-day trading halt. When the Exchange re-opens the market, an Opening Process pursuant to Rule 1017 will occur and at that time, only Public Customer and professional orders would be subject to routing. The Exchange in this circumstance provides market participants with an expectation for their order during a trading halt.

The Exchange's proposal to delete the sentence, ''The Phlx XL II system will route and execute contracts contemporaneously at the end of the Route Timer'' [59] is consistent with the Act because the FIND Order may not route at the end of the Route Timer. This sentence was not accurate and FIND Orders would route at the end of the Route Timer provided they are marketable.

The Exchange's proposal to note that ''A FIND Order that is routed to an away market(s) will be marked as an Intermarket Sweep Order ''ISO'' and designed as an IOC order'' [60] is consistent with the Act because orders which are routed and not satisfied are returned to the originating market. The Exchange today marks these orders as IOC so the order does not rest on the away market's order book. Unexecuted portions of the routed order would be returned to Phlx for further handling. Adding this detail provides greater transparency to the rules. This is also true with respect to SRCH Orders.

SRCH Order

The Exchange's proposal to eliminate the sentence which provides, ''In the circumstances described in the preceding paragraph, what happens to a SRCH order after the Route Timer expires depends on the ABBO price at that time'' [61] is consistent with the Act because this language is unnecessary and does not provide any new information because the Exchange has amended proposed Rule 1093(a)(iii)(C)(4) and also proposes changes to this paragraph to explain the various scenarios that may occur both during the Route Timer and also once the Route Timer ends.

The Exchange's proposal to provide, ''If an ABBO locks or crosses the SRCH Order during a new Route Timer, which would subsequently initiate at the conclusion of any Route Timer if interest remains, the SRCH Order may route to the away market at the ABBO at the conclusion of such Route Timer. If, during such Route Timer, any new interest arrives opposite the SRCH Order that is equal to or better than the ABBO price, the SRCH Order will trade against such new interest at its SRCH Order price,'' [62] is consistent with the Act because where the market is locked or crossed the SRCH Order may route at the ABBO when the Route Timer concludes. This information provides market participant with greater transparency.

Rule 1091

The Exchange's proposal to relocate the rule text currently contained in Rule 1080(m)(v) to proposed new Rule 1091 and title that rule ''Cancellation of Orders and Error Account'' and re-letter and renumber the rule is consistent with the Act because these changes update the rule for accuracy. The Exchange notes that these amendments are non-substantive.

Rule 1080

The Exchange's proposal to update cross-references is a non-substantive rule change.

Rule 607

The Exchange's proposal to correct a cross-reference within Rule 607 is a non-substantive rule change.

Rule 1047

The Exchange's proposal to create a new sentence and redraft the current rule while specifically noting that auction orders and auction responses as well as Crossing Orders, which can be entered into an auction mechanism, will be rejected will bring greater transparency to the Exchange's rules and provide members with certainty as to the handling of their orders during a trading halt.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed routing rules apply to all market participants including routing during an Opening Process. The Exchange believes that adding greater detail to its rules does not impose an undue burden on competition, rather it provides greater transparency as to the potential outcomes when utilizing different routing strategies. Further, the Exchange notes that market participants may elect not to route their orders. The Exchange continues to offer various options to its market participants with respect to routing.

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) of the Act [63] and Rule 19b–4(f)(6) thereunder.[64]

A proposed rule change filed under Rule 19b–4(f)(6) [65] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [66] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become effective and operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Exchange to immediately provide members with greater information and transparency on potential order routing strategies available on the Exchange. For this reason, the Commission hereby waives the 30-day operative delay and

[59] *See* proposed new Rule 1093(a)(iii)(B)(7).

[60] *See* proposed new Rule 1093(a)(iii)(B)(9).

[61] *See* current Rule 1080(m)(iv)(C).

[62] Proposed new Rule 1093(a)(iii)(C)(8) would provide, ''A SRCH Order on the Order Book may be routed to an away market if it is locked or crossed by an away market. If an ABBO locks or crosses the SRCH Order during a new Route Timer, which would subsequently initiate at the conclusion of any Route Timer if interest remains, the SRCH Order may route to the away market at the ABBO at the conclusion of such Route Timer. If, during such Route Timer, any new interest arrives opposite the SRCH Order that is equal to or better than the ABBO price, the SRCH Order will trade against such new interest at its SRCH Order price.''

[63] 15 U.S.C. 78s(b)(3)(A).

[64] 17 CFR 240.19b 4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of 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.

[65] 17 CFR 240.19b–4(f)(6).

[66] 17 CFR 240.19b–4(f)(6)(iii).

designates the proposed rule change as operative upon filing.[67]

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 change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2019–06 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–Phlx–2019–06. 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–Phlx–2019–06, and should be submitted on or before May 13, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[68]

Jill M. Peterson,

Assistant Secretary.

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[67] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[68] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Regulation S–ID, SEC File No. 270–644, OMB Control No. 3235–0692.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Regulation S–ID (17 CFR 248), including the information collection requirements thereunder, is designed to better protect investors from the risks of identity theft. Under Regulation S–ID, SEC-regulated entities are required to develop and implement reasonable policies and procedures to identify, detect, and respond to relevant red flags (the ''Identity Theft Red Flags Rules'') and, in the case of entities that issue credit or debit cards, to assess the validity of, and communicate with cardholders regarding, address changes. Section 248.201 of Regulation S–ID includes the following information collection requirements for each SEC-regulated entity that qualifies as a ''financial institution'' or ''creditor'' under Regulation S–ID and that offers or maintains covered accounts: (i) Creation and periodic updating of an identity theft prevention program (''Program'') that is approved by the board of directors, an appropriate committee thereof, or a designated senior management employee; (ii) periodic staff reporting to the board of directors on compliance with the Identity Theft Red Flags Rules and related guidelines; and (iii) training of staff to implement the Program. Section 248.202 of Regulation S–ID includes the following information collection requirements for each SEC-regulated entity that is a credit or debit card issuer: (i) Establishment of policies and procedures that assess the validity of a change of address notification if a request for an additional or replacement card on the account follows soon after the address change; and (ii) notification of a cardholder, before issuance of an additional or replacement card, at the previous address or through some other previously agreed-upon form of communication, or alternatively, assessment of the validity of the address change request through the entity's established policies and procedures.

SEC staff estimates of the hour burdens associated with section 248.201 under Regulation S–ID include the one-time burden of complying with this section for newly-formed SEC-regulated entities, as well as the ongoing costs of compliance for all SEC-regulated entities.

All newly-formed financial institutions and creditors would be required to conduct an initial assessment of covered accounts, which SEC staff estimates would entail a one-time burden of 2 hours. Staff estimates that this burden would result in a cost of $802 to each newly-formed financial institution or creditor.[1] To the extent a financial institution or creditor offers or maintains covered accounts, SEC staff estimates that the financial institution or creditor also would also incur a one-time burden of 25 hours to develop and obtain board approval of a Program, and a one-time burden of 4 hours to train the financial institution's or creditor's staff, for a total of 29 additional burden hours. Staff estimates that these burdens would result in additional costs of $14,266 for each financial institution or creditor that offers or maintains covered accounts.[2]

[1] This estimate is based on the following calculation: 2 hours × $401 (hourly rate for internal counsel) = $802. *See infra* note 2 (discussing the methodology for estimating the hourly rate for internal counsel).

[2] SEC staff estimates that, of the 29 hours incurred to develop and obtain board approval of a Program

Continued

SEC staff estimates that approximately 613 SEC-regulated financial institutions and creditors are newly formed each year.[3] Each of these 613 entities will need to conduct an initial assessment of covered accounts, for a total of 1,226 hours at a total cost of $491,626.[4] Of these 613 entities, staff estimates that approximately 90% (or 552) maintain covered accounts.[5] Accordingly, staff estimates that the additional initial burden for SEC-regulated entities that are likely to qualify as financial institutions or creditors and maintain covered accounts is 16,008 hours at an additional cost of $7,874,832.[6] Thus, the total initial estimated burden for all newly-formed SEC-regulated entities is 17,234 hours at a total estimated cost of $8,366,458.[7]

Each financial institution and creditor would be required to conduct periodic assessments to determine if the entity offers or maintains covered accounts, which SEC staff estimates would entail an annual burden of 1 hour per entity. Staff estimates that this burden would result in an annual cost of $401 to each financial institution or creditor.[8] To the extent a financial institution or creditor offers or maintains covered accounts, staff estimates that the financial institution or creditor also would incur an annual burden of 2.5 hours to prepare and present an annual report to the board, and an annual burden of 7 hours to periodically review and update the Program (including review and preservation of contracts with service providers, as well as review and preservation of any documentation received from service providers). Staff estimates that these burdens would result in additional annual costs of $7,874 for each financial institution or creditor that offers or maintains covered accounts.[9]

SEC staff estimates that there are 9,922 SEC-regulated entities that are either financial institutions or creditors, and that all of these will be required to periodically review their accounts to determine if they offer or maintain covered accounts, for a total of 9,922 hours for these entities at a total cost of $3,978,722.[10] Of these 9,922 entities, staff estimates that approximately 90 percent, or 8,930, maintain covered accounts, and thus will need the additional burdens related to complying with the rules.[11] Accordingly, staff estimates that the additional annual burden for SEC-regulated entities that qualify as financial institutions or creditors and maintain covered accounts is 84,835 hours at an additional cost of $70,314,820.[12] Thus, the total estimated ongoing annual burden for all SEC-regulated entities is 94,757 hours at a total estimated annual cost of $74,293,542.[13]

The collections of information required by section 248.202 under Regulation S–ID will apply only to SEC-regulated entities that issue credit or debit cards. SEC staff understands that SEC-regulated entities generally do not issue credit or debit cards, but instead partner with other entities, such as banks, that issue cards on their behalf. These other entities, which are not regulated by the SEC, are already subject to substantially similar change of address obligations pursuant to other federal regulators' identity theft red flags rules. Therefore, staff does not expect that any SEC-regulated entities will be subject to the information collection requirements of section 248.202, and accordingly, staff estimates that there is no hour burden related to section 248.202 for SEC-regulated entities.

In total, SEC staff estimates that the aggregate annual information collection burden of Regulation S–ID is 111,991 hours (17,234 hours + 94,757 hours). This estimate of burden hours is made solely for the purposes of the Paperwork Reduction Act and is not derived from a quantitative, comprehensive, or even representative survey or study of the burdens associated with Commission rules and forms. Compliance with

and train the financial institution's or creditor's staff, 10 hours will be spent by internal counsel at an hourly rate of $401, 17 hours will be spent by administrative assistants at an hourly rate of $78, and 2 hours will be spent by the board of directors as a whole at an hourly rate of $4,465. Thus, the estimated $13,858 in additional costs is based on the following calculation: (10 hours × $401 = $4,010) + (17 hours × $78 = $1,326) + (2 hours × $4,465 = $8,930) = $14,266.

The cost estimate for internal counsel is derived from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, entity size, employee benefits, and overhead, and adjusted for inflation. The cost estimate for administrative assistants is derived from SIFMA's Office Salaries in the Securities Industry 2013, modified to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, entity size, employee benefits, and overhead, and adjusted for inflation. The cost estimate for the board of directors is derived from estimates made by SEC staff regarding typical board size and compensation that is based on information received from fund representatives and publicly-available sources, and adjusted for inflation.

[3] Based on a review of new registrations typically filed with the SEC each year, SEC staff estimates that approximately 1,218 investment advisers, 109 broker dealers, 96 investment companies, and 2 ESCs typically apply for registration with the SEC or otherwise are newly formed each year, for a total of 1,425 entities that could be financial institutions or creditors. Of these, staff estimates that all of the investment companies, ESCs, and broker-dealers are likely to qualify as financial institutions or creditors, and 33% of investment advisers (or 406) are likely to qualify. *See* Adopting Release, *supra* note Error! Bookmark not defined., at n.190 (discussing the staff's analysis supporting its estimate that 33% of investment advisers are likely to qualify as financial institutions or creditors). We therefore estimate that a total of 613 total financial institutions or creditors will bear the initial one-time burden of assessing covered accounts under Regulation S–ID.

[4] These estimates are based on the following calculations: 613 entities × 2 hours = 1,226 hours; 613 entities × $802 = $491,626.

[5] In the Proposing Release, the SEC requested comment on the estimate that approximately 90% of all financial institutions and creditors maintain covered accounts; the SEC received no comments on this estimate.

[6] These estimates are based on the following calculations: 552 financial institutions and creditors that maintain covered accounts × 29 hours = 16,008 hours; 552 financial institutions and creditors that maintain covered accounts × $14,266 = $7,874,832.

[7] These estimates are based on the following calculations: 1,226 hours + 16,008 hours = 17,234 hours; $491,626 + $7,874,832 = $8,366,458.

[8] This estimate is based on the following calculation: 1 hour × $401 (hourly rate for internal counsel) = $401. *See supra* note 2 (discussing the methodology for estimating the hourly rate for internal counsel).

[9] Staff estimates that, of the 9.5 hours incurred to prepare and present the annual report to the board and periodically review and update the Program, 8.5 hours will be spent by internal counsel at an hourly rate of $401, and 1 hour will be spent by the board of directors as a whole at an hourly rate of $4,465. Thus, the estimated $7,874 in additional annual costs is based on the following calculation: (8.5 hours × $401 = $3,409) + (1 hour × $4,465 = $4,465) = $7,874. *See supra* note 2 (discussing the methodology for estimating the hourly rate for internal counsel and the board of directors).

[10] Based on a review of entities that the SEC regulates, SEC staff estimates that, as of September 1, 2018, there are approximately 13,181 investment advisers, 3,839 broker-dealers, 1,589 active open-end investment companies, and 100 ESCs. Of these, staff estimates that all of the broker-dealers, open-end investment companies and ESCs are likely to qualify as financial institutions or creditors. We also estimate that approximately 33% of investment advisers, or 4,394 investment advisers, are likely to qualify. *See* Adopting Release, *supra* note Error! Bookmark not defined., at n.190 (discussing the staff's analysis supporting its estimate that 33% of investment advisers are likely to qualify as financial institutions or creditors). We therefore estimate that a total of 9,922 financial institutions or creditors will bear the ongoing burden of assessing covered accounts under Regulation S–ID. (The SEC staff estimates that the other types of entities that are covered by the scope of the SEC's rules will not be financial institutions or creditors and therefore will not be subject to the rules' requirements.)

The estimates of 9,922 hours and $3,784,800 are based on the following calculations: 9,922 financial institutions and creditors × 1 hour = 9,922 hours; 9,922 financial institutions and creditors × $401 = $3,978,722.

[11] *See supra* note 5 and accompanying text. If a financial institution or creditor does not maintain covered accounts, there would be no ongoing annual burden for purposes of the PRA.

[12] These estimates are based on the following calculations: 8,930 financial institutions and creditors that maintain covered accounts × 9.5 hours = 84,835 hours; 8,930 financial institutions and creditors that maintain covered accounts × $7,874 = $70,314,820.

[13] These estimates are based on the following calculations: 9,922 hours + 84,835 hours = 94,757 hours; $3,978,722 + $70,314,820 = $74,293,542.

Regulation S–ID, including compliance with the information collection requirements thereunder, is mandatory for each SEC-regulated entity that qualifies as a ''financial institution'' or ''creditor'' under Regulation S–ID (as discussed above, certain collections of information under Regulation S–ID are mandatory only for financial institutions or creditors that offer or maintain covered accounts). Responses will not be kept confidential. 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 control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: April 17, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–08038 Filed 4–19–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Form N–14, SEC File No. 270–297, OMB Control No. 3235–0336.

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Form N–14 (17 CFR 239.23) is the form for registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act'') of securities issued by management investment companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') and business development companies as defined by Section 2(a)(48) of the Investment Company Act in: (1) A transaction of the type specified in rule 145(a) under the Securities Act (17 CFR 230.145(a)); (2) a merger in which a vote or consent of the security holders of the company being acquired is not required pursuant to applicable state law; (3) an exchange offer for securities of the issuer or another person; (4) a public reoffering or resale of any securities acquired in an offering registered on Form N–14; or (5) two or more of the transactions listed in (1) through (4) registered on one registration statement. The principal purpose of Form N–14 is to make material information regarding securities to be issued in connection with business combination transactions available to investors. The information required to be filed with the Commission permits verification of compliance with securities law requirements and assures the public availability and dissemination of such information. Without the registration statement requirement, material information may not necessarily be available to investors.

We estimate that approximately 156 funds each file one new registration statement on Form N–14 annually, and that 97 funds each file one amendment to a registration statement on Form N–14 annually. Based on conversations with fund representatives, we estimate that the reporting burden is approximately 620 hours per respondent for a new Form N–14 registration statement and 300 hours per respondent for amending the Form N–14 registration statement. This time is spent, for example, preparing and reviewing the registration statements. Accordingly, we calculate the total estimated annual internal burden of responding to Form N–14 to be approximately 125,820 hours. In addition to the burden hours, based on conversations with fund representatives, we estimate that the total cost burden of compliance with the information collection requirements of Form N–14 is approximately $27,500 for preparing and filing an initial registration statement on Form N–14 and approximately $16,000 for preparing and filing an amendment to a registration statement on Form N–14. This includes, for example, the cost of goods and services purchased to prepare and update registration statements on Form N–14, such as for the services of outside counsel. Accordingly, we calculate the total estimated annual cost burden of responding to Form N–14 to be approximately $5,842,000.

Estimates of the average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. The collection of information under Form N–14 is mandatory. The information provided under Form N–14 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: April 17, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–08043 Filed 4–19–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85654; File No. SR–PHLX–2019–15]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Pricing Schedule

April 16, 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 April 10, 2019, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') 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 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 amend the Pricing Schedule at Section 1, B, ''Customer Rebate Program,'' Section 3, ''Rebates and Fees for Adding and Removing Liquidity in SPY'' and Section 6, E, ''Market Access and Routing Subsidy (''MARS'').''[3]

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.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 Exchange proposes to amend the Pricing Schedule at (i) Section 1, B, ''Customer Rebate Program,'' to decrease certain Customer Rebates; (ii) Section 3, ''Rebates and Fees for Adding and Removing Liquidity in SPY'' to decrease a Simple Order Customer Fee for Removing Liquidity and decrease all rebate tiers; an [sic] (iii) Section 6, E, ''Market Access and Routing Subsidy (''MARS'')'' to add a new rebate tier. Each change will be described below in more detail.

Customer Rebate

The Exchange proposes to amend the Pricing Schedule at Section 1, B, ''Customer Rebate Program'' to lower certain rebates. Today, the Exchange pays rebates to members who transacted a certain amount of Customer volume. Specifically, Phlx totals Customer volume in Multiply Listed Options (including SPY) that is electronically-delivered and executed, except volume associated with electronic QCC Orders, as defined in Exchange Rule 1080(o). Rebates are paid on Customer Rebate Tiers according to the below:[4]

Customer rebate tiers	Percentage thresholds of national customer volume in multiply-listed equity and ETF options classes, excluding SPY options (monthly)	Category A	Category B	Category C	Category D
Tier 1	0.00%–0.60%	$0.00	$0.00	$0.00	$0.00
Tier 2	Above 0.60%–1.10%	*0.10	*0.10	*#0.16	*#0.21
Tier 3	Above 1.10%–1.60%	0.15	*0.12	*#0.18	*#0.22
Tier 4	Above 1.60%–2.50%	0.20	0.16	#0.22	#0.26
Tier 5	Above 2.50%	0.21	0.17	#0.22	#0.27

The Exchange pays a Category A Rebate to members who execute electronically-delivered Customer Simple Orders in Penny Pilot Options and Customer Simple Orders in Non-Penny Pilot Options in Options 7, Section 4 symbols.[5] The Exchange pays a Category B Rebate on Customer PIXL Orders in Options 7, Section 4 symbols that execute against non-Initiating Order interest. In the instance where member organizations qualify for Tier 4 or higher in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order is paid a rebate of $0.14 per contract. Rebates on Customer PIXL Orders are capped at 4,000 contracts per order for Simple PIXL Orders. The Exchange pays a Category C Rebate to members who execute electronically-delivered Customer Complex Orders in Penny Pilot Options in Options 7, Section 4 symbols. Rebates are paid on Customer PIXL Complex Orders in Options 7, Section 4 symbols that execute against non-Initiating Order interest. Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order are not paid a rebate under any circumstance. The Category C Rebate is not paid when an electronically-delivered Customer Complex Order, including a Customer Complex PIXL Order, executes against another electronically-delivered Customer Complex Order. Finally, the Exchange pays a Category D Rebate to members who execute electronically-delivered Customer Complex Orders in Non-Penny Pilot Options in Options 7, Section 4 symbols. Rebates are paid on Customer PIXL Complex Orders in Options 7, Section 4 symbols that execute against non-Initiating Order interest. Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order are not paid a rebate under any circumstance. The Category D Rebate are not paid when an electronically-delivered Customer Complex Order, including a Customer Complex PIXL Order, executes against another electronically-delivered Customer Complex Order. Rebates are not paid on NDX or NDXP contracts in any Category, however NDX and NDXP contracts will count toward the volume requirement to qualify for a Customer Rebate Tier.

Today, the Exchange pays a $0.05 per contract Category C and D rebate in addition to the applicable Tier 2, 3, 4 and 5 rebates to members or member organizations or member or member organization affiliated under Common Ownership provided the member or member organization qualified for any MARS Payments in Options 7, Section

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that the Exchange initially filed the proposed Pricing Schedule amendment on April 1, 2019 (SR–PHLX–2019–10). On April 10, 2019, the Exchange withdrew that filing and submitted this filing.

[4] Members and member organizations under Common Ownership may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. Affiliated Entities may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates.

[5] Options 7, Section 4 describes pricing for Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed).

6, E. The Exchange proposes to decrease the Category C and D rebates applicable Tier 2, 3, 4 and 5 rebates to members or member organizations or member or member organization affiliated under Common Ownership provided the member or member organization qualified for any MARS Payments in Options 7, Section 6, E. The Exchange proposes to decrease the Category C Rebate from $0.05 to $0.04 per contract. The Exchange proposes to decrease the Category D Rebate from $0.05 to $0.02 per contract. While these rebates are decreasing, the Exchange believes that the Customer Rebates will continue to incentivize member organizations to execute against Customer orders.

Rebates and Fees for SPY

The Exchange proposes to amend the Pricing Schedule at Section 3, ''Rebates and Fees for Adding and Removing Liquidity in SPY'' to decrease the Simple Order Customer Fee for Removing Liquidity and decrease all rebate tiers. Today, the Exchange assesses a Customer Fee for Removing Liquidity in SPY of $0.45 per contract. All other market participants, Specialists,[6] Market Makers,[7] Firms,[8] Broker-Dealers [9] and Professionals,[10] are assessed a Fee for Removing Liquidity in SPY of $0.48 per contract. The Exchange proposes to lower the Customer Fee for Removing Liquidity in SPY from $0.45 to $0.42 per contract. The Exchange's proposal to lower the Customer Fee for Removing Liquidity in SPY from $0.45 to $0.42 per contract will encourage a greater amount of Customer orders, even if submitted by other market participants, to remove volume from the Exchange.

Today, a Simple Order Rebate for Adding Liquidity is paid to Specialists and Market Makers who add the requisite amount of electronically executed Specialist and Market Maker Simple Order contracts per day in a month in SPY.[11] Today the Exchange pays the following rebates:

Tiers	Average daily volume ''ADV''	Rebate for adding liquidity
1	1 to 2,499	$0.15
2	2,500 to 4,999	0.18
3	5,000 to 19,999	0.21
4	20,000 to 34,999	0.27
5	35,000 to 49,999	0.30
6	greater than 49,999	0.35

The Exchange proposes to lower each rebate tier by $0.03 per contract so the proposed rebates would be:

Tiers	Average daily volume ''ADV''	Rebate for adding liquidity
1	1 to 2,499	$0.12
2	2,500 to 4,999	0.15
3	5,000 to 19,999	0.18
4	20,000 to 34,999	0.24
5	35,000 to 49,999	0.27
6	greater than 49,999	0.32

While the Exchange is lowering the amount of rebates [12] it would pay to Specialists and Market Makers who add the requisite amount of electronically executed Specialist and Market Maker Simple Order contracts per day in a month in SPY, the Exchange believes the proposed rebates will continue to incentivize Market Makers to add liquidity on Phlx.

MARS

Today, MARS, [sic] pays a subsidy to Phlx members that provide certain order routing functionalities to other Phlx members and/or use such

[6] The term ''Specialist'' applies to transactions for the account of a Specialist (as defined in Exchange Rule 1020(a)). A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 1020(a). An options Specialist includes a Remote Specialist which is defined as an options specialist in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Rule 501.

[7] The term ''ROT, SQT and RSQT'' applies to transactions for the accounts of Registered Option Traders (''ROTs''), Streaming Quote Traders (''SQTs''), and Remote Streaming Quote Traders (''RSQTs''). For purposes of the Pricing Schedule, the term ''Market Maker'' will be utilized to describe fees and rebates applicable to ROTs, SQTs and RSQTs. RSQTs may also be referred to as Remote Market Markers (''RMMs''). The term ROT is defined in Exchange Rule 1014(b) as a regular member of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account. A ROT includes SQTs and RSQTs as well as on and off-floor ROTS. The term SQT is defined in Exchange Rule 1014(b)(ii)(A) as an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. The term RSQT is defined in Exchange Rule in 1014(b)(ii)(B) as an ROT that is a member affiliated with an RSQTO with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A Remote Streaming Quote Trader Organization or ''RSQTO,'' which may also be referred to as a Remote Market Making Organization (''RMO''), is a member organization in good standing that satisfies the RSQTO readiness requirements in Rule 507(a).

[8] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC.

[9] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[10] The term ''Professional'' applies to transactions for the accounts of Professionals, as defined in Exchange Rule 1000(b)(14) means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

[11] The Exchange notes that the Customer Rebates offered in Section 1, B do not apply to electronic executions in SPY.

[12] The Exchange would lower Tier 1 (1 to 2,499) from $0.15 to $0.12 per contract; Tier 2 (2,500 to 4,999) would be lowered from $0.18 to $0.15 per contract; Tier 3 (5,000 to 19,999) would be lowered from $0.21 to $0.18 per contract; Tier 4 (20,000 to 34,999) would be lowered from $0.27 to $0.24 per contract; Tier 5 (35,000 to 49,999) would be lowered from $0.30 to $0.27 per contract; and Tier 6 (greater than 49,999) would be lowered from $0.35 to $0.32 per contract.

functionalities themselves. Generally, under MARS, Phlx pays participating Phlx members to subsidize their costs of providing routing services to route orders to Phlx. To qualify for MARS, a Phlx member's order routing functionality is required to meet certain criteria.[13] Any Phlx member may apply for MARS, provided the requirements are met, including a robust and reliable System. The member is solely responsible for implementing and operating its System. The Exchange is not proposing to amend eligibility standards.

Today, a MARS Payment would be made to Phlx members that have System Eligibility and have routed the requisite number of Eligible Contracts daily in a month, which were executed on Phlx. For the purpose of qualifying for the MARS Payment, Eligible Contracts include Firm, Broker-Dealer, Joint Back Office or ''JBO'' [14] or Professional equity option orders that are electronically delivered and executed. Eligible Contracts do not include floor-based orders, qualified contingent cross or ''QCC'' orders,[15] price improvement or ''PIXL'' orders,[16] Mini-Option orders [17] or Singly-Listed Options [18] orders. The Eligible Contracts requirements are not being amended.

Today, Phlx members that have System Eligibility and have executed the requisite number of Eligible Contracts in a month are paid the following per contract rebates: [19]

Tiers	Average daily volume (''ADV'')	MARS payment	
		Non-SPY	SPY
1	1,000	$0.01	$0.01
2	30,000	0.10	0.10
3	40,000	0.12	0.12
4	52,500	0.14	0.12
5	65,000	0.18	0.12
6	75,000	0.20	0.12

The Exchange proposes to adopt a new Tier 2 rebate for members that have System Eligibility and have executed the requisite number of Eligible Contracts in a month. The new Tier 2 rebate would require average daily volume (''ADV'') of 20,000 contracts and pay a Non-SPY and SPY MARS Payment of $0.05. The Exchange proposes to renumber each subsequent tier.[20] The Exchange believes that with this proposal MARS will continue to attract higher volumes of electronic equity and ETF options volume to the Exchange from non-Phlx market participants as well as Phlx members with the proposed amendments.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[22] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Customer Rebate Program

The Exchange's proposal to decrease the Category C Rebate from $0.05 to $0.04 and decrease the Category D Rebate from $0.05 to $0.02 per contract is reasonable because the Exchange will continue to pay a rebate to incentivize members to execute Customer Complex Orders in Penny Pilot Options, as well as Customer Complex Orders in Non-Penny Pilot Options, despite the lower rebate.

The Exchange's proposal to decrease the Category C Rebate from $0.05 to $0.04 and decrease the Category D Rebate from $0.05 to $0.02 per contract is equitable and not unfairly discriminatory because the Exchange will uniformly pay Category C and D rebates to all qualifying market participants. Any market participant may qualify for a Customer Rebate.

Rebates and Fees for SPY

The Exchange's proposal to lower the Customer Fee for Removing Liquidity in SPY from $0.45 to $0.42 per contract is

[13] Specifically, a Phlx member's routing system (''hereinafter System'') is required to: (1) Enable the electronic routing of orders to all of the U.S. options exchanges, including Phlx; (2) provide current consolidated market data from the U.S. options exchanges; and (3) be capable of interfacing with Phlx's API to access current Phlx match engine functionality. Further, the member's System needs to cause Phlx to be the one of the top five default destination exchanges for individually executed marketable orders if Phlx is at the national best bid or offer (''NBBO''), regardless of size or time, but allow any user to manually override Phlx as a default destination on an order-by-order basis. Notwithstanding the above, with respect to Complex Orders a Phlx member's routing system is not required to enable the electronic routing of orders to all of the U.S. options exchanges or provide current consolidated market data from the U.S. options exchanges. Any Phlx member is permitted to avail itself of this arrangement, provided that its order routing functionality incorporates the features described above and satisfies Phlx that it appears to be robust and reliable. The member remains solely responsible for implementing and operating its system. The Exchange does not require Complex Orders to enable the electronic routing of orders to all of the U.S. options exchanges or provide current consolidated market data from the U.S. options exchanges.

[14] The term ''Joint Back Office'' or ''JBO'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC and is identified with an origin code as a JBO. A JBO will be priced the same as a Broker-Dealer. A JBO participant is a member, member organization or non-member organization that maintains a JBO arrangement with a clearing broker-dealer (''JBO Broker'') subject to the requirements of Regulation T Section 220.7 of the Federal Reserve System as further discussed at Exchange Rule 703.

[15] A QCC Order is comprised of an order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Rule 1080(o)(3), coupled with a contra-side order to buy or sell an equal number of contracts. The QCC Order must be executed at a price at or between the NBBO and be rejected if a Customer order is resting on the Exchange book at the same price. A QCC Order shall only be submitted electronically from off the floor to the Exchange's match engine. *See* Rule 1080(o).

[16] PIXL is the Exchange's price improvement mechanism known as Price Improvement XL or (PIXL℠). *See* Rule 1087.

[17] Mini Options are further specified in Phlx Rule 1012, Commentary .13.

[18] Singly Listed Options are options overlying currencies, equities, ETFs, ETNs treasury securities and indexes not listed on another exchange.

[19] The specified MARS Payment are paid on all executed Eligible Contracts which are routed to Phlx through a participating Phlx member's System and meet the requisite Eligible Contracts ADV. No payment are [sic] made with respect to orders that are routed to Phlx, but not executed. A Phlx member is not entitled to receive any other revenue for the use of its System specifically with respect to orders routed to Phlx with the exception of the Marketing Fee.

[20] Current Tier 2 would be renumbered as Tier 3, current Tier 3 would be renumbered as Tier 4, current Tier 4 would be renumbered as Tier 5, current Tier 5 would be renumbered as Tier 6, and current Tier 6 would be renumbered as Tier 7.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(4) and (5).

reasonable because it will encourage a greater amount of Customer orders, even if submitted by other market participants, to remove volume from the Exchange. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers.

The Exchange's proposal to lower the Customer Fee for Removing Liquidity in SPY from $0.45 to $0.42 per contract is equitable and not unfairly discriminatory because Customer orders will continue to be assessed the lowest Fees for Removing Liquidity in SPY Simple Orders. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

The Exchange's proposal to lower the amount of rebates paid to Specialists and Market Makers who add the requisite amount of electronically executed Specialist and Market Maker Simple Order contracts per day in a month in SPY by $0.03 per contract for each tier [23] is reasonable because although the Exchange is lowering the amount of rebates it would pay to Specialists and Market Makers who add the requisite amount of electronically executed Specialist and Market Maker Simple Order contracts per day in a month in SPY, the Exchange believes the proposed rebates will continue to incentivize Market Makers to add liquidity on Phlx.

The Exchange's proposal to lower the amount of rebates paid to Specialists and Market Makers who add the requisite amount of electronically executed Specialist and Market Maker Simple Order contracts per day in a month in SPY by $0.03 per contract for each tier is equitable and not unfairly discriminatory because the Exchange is uniformly reducing each tier of the 6 tier rebate it pays to Specialists and Market Makers who add the requisite amount of electronically executed Specialist and Market Maker Simple Order contracts per day in a month in SPY. Every Specialist and Market Maker will be equally impacted. Also, the Exchange notes that every Specialist and Market Maker may earn a rebate on each contract as the tier schedule starts with 1 contract.

MARS

The Exchange believes that adopting a new Tier 2 with an ADV of 20,000 contracts which pays a MARS Payment of $0.05 for Non-Penny and Penny is reasonable because all Phlx members may qualify for another tier that allows contracts below 30,000 (Tier 2) but higher than 1,000 contracts (Tier 1) and in return receive the higher rebate of $0.05 as compared to the $0.01 rebate for Tier 1. The proposed tier should attract higher volumes of electronic equity and ETF options volume to the Exchange, which will benefit all Phlx members by offering greater price discovery, increased transparency, and an increased opportunity to trade on the Exchange. The expanded MARS Payments should enhance the competitiveness of the Exchange, particularly with respect to those exchanges that offer their own front-end order entry system or one they subsidize in some manner. The adoption of a new Tier 2 will incentivize Phlx members to achieve an even higher rebate, provided the Phlx member is eligible for MARS. Further, the tier structure will allow Phlx members to price their services at a level that will enable them to attract order flow from market participants who would otherwise utilize an existing front-end order entry mechanism offered by the Exchange's competitors instead of incurring the cost in time and money to develop their own internal systems to be able to deliver orders directly to the Exchange's System.

The Exchange believes that adopting a new Tier 2 with an ADV of 20,000 contracts which pays a MARS Payment of $0.05 for Non-Penny and Penny is equitable and not unfairly discriminatory because the Exchange will uniformly pay all Phlx members the rebates specified in the proposed MARS Payment tiers provided the Phlx member has executed the requisite number of Eligible Contracts. Moreover, the Exchange believes that the proposed MARS Payments offered by the Exchange are equitable and not unfairly discriminatory because any qualifying Phlx member that offers market access and connectivity to the Exchange and/or utilize such functionality themselves may earn the MARS Payment for all Eligible Contracts.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Customer Rebate Program

The Exchange's proposal to decrease the Category C Rebate from $0.05 to $0.04 and decrease the Category D Rebate from $0.05 to $0.02 per contract does not impose an undue burden on competition because the Exchange will uniformly pay Category C and D rebates to all qualifying market participants. Any market participant may qualify for a Customer Rebate.

Rebates and Fees for SPY

The Exchange's proposal to lower the Customer Fee for Removing Liquidity in SPY from $0.45 to $0.42 per contract does not create an undue burden on competition because Customers will continue to be assessed the lowest Fees for Removing Liquidity in SPY Simple Orders. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

The Exchange's proposal to lower the amount of rebates paid to Specialists and Market Makers who add the requisite amount of electronically executed Specialist and Market Maker Simple Order contracts per day in a month in SPY by $0.03 per contract for each tier does not impose an undue burden on competition because the Exchange is uniformly reducing each tier of the 6 tier rebate it pays to Specialists and Market Makers who add the requisite amount of electronically

[23] The Exchange would lower Tier 1 (1 to 2,499) from $0.15 to $0.12 per contract; Tier 2 (2,500 to 4,999) would be lowered from $0.18 to $0.15 per contract; Tier 3 (5,000 to 19,999) would be lowered from $0.21 to $0.18 per contract; Tier 4 (20,000 to 34,999) would be lowered from $0.27 to $0.24 per contract; Tier 5 (35,000 to 49,999) would be lowered from $0.30 to $0.27 per contract; and Tier 6 (greater than 49,999) would be lowered from $0.35 to $0.32 per contract.

executed Specialist and Market Maker Simple Order contracts per day in a month in SPY. Every Specialist and Market Maker will be equally impacted. Also, the Exchange notes that every Specialist and Market Maker may earn a rebate on each contract as the tier schedule starts with 1 contract.

MARS

The Exchange believes that adopting a new Tier 2 with an ADV of 20,000 contracts which pays a MARS Payment of $0.05 for Non-Penny and Penny does not impose an undue burden on intra-market competition because the Exchange will uniformly pay all Phlx members the rebates specified in the proposed MARS Payment tiers provided the Phlx member has executed the requisite number of Eligible Contracts. Moreover, the Exchange believes that the proposed MARS Payments offered by the Exchange are equitable and not unfairly discriminatory because any qualifying Phlx member that offers market access and connectivity to the Exchange and/or utilizes such functionality themselves may earn the MARS Payment for all Eligible Contracts.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[24]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PHLX–2019–15 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–PHLX–2019–15. 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–PHLX–2019–15 and should be submitted on or before May 13, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07980 Filed 4–19–19; 8:45 am]

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[24] 15 U.S.C. 78s(b)(3)(A)(ii).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85662; File No. SR–NASDAQ–2019–029]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule in Options 7, Section 2

April 16, 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 April 10, 2019, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') 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 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 amend the Exchange's Pricing Schedule in Options 7, Section 2, which governs the pricing for Nasdaq participants using The Nasdaq Options Market (''NOM''), Nasdaq's facility for executing and routing standardized equity and index options. The proposed changes are described further below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes a number of changes to NOM pricing in Options 7, Section 2. Each change is discussed below.

The Exchange initially filed the proposed pricing changes on April 1, 2019 (SR–NASDAQ–2019–025). On April 10, 2019, the Exchange withdrew that filing and submitted this filing.

Customer and Professional Fee for Removing Liquidity in Penny Pilot Options

The Exchange currently charges Participants a Penny Pilot Options Fee for Removing Customer [3] or Professional [4] Liquidity that is $0.50 per contract, excluding SPY. For Participants that remove Customer or Professional liquidity in SPY, this fee is reduced to $0.49 per contract.[5] The Exchange also offers a reduced $0.48 per contract Customer or Professional Penny Pilot Options Fee for Removing Liquidity for Participants that qualify for any MARS [6] Payment Tier in Section (6). SPY is excluded from this discount because Participants are already offered the $0.49 per contract discounted fee for SPY.

The Exchange now proposes to eliminate both discounts, and instead charge a flat fee of $0.48 per contract (reduced from $0.50 per contract) for each Customer or Professional transaction which removes liquidity in Penny Pilot Options, including SPY. The Exchange is making this change to simplify the operation of the Penny Pilot Options Fee to Remove Customer and Professional Liquidity.

Customer and Professional Rebate To Add Liquidity in Penny Pilot Options

The Exchange proposes a number of changes to the Customer and Professional Rebates to Add Liquidity in Penny Pilot Options set forth in Section 2(1). First, the Exchange is proposing to increase certain volume thresholds in the Tier 5 and Tier 6 Customer and Professional Rebates to Add Liquidity in Penny Pilot Options. Today, the Exchange offers the following Customer and Professional Rebates to Add Liquidity in Penny Pilot Options, which are structured as a six tier program with increasing volume requirements for each tier:

Monthly volume		Rebate to add liquidity
Tier 1	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of up to 0.10% of total industry customer equity and ETF option average daily volume ("ADV") contracts per day in a month.	$0.20
Tier 2	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.10% to 0.20% of total industry customer equity and ETF option ADV contracts per day in a month.	0.25
Tier 3	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.20% to 0.30% of total industry customer equity and ETF option ADV contracts per day in a month.	0.42
Tier 4	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.30% to 0.40% of total industry customer equity and ETF option ADV contracts per day in a month.	0.43
Tier 5	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.40% to 0.75% of total industry customer equity and ETF option ADV contracts per day in a month.	0.45
Tier 6	Participant adds Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.75% or more of total industry customer equity and ETF option ADV contracts per day in a month, or Participant adds: (1) Customer and/or Professional liquidity in Penny Pilot Options and/or Non-Penny Pilot Options of 0.20% or more of total industry customer equity and ETF option ADV contracts per day in a month, and (2) has added liquidity in all securities through one or more of its Nasdaq Market Center MPIDs that represent 1.00% or more of Consolidated Volume in a month or qualifies for MARS.	0.48

The Exchange first proposes to amend the criteria in Tier 5 to increase the percentage of total industry customer equity and ETF option ADV contracts per day in a month from 0.75% to 0.80%, and to make a corresponding change in Tier 6 to increase the percentage from 0.75% to 0.80%. As proposed, Participants will receive a $0.45 per contract Tier 5 rebate for adding Customer, Professional, Firm,[7] Non-NOM Market Maker [8] and/or Broker-Dealer [9] liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.40% to 0.80% of total industry customer equity and ETF option ADV contracts per day in a month. In addition, Participants will receive a $0.48 per contract Tier 6 rebate for adding Customer, Professional, Firm, Non-NOM Market Maker and/or Broker-Dealer liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.80% or more of total industry customer equity and ETF option ADV contracts per day in a month.[10]

Further, the Exchange proposes to decrease the Customer and Professional Rebate to Add Liquidity in Penny Pilot Options set forth in note "e" of Section 2(1). Today, this rebate is $0.52 per contract if the Participant transacts in all securities through one or more of its Nasdaq Market Center MPIDs that represent 3.00% or more of Consolidated Volume [11] in the same month on The Nasdaq Stock Market. Participants that qualify for this rebate would not be eligible for any other

[3] The term "Customer" or ("C") applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation ("OCC") which is not for the account of broker or dealer or for the account of a "Professional" (as that term is defined in Chapter I, Section 1(a)(48)).

[4] The term "Professional" or ("P") means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Chapter I, Section 1(a)(48). All Professional orders shall be appropriately marked by Participants.

[5] *See* Options 7, Section 2(1), note 3. Firms, Non-NOM Market Makers, NOM Market Makers and Broker-Dealers are assessed a $0.50 per contract Penny Pilot Options Fee for Removing Liquidity in SPY, similar to other Penny Pilot Options.

[6] "MARS" is the Market Access and Routing Subsidy program, which offers rebates to Participants that have System Eligibility and have executed the requisite number of Eligible Contracts in a month. *See* Options 7, Section 2(6).

[7] The term "Firm" or ("F") applies to any transaction that is identified by a Participant for clearing in the Firm range at OCC.

[8] The term "Non-NOM Market Maker" or ("O") is a registered market maker on another options exchange that is not a NOM Market Maker. A Non-NOM Market Maker must append the proper Non-NOM Market Maker designation to orders routed to NOM.

[9] The term "Broker-Dealer" or ("B") applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[10] The alternative method to earn the $0.48 per contract Tier 6 rebate described above is not being amended under this proposal.

[11] Consolidated Volume would be determined as set forth in Equity 7, Section 118(a). In calculating total volume, the Exchange will add the Participant's total volume transacted on The Nasdaq Stock Market in a given month across its Nasdaq Market Center MPIDs, and will divide this number by the total industry Consolidated Volume.

Customer and Professional rebates in Tiers 1–6 or other rebate incentives on NOM for Customer and Professional order flow in Options 7, Section 2(1). The Exchange now proposes to reduce this Customer and Professional Rebate to Add Liquidity in Penny Pilot Options from $0.52 to $0.50 per contract.

MARS Pricing

The Exchange currently offers a Market Access and Routing Subsidy or ''MARS'' to qualifying Participants in Options 7, Section 2(6). Participants that have System Eligibility [12] and have executed the requisite number of Eligible Contracts [13] daily in a month (''Average Daily Volume'') are entitled to a MARS Payment. The Exchange currently pays the following MARS Payments according to Average Daily Volume (''ADV'') submitted on NOM:

Tiers	Average daily volume (''ADV'')	MARS payment (penny)	MARS payment (non-penny)
1	2,000	$0.07	$0.15
2	5,000	0.09	0.20
3	10,000	0.11	0.30
4	20,000	0.15	0.50
5	45,000	0.17	0.60

The Exchange also provides Participants that qualify for the Tier 6 Customer and Professional Penny Pilot Options Rebate to Add Liquidity in Section 2(1) an additional $0.09 per contract, which is paid in addition to any MARS Payment tier on MARS Eligible Contracts the NOM Participant qualifies for in a given month. The specified MARS Payments are paid on all executed Eligible Contracts that add liquidity, which are routed to NOM through a participating NOM Participant's System and meet the requisite Eligible Contracts ADV. No payments will be made with respect to orders that are routed to NOM, but not executed.[14]

The Exchange now proposes to eliminate the additional $0.09 per contract incentive provided to Participants that qualify for Customer and Professional Penny Pilot Options Rebate to Add Liquidity Tier 6 for the Non-Penny MARS Payment tiers. The Exchange will make related changes within Section 2(6) to clarify that it will continue to pay an additional $0.09 per contract in addition to any MARS Payment tier on MARS Eligible Contracts in a given month on the Penny Pilot Options transactions, provided the Participant qualified for the Customer and Professional Penny Pilot Options Rebate to Add Liquidity Tier 6 in Options 7, Section 2(1). The Exchange did not observe an appreciable increase in Non-Penny Pilot order flow sent to the Exchange to qualify for this rebate, and therefore proposes to eliminate this incentive to apply its resources to other, possibly more effective incentives. As such, the Exchange proposes to offer another incentive in lieu of the eliminated rebate, which the Exchange will pay to qualifying Participants on both Penny and Non-Penny Pilot Options transactions in addition to any MARS Payment tier on MARS Eligible Contracts in a given month. Specifically, the Exchange proposes to offer Participants that have total Affiliated Entity [15] or Common Ownership [16] average daily add volume (''ADAV'') of 3.00% or more of total industry customer equity and ETF option ADV contracts per day in a month an additional $0.01 per contract in Penny Pilot Options and an additional $0.03 per contract in Non-Penny Pilot Options, in addition to any MARS Payment tier on MARS Eligible Contracts the Participant qualifies for in a given month.[17] The Exchange believes that its proposal will encourage Participants that are affiliated either under Common Ownership or as Affiliated Entities to send additional order flow that add liquidity to the Exchange to qualify for the higher MARS rebates.

The Exchange also proposes to provide Participants that qualify for the Tier 5 MARS Payment two supplemental rebates that are based on progressively increasing volume requirements of executed MARS Eligible Contracts ADV and total Affiliated Entity or Common Ownership ADAV. The Exchange believes that its proposal will encourage Participants to bring additional order flow to the Exchange to qualify for the higher MARS incentives. First, the Exchange proposes to offer Participants that execute at least 75,000 of MARS Eligible Contracts per day and have total Affiliated Entity or Common Ownership ADAV of 3.25% or more of total industry customer equity and ETF option ADV contracts per day in a month an additional $0.01 per contract in Penny Pilot Options and an additional $0.10 per contract in Non-Penny Pilot Options, in addition to MARS Payment Tier 5 on MARS

[12] To qualify for MARS, the Participant's routing system (''System'') would be required to: (1) Enable the electronic routing of orders to all of the U.S. options exchanges, including NOM; (2) provide current consolidated market data from the U.S. options exchanges; and (3) be capable of interfacing with NOM's API to access current NOM match engine functionality. Further, the Participant's System would also need to cause NOM to be the one of the top three default destination exchanges for (a) individually executed marketable orders if NOM is at the national best bid or offer (''NBBO''), regardless of size or time or (b) orders that establish a new NBBO on NOM's Order Book, but allow any user to manually override NOM as a default destination on an order-by-order basis. Any NOM Participant would be permitted to avail itself of this arrangement, provided that its order routing functionality incorporates the features described above and satisfies NOM that it appears to be robust and reliable. The Participant remains solely responsible for implementing and operating its System.

[13] For the purpose of qualifying for the MARS Payment, Eligible Contracts may include Firm, Non-NOM Market Maker, Broker-Dealer, or Joint Back Office or ''JBO'' equity option orders that add liquidity and are electronically delivered and executed. Eligible Contracts do not include Mini Option orders.

[14] A Participant will not be entitled to receive any other revenue for the use of its System specifically with respect to orders routed to NOM.

[15] The term ''Affiliated Entity'' is a relationship between an Appointed MM and an Appointed OFP for purposes of aggregating eligible volume for pricing in Options 7, Sections 2(1) and 2(6) for which a volume threshold or volume percentage is required to qualify for higher rebates or lower fees. The term ''Appointed MM'' is a NOM Market Maker who has been appointed by an Order Flow Provider (''OFP'') for purposes of qualifying as an Affiliated Entity. An OFP is a Participant, other than a NOM Market Maker, that submits orders, as agent or principal, to the Exchange. The term ''Appointed OFP'' is an OFP who has been appointed by a NOM Market Maker for purposes of qualifying as an Affiliated Entity. Participants under Common Ownership may not qualify as a counterparty comprising an Affiliated Entity. Each Participant may qualify for only one (1) Affiliated Entity relationship at any given time.

[16] The term ''Common Ownership'' shall mean Participants under 75% common ownership or control. Common Ownership shall apply to all pricing in Options 7, Section 2 for which a volume threshold or volume percentage is required to obtain the pricing.

[17] *See* proposed note ''^'' in Section 2(6).

Eligible Contracts the Participant qualifies for in a given month.[18] Second, Participants that execute at least 100,000 of MARS Eligible Contracts per day and have total Affiliated Entity or Common Ownership ADAV of 3.25% or more of total industry customer equity and ETF option ADV contracts per day in a month will receive an additional $0.02 per contract in Penny Pilot Options and an additional $0.19 per contract in Non-Penny Pilot Options, in addition to MARS Payment Tier 5 on MARS Eligible Contracts the NOM Participant qualifies for in a given month.[19] NOM Participants that qualify for this incentive will not receive the proposed note ''@'' incentive.

NOM Market Maker Rebate To Add Liquidity in Non-Penny Pilot Options

The Exchange currently offers Participants that qualify for the Tier 6 NOM Market Maker Rebate to Add Liquidity in Penny Pilot Options[20] a $0.86 per contract NOM Market Maker Rebate to Add Liquidity in Non-Penny Pilot options.[21] This rebate is paid to qualifying Participants in lieu of the $0.35 per contract fee normally charged to NOM Market Maker transactions that add Non-Penny Pilot liquidity.[22] The note ''6'' incentive is designed to encourage Participants that transact as NOM Market Makers to send more order flow to the Exchange in either Penny or Non-Penny Pilot Options in order to qualify for the Tier 6 Penny Pilot Rebate to Add NOM Market Maker Liquidity to earn the $0.86 Non-Penny Rebate to Add NOM Market Maker Liquidity. To further incentivize Participants to direct order flow to NOM, the Exchange proposes to provide an additional $0.02 per contract NOM Market Maker Rebate to Add Liquidity in Non-Penny Pilot Options for Participants that qualify for the note ''&'' incentive proposed above in the MARS Payment Schedule, in addition to receiving the $0.86 per contract NOM Market Maker Rebate to Add Liquidity in Non-Penny Pilot Options. Participants would continue to receive the greater of the note ''5'' or note ''6'' incentive if they qualify for both.

NOM Market Maker Rebate To Add Liquidity in Penny Pilot Options

Lastly, the Exchange proposes to replace VXX with VXXB in the Tiers 3 and 4 NOM Market Maker Rebates to Add Liquidity in Penny Pilot Options which currently apply to AAPL, QQQ, IWM, SPY and VXX. By way of background, options on the iPath S&P 500 VIX Short-Term Futures exchange-traded note (''VXX'') are no longer listed for trading on the Exchange since VXX matured on January 30, 2019[23] and VXX shares are no longer listed for trading on equity trading venues. Prior to its maturity, VXX's issuer Barclays Bank PLC introduced a substantially similar product, the iPath Series B S&P 500 VIX Short-Term Futures exchange-traded note (''VXXB''),[24] and was intended to serve as the replacement for VXX upon maturity. The Exchange has since listed VXXB options for trading on NOM. Accordingly, the Exchange proposes to replace references to VXX with VXXB in its Pricing Schedule. In particular, the Exchange proposes to delete references to VXX from the Tiers 3 and 4 NOM Market Maker Rebates to Add Liquidity in Penny Pilot Options currently applicable to AAPL, QQQ, IWM, SPY and VXX, and replace those with VXXB. The Tier 3 and Tier 4 rebates will otherwise remain unchanged under this proposal.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[25] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[26] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Customer and Professional Fee for Removing Liquidity in Penny Pilot Options

The Exchange believes that the proposed changes to the Customer and Professional Fees for Removing Liquidity in Penny Pilot Options are reasonable. As discussed above, the Exchange is proposing to eliminate the reduced fees of $0.49 per contract (provided to Participants that remove Customer and Professional liquidity in SPY Options) and $0.48 per contract (provided to Participants that qualify for any MARS Payment Tier). Instead, the Exchange will charge a flat fee of $0.48 per contract (reduced from $0.50 per contract) for each Customer or Professional transaction which removes liquidity in Penny Pilot Options, including SPY. The Exchange believes that these changes will simplify the operation of this fee by uniformly charging $0.48 per contract for all Customer and Professional transactions that remove liquidity in Penny Pilot Options. Furthermore, the Exchange believes that the fee decrease will further incentivize Participants to send more Customer and Professional order flow to NOM. All market participants benefit from the increased order interaction when more order flow is available on NOM.

The Exchange further believes that the proposed fee changes are equitable and not unfairly discriminatory because they will apply equally to all similarly situated Participants. With the proposed changes, Participants will be charged a uniform $0.48 per contract Fee for Removing Liquidity in all Penny Pilot Options, including SPY. The Exchange also believes that it is equitable and not unfairly discriminatory to offer the lower $0.48 per contract fee to Participants that transact as Customers or Professionals, and not to other market

[18] *See* proposed note ''@'' in Section 2(6).

[19] *See* proposed note ''&'' in Section 2(6).

[20] To qualify for the Tier 6 rebate, Participant must: (a)(1) Add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 0.95% of total industry customer equity and ETF option ADV contracts per day in a month, (2) execute Total Volume of 250,000 or more contracts per day in a month, of which 30,000 or more contracts per day in a month must be removing liquidity, and (3) add Firm, Broker-Dealer and Non-NOM Market Maker liquidity in Non-Penny Pilot Options of 10,000 or more contracts per day in a month; or (b)(1) add NOM Market Maker liquidity in Penny Pilot Options and/or Non-Penny Pilot Options above 1.50% of total industry customer equity and ETF option ADV contracts per day in a month, and (2) execute Total Volume of 250,000 or more contracts per day in a month, of which 15,000 or more contracts per day in a month must be removing liquidity. For purposes of Tier 6, ''Total Volume'' shall be defined as Customer, Professional, Firm, Broker-Dealer, Non-NOM Market Maker and NOM Market Maker volume in Penny Pilot Options and/or Non-Penny Pilot Options which either adds or removes liquidity on NOM. *See* Options 7, Section 2(1).

[21] *See* Options 7, Section 2(1), note ''6.''

[22] The Exchange also offers additional incentives in note ''5'' to reduce this fee or earn a rebate, provided Participants meet the volume-based requirements. Specifically, Participants who add NOM Market Maker liquidity in Non-Penny Pilot Options of 7,500 to 9,999 ADV contracts per day in a month would be assessed a $0.00 per contract Non- Penny Options Fee for Adding Liquidity in that month. In addition, Participants that add NOM Market Maker liquidity in Non-Penny Pilot Options of 10,000 or more ADV contracts per day in a month would receive a $0.30 per contract Non-Penny Rebate to Add Liquidity for that month instead of paying the Non-Penny Fee for Adding Liquidity. *See* Options 7, Section 2(1), note ''5.'' Participants that qualify for a note ''5'' incentive would receive the greater of the note ''5'' or note ''6'' incentive.

[23] *See* VXX Prospectus and Pricing Supplement available at *http://www.ipathetn.com/US/16/en/documentation.app?instrumentId=259118&documentId=6204338.*

[24] VXXB was introduced on January 17, 2018 and has a maturity date of January 23, 2048. *See* VXXB Prospectus and Pricing Supplement available at *http://www.ipathetn.com/US/16/en/documentation.app?instrumentId=341408&documentId=6585610.* While VXXB is currently a Non-Penny Pilot Option, it will replace VXX in the Penny Pilot Program as of April 2, 2019. *See* Options Trader Alert #2019–8.

[25] 15 U.S.C. 78f(b).

[26] 15 U.S.C. 78f(b)(4) and (5).

participants. Customer liquidity offers unique benefits to the market by providing more trading opportunities, which attracts specialists and market makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause a corresponding increase in order flow from other market participants. The Exchange believes that encouraging Participants to add Professional liquidity is similarly beneficial, as the lower fee may cause market participants to select NOM as a venue to send Professional order flow, which benefits all market participants by attracting valuable liquidity to the market and thereby enhancing the trading quality and efficiency of all.

Customer and Professional Rebate To Add Liquidity in Penny Pilot Options

The Exchange believes that it is reasonable to amend the Customer and Professional Rebates to Add Liquidity in Penny Pilot Options by increasing the percentages of total industry customer equity and ETF option ADV contracts in Tiers 5 and 6, as discussed above. The Exchange believes that the increased volume thresholds are more closely aligned to the corresponding rebates than the current volume threshold. This increase is also reflective of the Exchange's desire to provide incentives to attract order flow to the Exchange in return for significant market-improving behavior. By increasing the volume of liquidity that a Participant must add during the month in order to qualify for the corresponding Tier 5 and Tier 6 rebates, this change will help ensure that Participants are providing significant market-improving behavior in return for the incentives.

In addition, the proposed change in note ''e'' to decrease the Customer and Professional Rebate to Add Liquidity in Penny Pilot Options provided to eligible Participants that transact 3.00% or more in Consolidated Volume on The Nasdaq Stock Market from $0.52 to $0.50 per contract is reasonable because the proposed change is a modest reduction, and the Exchange believes that its rebate program will continue to incentivize Participants to transact greater volume on The Nasdaq Stock Market in order to qualify for a higher rebate on NOM.

The Exchange also believes that the modifications to the Customer and Professional Rebates to Add Liquidity in Penny Pilot Options proposed above are equitable and not unfairly discriminatory because all eligible Participants that meet the relevant qualifications will uniformly receive the rebates. Further, the Exchange believes that it is equitable and not unfairly discriminatory to offer the rebates to Participants that transact as Customers or Professionals, and not to other market participants. Customer liquidity offers unique benefits to the market by providing more trading opportunities, which attracts specialists and market makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The Exchange believes that encouraging Participants to add Professional liquidity is similarly beneficial, as the rebates may cause market participants to select NOM as a venue to send Professional order flow, which benefits all market participants by attracting valuable liquidity to the market and thereby enhancing the trading quality and efficiency of all.

MARS Pricing

The Exchange's proposal to modify MARS pricing in Section 2(6) is reasonable, equitable and not unfairly discriminatory for the reasons that follow.

The Exchange believes that the elimination of the additional $0.09 per contract incentive for Non-Penny MARS Payment Tiers proposed above is reasonable because as noted above, the Exchange did not observe an appreciable increase in Non-Penny Pilot order flow sent to the Exchange to qualify for this rebate. The Exchange must periodically assess the effectiveness of the incentives it provides in the form of discounts or rebates and, in the case of ineffective incentives, eliminate the incentive so that the Exchange may apply its resources to other, possibly more effective discounts or rebates such as the note ''∧'' incentive based on total Affiliated Entity or Common Ownership proposed above. Accordingly, while the Exchange is eliminating the additional $0.09 per contract incentive for Non-Penny MARS Payment Tiers, the Exchange believes that the additional note ''∧'' incentives of $0.01 and $0.03 in Penny and Non-Penny Pilot Options respectively, will better align the cost of the MARS program with the benefit it brings to the marketplace.

Furthermore, the Exchange believes that the proposed total Affiliated Entity or Common Ownership ADAV requirement of 3.00% is reasonable because it is set at a level that the Exchange believes will encourage Participants to bring more order flow to the Exchange to qualify for the higher note ''∧'' incentive. To the extent that order flow is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange, including sending more orders to reach higher tiers or rebates. The resulting increased volume and liquidity will benefit all market participants by providing more trading opportunities and tighter spreads. The Exchange also notes that the concept of allowing market participants to aggregate volume for purposes of volume pricing is not novel. Other options markets have similar incentives in place to attract volume to their markets.[27]

The Exchange believes that the qualifying volume requirements in the two additional incentives proposed in note ''@'' and note ''&'' of Section 2(6) are reasonable and equitable for the same reasons discussed above for the note ''∧'' incentive. Specifically, the Exchange believes that the total Affiliated Entity or Common Ownership ADAV requirement of 3.25% proposed for both incentives is set at an appropriate level, which the Exchange believes will encourage Participants to bring more order flow to the Exchange to qualify for the higher note ''@'' and note ''&'' incentives, which liquidity will benefit all market participants. The Exchange similarly believes that the proposed MARS Eligible Contracts ADV requirements of 75,000 and 100,000 ADV for note ''@'' and note ''&,'' respectively, are reasonable and equitable because they are set at levels that the Exchange believes will encourage Participants and, in particular, Participants that transact in Firm, Non-NOM Market Maker, Broker-Dealer, or JBO electronic equity and ETF options orders that add liquidity to execute more volume on NOM.

The Exchange also believes that the proposed rebate amounts for the note ''@'' and note ''&'' incentives reflect the progressively increasing volume requirements to earn the highest MARS incentives by bringing the most order flow to the Exchange. For instance, Participants will have to meet the 3.25% total Affiliated Entity or Common Ownership ADAV requirement and execute 75,000 of MARS Eligible Contracts ADV, to qualify for the proposed ''@'' incentives and receive the additional $0.01 per contract in Penny Pilot Options and the additional $0.10 per contract in Non-Penny Pilot

[27] *See* Cboe Exchange (''CBOE'') Fees Schedule. CBOE permits aggregation of volume to qualify for credits available under an Affiliated Volume Plan or AVP. *See* NYSE American Options (''NYSE Amex'') Fee Schedule at Section I.E. NYSE Amex permits aggregation of volume to qualify for the Amex Customer Engagement or ACE Program.

Options.[28] Participants that qualify for note ''@'' would therefore receive total MARS rebates of $0.18 per contract for Penny Pilot Options and $0.70 per contract for Non-Penny Pilot Options.

Furthermore, Participants will have to meet the 3.25% total Affiliated Entity or Common Ownership ADAV requirement and execute 100,000 of MARS Eligible Contracts ADV, to qualify for the proposed ''&'' incentives and receive the additional $0.02 per contract in Penny Pilot Options and the additional $0.19 per contract in Non-Penny Pilot Options.[29] Participants that qualify for note ''&'' would therefore receive total MARS rebates of $0.19 per contract for Penny Pilot Options and $0.79 per contract for Non-Penny Pilot Options. The Exchange further believes that it is reasonable to not provide the note ''@'' incentives to Participants that qualify for the note ''&'' incentives. As noted above, the proposed note ''&'' incentives are higher, and in some cases significantly higher, than the proposed incentives in note ''@,'' and also require higher qualifying volume thresholds. Accordingly, the Exchange believes it is reasonable to provide the note ''@'' incentives instead of the note ''&'' incentives to Participants that qualify for both.

The Exchange's proposal to modify MARS pricing in Section 2(6) is equitable and not unfairly discriminatory because all Participants may elect to become an Affiliated Entity as either Appointed MM or Appointed OFP, or an affiliate under Common Ownership, for purposes of aggregating eligible volume to qualify for higher rebates or lower fees. Furthermore, any Participant may qualify for MARS provided they have the requisite System Eligibility. The Exchange will also uniformly pay MARS rebates to qualifying Participants on all Eligible Contracts.

NOM Market Maker Rebate To Add Liquidity in Non-Penny Pilot Options

The Exchange believes that its proposal to provide an additional $0.02 per contract NOM Market Maker Rebate to Add Liquidity in Non-Penny Pilot Options for Participants that qualify for the note ''&'' incentive proposed above, in addition to receiving the $0.86 per contract NOM Market Maker Rebate to Add Liquidity in Non-Penny Pilot Options, is reasonable, equitable, and not unfairly discriminatory. The Exchange notes that the additional incentive in note ''6'' will be the highest available rebate (totaling $0.88 per contract) provided to Participants that add NOM Market Maker liquidity in Non-Penny Pilot Options. The Exchange believes that the additional incentive is reasonable because it will require Participants to meet the stringent volume requirements set forth in the note ''&'' incentive proposed above, in addition to those set forth in the Tier 6 Penny Pilot Options Rebate to Add NOM Market Maker Liquidity.[30] The Exchange believes that this incentive will continue to encourage Participants to bring order flow to the Exchange to qualify for the higher rebate, which will be beneficial for all market participants and will encourage an active and liquidity market on NOM. The Exchange also believes that it is reasonable to offer Participants that qualify for a note ''5'' incentive the greater of the current note ''5'' or new note ''6'' incentive because the Participant will be able to receive the greater of the two rebates with this proposal.

The Exchange believes that the additional $0.02 per contract incentive in note ''6'' is equitable and not unfairly discriminatory because all similarly-situated Participants are equally capable of qualifying for the proposed rebates, and the rebate will be uniformly paid to all qualifying Participants. Further, the Exchange believes that offering only Participants that transact as NOM Market Makers the opportunity to qualify for the additional incentive is equitable and not unfairly discriminatory. Unlike other market participants, NOM Market Makers add value through continuous quoting and the commitment of capital.[31] Because NOM Market Makers have these obligations to the market and regulatory requirements that normally do not apply to other market participants, the Exchange believes that offering these rebates to only NOM Market Makers is equitable and not unfairly discriminatory in light of their obligations. Finally, encouraging NOM Market Makers to add greater liquidity benefits all market participants in the quality of order interaction.

NOM Market Maker Rebate To Add Liquidity in Penny Pilot Options

The Exchange believes that the replacing VXX with VXXB in the Tiers 3 and 4 NOM Market Maker Rebate to Add Liquidity in Penny Pilot Options currently applicable to AAPL, QQQ, IWM, SPY and VXX is reasonable, equitable and not unfairly discriminatory because VXX options are no longer listed for trading on the Exchange, and have been replaced by a substantially similar product, VXXB options.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The pricing changes proposed above are generally designed to attract additional order flow to NOM, which strengthens NOM's competitive position. Greater liquidity benefits all market participants by providing more trading opportunities and attracting greater participation by market makers. An increase in the activity of these market participants in turn facilitates tighter spreads.

The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive. Because competitors are free to modify their own fees and rebates in response, the Exchange believes that the degree to which pricing changes in this market may impose any burden on competition is extremely limited.

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.

[28] The supplemental rebates would be paid in addition to the Tier 5 MARS Payments of $0.17 per contract in Penny Pilot Options and $0.60 per contract in Non-Penny Pilot Options.

[29] The supplemental rebates would be paid in addition to the Tier 5 MARS Payments of $0.17 per contract in Penny Pilot Options and $0.60 per contract in Non-Penny Pilot Options.

[30] *See* note 22 above.

[31] Pursuant to Chapter VII (Market Participants), Section 5 (Obligations of Market Makers), in registering as a market maker, an Options Participant commits himself to various obligations. Transactions of a Market Maker in its market making capacity must constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and Market Makers should not make bids or offers or enter into transactions that are inconsistent with such course of dealings. Further, all Market Makers are designated as specialists on NOM for all purposes under the Act or rules thereunder. *See* Chapter VII, Section 5.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[32]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2019–029 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–NASDAQ–2019–029. 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–NASDAQ–2019–029, and should be submitted on or before May 13, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Jill M. Peterson,

Assistant Secretary.

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[32] 15 U.S.C. 78s(b)(3)(A)(ii).

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85667; File No. SR-CboeEDGX–2019–023]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Program Related to EDGX Rule 11.16, Trading Halts Due to Extraordinary Market Volatility, to the Close of Business on October 18, 2019

April 16, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 12, 2019, Cboe EDGX Exchange, Inc. (the ''Exchange'' or '''EDGX'''') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the pilot program related to EDGX Rule 11.16, Trading Halts Due to Extraordinary Market Volatility, to the close of business on October 18, 2019. The text of the proposed rule change is attached as Exhibit 5[sic].

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

EDGX Rules 11.16(a) through (d), (f) and (g) describe the methodology for determining when to halt trading in all stocks due to extraordinary market volatility, *i.e.,* market-wide circuit breakers. The market-wide circuit breaker mechanism was approved by the Commission to operate on a pilot basis, the term of which is to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS (the ''LULD Plan'' or ''Plan''),[5] including any extensions to the pilot period for the Plan. The Commission published an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis on December 18, 2018,[6] and

[5] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[6] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (Amendment No. 18 Proposing Release).

the Commission approved that amendment on April 11, 2019.[7]

Market-wide circuit breakers provide an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. All U.S. equities exchanges have similar rules related to market-wide circuit breakers, which are designed to slow the effects of extreme price movement through coordinated trading halts across securities markets when severe price declines reach levels that may exhaust market liquidity. Market-wide circuit breakers provide for trading halts in all equities markets during a severe market decline as measured by a single-day decline in the S&P 500 Index.

Pursuant to EDGX Rule 11.16, a market-wide trading halt will be triggered if the S&P 500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2) and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 circuit breaker after 9:30 a.m. ET and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. A market decline that triggers a Level 3 circuit breaker, at any time during the trading day, would halt market-wide trading for the remainder of the trading day. The Exchange proposes to amend EDGX Rule 11.16 to untie the market-wide circuit breaker pilot program's effectiveness from that of the LULD Plan and to extend pilot's effectiveness to the close of business on October 18, 2019.

In addition, the Exchange proposes to amend EDGX Rule 11.16 such that the pilot only applies to the provisions of paragraphs (a) through (d), (f) and (g) of EDGX Rule 11.16—*i.e.,* the provisions related to the market-wide circuit breaker mechanism, and not paragraph (e), which discusses provisions implementing the LULD Plan.[8] The Exchange is required by the LULD Plan to establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the limit up-limit down and trading pause requirements specified in the Plan. EDGX Rule 11.16(e) states that the Exchange is a Participant in the LULD Plan, and requires that members comply with the provisions of the Plan. Furthermore, EDGX Rule 11.16(e) describes order handling performed by the Exchange to maintain compliance with the LULD Plan. Specifically, the rule: (1) Provides that the System shall not display or execute buy (sell) interest above (below) the Upper (Lower) Price Bands, unless such interest is specifically exempted under the Plan; (2) describes how the System re-prices and/or cancels buy (sell) interest that is priced or could be executed above (below) the Upper (Lower) Price Band; and (3) addresses how the Exchange would re-open a security following a Trading Pause. With the approval of the LULD Plan to operate on a permanent basis, the Exchange believes that the provisions of EDGX Rule 11.16(e) should similarly be permanent, thus ensuring continued compliance with the Plan.

The Exchange intends to file a separate proposed rule change with the Commission to operate the provisions of paragraphs (a) through (d), (f) and (g) of EDGX Rule 11.16 on a permanent, rather than pilot, basis. Extending the effectiveness of such provisions to the close of business on October 18, 2019 should provide the Commission adequate time to consider whether to approve the Exchange's separate proposal to operate the market-wide circuit breaker mechanism on a permanent basis.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[9] in general, and Section 6(b)(5) of the Act,[10] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. The Exchange believes that extending the market-wide circuit breaker pilot program for an additional six months would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission considers whether to approve the pilot program on a permanent basis. The proposed rule change would thus promote fair and orderly markets and the protection of investors and the public interest. Based on the foregoing, the Exchange believes the benefits to market participants from the market-wide circuit breaker mechanism should continue on a pilot basis while the Commission considers whether to permanently approve those rules.

The Exchange also believes that it is consistent with the public interest and the protection of investors to make permanent the order handling provisions of EDGX Rule 11.16. Today, like the market-wide circuit breaker rules, those rules are operated under a pilot that coincides with the pilot period for the LULD Plan. Unlike the market-wide circuit breaker rules, however, these rules directly implement the requirements of the LULD Plan, including by implementing order handling that is consistent with the requirements of the Plan. As such, the Exchange believes that it is appropriate to make these rules permanent now that the Plan is no longer operating on a pilot basis. Making these rules permanent would ensure continued compliance by the Exchange and its members with the requirements of the LULD Plan as the Plan transitions to permanent status.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change implicates any competitive issues because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission considers whether to permanently approve the market-wide circuit breaker mechanism under EDGX Rule 11.16. The Exchange believes that FINRA and other national securities exchange will also file similar proposals to extend their respective market-wide circuit breaker pilot programs with the Commission so that the market-wide circuit breaker mechanism may continue uninterrupted while the Commission considers whether to approve its operation on a permanent basis. Furthermore, the proposed rule change would ensure continued compliance with the requirements of the LULD Plan as it becomes permanent,

[7] *See* Securities Exchange Act Release No. 85623 (April 11, 2018) (**Federal Register** publication pending) (Amendment No. 18 Approval Order).

[8] Paragraph (e) of EDGX Rule 11.16, which is being made permanent, is subject to a pilot coterminous with the LULD Plan today.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

which the Exchange believes would not have a significant impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) [12] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may implement the proposed rule change immediately. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the Commission approved making the Plan pilot permanent on April 11, 2019, and therefore the Exchange's proposed changes to its rules reflecting that the Plan is now permanent should go into effect immediately. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

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–CboeEDGX–2019–023 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–CboeEDGX–2019–023. 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; the Commission does not edit personal identifying information from submissions. Persons submitting comments are cautioned that we do not redact or edit personal identifying information form comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2019–023 and should be submitted on or before May 13, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07993 Filed 4–19–19; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A). 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 Commission has waived this requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension: Rule 31 and Form R31, SEC File No. 270–537, OMB Control No. 3235–0597.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 31 (17 CFR 240.31) and Form R31 (17 CFR 249.11) under the Securities Exchange Act of 1934 (15 U.S.C. 78ee) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 31 of the Exchange Act requires the Commission to collect fees and assessments from national securities exchanges and national securities associations (collectively, ''self-regulatory organizations'' or ''SROs'') based on the volume of their securities transactions. To collect the proper amounts, the Commission adopted Rule 31 and Form R31 under the Exchange Act whereby each SRO must report to the Commission the volume of its securities transactions and the Commission, based on those data, calculates the amount of fees and assessments that each SRO owes pursuant to Section 31. Rule 31 and Form R31 require each SRO to provide these data on a monthly basis.

Currently, there are 26 respondents under Rule 31 that are subject to the

collection of information requirements of Rule 31: 22 National securities exchanges, one security futures exchange, one national securities association, and two registered clearing agencies that are required to provide certain data in their possession needed by the SROs to complete Form R31, although these two clearing agencies are not themselves required to complete and submit Form R31. The Commission estimates that the total burden for all 26 respondents is 390 hours per year. The Commission estimates that, based on previous and current experience, three additional national securities exchanges will become registered and subject to the reporting requirements of Rule 31 over the course of the authorization period and collectively incur a burden of 18 hours per year. Thus, the Commission estimates the total burden for the existing and expected new respondents to be 408 hours per year.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 17, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–08034 Filed 4–19–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85666; File No. SR–NASDAQ–2019–021]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to the First Trust California Municipal High Income ETF and the First Trust Municipal High Income ETF

April 16, 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 April 2, 2019, The Nasdaq Stock Market LLC (''Nasdaq'' 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 a rule change relating to the First Trust California Municipal High Income ETF (the ''California Fund'') and the First Trust Municipal High Income ETF (the ''Municipal Fund''), each a series of First Trust Exchange-Traded Fund III (the ''Trust''), the shares of which have been approved by the Commission for listing and trading under Nasdaq Rule 5735 (''Managed Fund Shares''). The California Fund and the Municipal Fund are each, a ''Fund'' and collectively, the ''Funds.'' The shares of the Funds are collectively referred to herein as the ''Shares.''

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.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 Commission has approved the listing and trading of Shares under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares on the Exchange.[3] The Exchange believes the proposed rule change reflects no significant issues not previously addressed in the Prior Releases.

Each Fund is an actively-managed exchange-traded fund (''ETF''). The Shares of each Fund are offered by the Trust, which was established as a Massachusetts business trust on January 9, 2008. The Trust, which is registered with the Commission as an investment company under the Investment Company Act of 1940 (the ''1940 Act''), has, with respect to each Fund, filed a post-effective amendment to its registration statement on Form N–1A (''Registration Statement'') with the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission approved Nasdaq Rule 5735 in Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039). The Commission previously approved the listing and trading of the Shares of each Fund. With respect to the California Fund, *see* Securities Exchange Act Release No. 80745 (May 23, 2017), 82 FR 24755 (May 30, 2017) (SR–NASDAQ–2017–033) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendments No. 1 and 2 (each, a ''California Filing Amendment''), To List and Trade Shares of the First Trust California Municipal High Income ETF) (the ''California Prior Release''). With respect to the Municipal Fund, *see* Securities Exchange Act Release No. 78913 (September 23, 2016), 81 FR 69109 (October 5, 2016) (SR–NASDAQ–2016–002) (Notice of Filing of Amendment No. 3, and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 3, To List and Trade Shares of the First Trust Municipal High Income ETF of First Trust Exchange-Traded Fund III) (the ''Municipal 2016 Release''). Subsequently, the Commission approved a proposed rule change relating to the Municipal Fund, the primary purpose of which was to modify certain representations included in the Municipal 2016 Release. *See* Securities Exchange Act Release No. 81265 (July 31, 2017), 82 FR 36460 (August 4, 2017) (SR–NASDAQ–2017–038) (Notice of Filing of Amendment No. 1, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendments No. 1 and 2 (each, a ''Municipal Filing Amendment''), Relating to the First Trust Municipal High Income ETF) (the ''Municipal 2017 Release''). The Municipal 2016 Release, together with the Municipal 2017 Release, are referred to collectively as the ''Municipal Prior Release.'' The California Prior Release and the Municipal Prior Release are each, a ''Prior Release'' and collectively, the ''Prior Releases.''

Commission.[4] Each Fund is a series of the Trust.

As described below, the purpose of this proposed rule change is to delete a representation set forth in each Fund's Prior Release (*i.e.,* the ''40/50 Requirement,'' as defined below) in order to provide the Adviser with additional flexibility in managing such Fund's portfolio. The Exchange believes that the proposed modification would provide each Fund with greater ability to select from a broad range of ''Municipal Securities'' (as defined below) that would support such Fund's investment goals. Further, the Exchange notes that other recently approved proposed rule changes involving ETFs investing in municipal securities did not include a representation comparable to the 40/50 Requirement.[5]

As described in the California Prior Release, the primary investment objective of the California Fund is to seek to provide current income that is exempt from regular federal income taxes and California income taxes, and its secondary objective is long-term capital appreciation. As described in the Municipal 2016 Release, the primary investment objective of the Municipal Fund is to generate current income that is exempt from regular federal income taxes, and its secondary objective is long-term capital appreciation. Under normal market conditions, each Fund seeks to achieve its investment objectives by investing at least 80% of its net assets (including investment borrowings) in municipal debt securities (referred to as ''Municipal Securities'') that pay interest that is exempt from regular federal income taxes (and, in the case of the California Fund, California income taxes).

As discussed in the Prior Release for each Fund,[6] although certain representations included therein met or exceeded similar requirements set forth in the generic listing standards for actively-managed ETFs (''Generic Listing Standards''), it was not anticipated that either Fund would meet the requirement that components that in the aggregate account for at least 75% of the fixed income weight of the portfolio each have a minimum original principal amount outstanding of $100 million or more (the ''75/100 Requirement'').[7] However, the Prior Releases each included a representation that under normal market conditions, except for the initial invest-up period and periods of high cash inflows or outflows, at least 40% (based on dollar amount invested) of the Municipal Securities in which the applicable Fund invests would be issued by issuers with total outstanding debt issuances that, in the aggregate, have a minimum amount of municipal debt outstanding at the time of purchase of $50 million or more (the ''40/50 Requirement'').[8]

In addition to the 40/50 Requirement, the Prior Releases also included certain other representations. In this regard, the Prior Releases provided that under normal market conditions, except for the initial invest-up period and periods of high cash inflows or outflows:[9]

- Solely with respect to the California Prior Release and the California Fund, such Fund would invest at least 50% of its net assets in ''investment grade Municipal Securities'' as described in the California Prior Release;
- No component fixed income security (excluding specified U.S. government securities) would represent more than 15% of the applicable Fund's net assets, and the five most heavily weighted component fixed income securities in such Fund's portfolio (excluding U.S. government securities) would not, in the aggregate, account for more than 25% of such Fund's net assets;
- The applicable Fund's portfolio of Municipal Securities would include securities from a minimum of 30 non-affiliated issuers; and
- Component securities that in the aggregate account for at least 90% of the weight of the applicable Fund's portfolio of Municipal Securities would be exempted securities as defined in Section 3(a)(12) of the Act.

Additionally, the Prior Releases referenced in the preceding paragraph stated that to the extent the applicable Fund invests in Municipal Securities that are mortgage-backed or asset-backed securities, such investments would not account, in the aggregate, for more than 20% of the weight of the fixed income portion of such Fund's portfolio.

In addition to the above, the Prior Releases:[10]

- Limited the applicable Fund's investments in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, to 15% of such Fund's net assets;
- Provided that subject to certain exceptions, the applicable Fund would not invest 25% or more of the value of its total assets in securities of issuers in any one industry; and
- Provided that under normal market conditions, except for the initial invest-up period and periods of high cash inflows or outflows, the applicable Fund's investments in Municipal Securities would provide exposure (based on dollar amount invested) to (a) at least 10 different industries (with no more than 25% of the value of such Fund's net assets comprised of Municipal Securities that provide exposure to any single industry) and (b) solely with respect to the Municipal Prior Release and the Municipal Fund, at least 15 different states (with no more than 30% of the value of the Municipal Fund's net assets comprised of Municipal Securities that provide exposure to any single state).

(For purposes of this filing, the 40/50 Requirement and the representations described in the three immediately

[4] *See,* with respect to each Fund, Post-Effective Amendment No. 98 to Registration Statement on Form N–1A for the Trust, dated November 28, 2018 (File Nos. 333–176976 and 811–22245). The descriptions of the Funds and the Shares contained herein are based, in part, on information in the Registration Statement. First Trust Advisors L.P. (the ''Adviser'') represents that the Adviser will not implement the changes described herein until the instant proposed rule change is operative.

[5] *See, e.g.,* Securities Exchange Act Release Nos. 84381 (October 5, 2018), 83 FR 51752 (October 12, 2018) (SR–NYSEArca–2018–72) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Listing and Trading of Shares of the First Trust Ultra Short Duration Municipal ETF Under NYSE Arca Rule 8.600–E); 84379 (October 5, 2018), 83 FR 51724 (October 12, 2018) (SR–NYSEArca–2018–73) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Listing and Trading of Shares of the First Trust Short Duration Managed Municipal ETF Under NYSE Arca Rule 8.600–E); 83982 (August 29, 2018), 83 FR 45168 (September 5, 2018) (SR–NYSEArca–2018–62) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Listing and Trading of Shares of the American Century Diversified Municipal Bond ETF Under NYSE Arca Rule 8.600–E); 82973 (March 30, 2018), 83 FR 14698 (April 5, 2018) (SR–NYSEArca–2017–99) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 3, To List and Trade Shares of the Hartford Schroders Tax-Aware Bond ETF Under NYSE Arca Rule 8.600–E); and 82166 (November 29, 2017), 82 FR 57497 (December 5, 2017) (SR–NYSEArca 2017–90) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 2, To List and Trade Shares of the Hartford Municipal Opportunities ETF Under NYSE Arca Rule 8.600–E) (collectively, the ''Recent Approvals'').

[6] *See,* with respect to the California Fund, the California Prior Release and with respect to the Municipal Fund, the Municipal 2017 Release.

[7] *See* Nasdaq Rule 5735(b)(1)(B)(i). Similarly, each of the Recent Approvals stated that the applicable ETF would not meet the comparable requirement set forth in Commentary .01(b)(1) to NYSE Arca Rule 8.600–E.

[8] *See,* with respect to the California Fund, the California Prior Release and with respect to the Municipal Fund, the Municipal 2017 Release. (The California Prior Release used the defined term ''40/50 Requirement'' while the Municipal 2017 Release used the defined term ''40/50 Representation.'')

[9] *See,* with respect to the California Fund, the California Prior Release and with respect to the Municipal Fund, the Municipal 2017 Release.

[10] *See,* with respect to the California Fund, the California Prior Release and with respect to the Municipal Fund, the Municipal 2016 Release and the Municipal 2017 Release.

preceding paragraphs are collectively referred to as the ''Representations.'')

In order to provide each Fund with greater ability to select from a broad range of Municipal Securities that would support such Fund's investment goals, the Exchange is proposing that, going forward, the 40/50 Requirement be deleted.[11] As noted above, the Recent Approvals did not include a comparable representation. Further, except for the deletion of the 40/50 Requirement, the Representations would not change. The Exchange believes that notwithstanding the deletion of the 40/50 Requirement, in light of the requirements that would continue to be imposed on each Fund's portfolio, as described herein, the remaining Representations should continue to provide diversity and liquidity and should continue to mitigate the risks associated with manipulation.

In particular, as noted above, under normal market conditions, except for the initial invest-up period and periods of high cash inflows or outflows, (a) for each Fund, no component fixed income security (excluding specified U.S. government securities) would represent more than 15% of such Fund's net assets, and the five most heavily weighted component fixed income securities in each Fund's portfolio (excluding U.S. government securities) would not, in the aggregate, account for more than 25% of such Fund's net assets; (b) each Fund's portfolio of Municipal Securities would continue to be diversified among a minimum of 30 non-affiliated issuers; (c) component securities that in the aggregate account for at least 90% of the weight of each Fund's portfolio of Municipal Securities would continue to be exempted securities as defined in Section 3(a)(12) of the Act; and (d) each Fund's investments in Municipal Securities would continue to provide exposure (based on dollar amount invested) to at least 10 different industries (with no more than 25% of the value of such Fund's net assets comprised of Municipal Securities that provide exposure to any single industry). In addition, each Fund's investments in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, would continue to be limited to 15% of such Fund's net assets and, subject to certain exceptions, each Fund would not invest 25% or more of the value of its total assets in securities of issuers in any one industry. Further, with respect to the Municipal Fund, under normal market conditions, except for the initial invest-up period and periods of high cash inflows or outflows, such Fund's investments in Municipal Securities would continue to provide exposure (based on dollar amount invested) to at least 15 different states (with no more than 30% of the value of such Fund's net assets comprised of Municipal Securities that provide exposure to any single state).

Continued Listing Representations

For each Fund, all statements and representations made in this filing regarding (a) the description of the portfolio or reference assets, (b) limitations on portfolio holdings or reference assets, (c) dissemination and availability of the reference asset or intraday indicative values, or (d) the applicability of Exchange listing rules shall constitute continued listing requirements for listing the applicable Shares on the Exchange. In addition, the issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures with respect to such Fund under the Nasdaq 5800 Series.

The Adviser represents that there would be no change to either Fund's investment objectives. Except as provided herein, with respect to each Fund, all representations made in the applicable Prior Release regarding (a) the description of the portfolio or reference assets, (b) limitations on portfolio holdings or reference assets, (c) dissemination and availability of the reference asset or intraday indicative values, or (d) the applicability of Exchange listing rules (collectively, ''Prior Release Continued Listing Representations'') would remain unchanged. Except for the generic listing provisions of Nasdaq Rule 5735(b)(1) (the ''generic listing standards'') and as otherwise provided in this filing, the Funds and the Shares would continue to comply with the requirements applicable to Managed Fund Shares under Nasdaq Rule 5735.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act in general and Section 6(b)(5) of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The purpose of this proposed rule change is to delete the 40/50 Requirement in order to provide the Adviser with additional flexibility in managing each Fund's portfolio. The Exchange believes that the proposed modification would provide each Fund with greater ability to select from a broad range of Municipal Securities that would support such Fund's investment goals. Except as provided herein, the Prior Release Continued Listing Representations for each Fund would remain unchanged. Except for the generic listing standards and as otherwise provided in this filing, the Funds and the Shares would continue to comply with the requirements applicable to Managed Fund Shares under Nasdaq Rule 5735.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares would continue to be listed and traded on the Exchange pursuant to Nasdaq Rule 5735. The Exchange also notes the continued listing representations set forth above. The Exchange represents that trading in the Shares would continue to be subject to the existing trading surveillances, administered by both Nasdaq and also the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the deletion of the 40/50 Requirement is intended to provide each Fund with greater ability to select from a broad range of Municipal Securities that would support such Fund's investment goals. Except for the deletion of the 40/50 Requirement, the Representations would not change. The Exchange believes that notwithstanding the deletion of the 40/50 Requirement, in light of the requirements that would

[11] As a related matter, going forward, the 40/50 Requirement would not be included within the meaning of the terms (i) ''Portfolio Representations'' set forth in California Filing Amendment No. 1 and (ii) ''New Representations'' set forth in Municipal Filing Amendment No. 1 and the Municipal 2017 Release. Further, going forward, neither Fund is expected to meet the 75/100 Requirement.

continue to be imposed on each Fund's portfolio, as described herein, the remaining Representations should continue to provide diversity and liquidity and should continue to mitigate the risks associated with manipulation.

In particular, as noted above, under normal market conditions, except for the initial invest-up period and periods of high cash inflows or outflows, (a) for each Fund, no component fixed income security (excluding specified U.S. government securities) would represent more than 15% of such Fund's net assets, and the five most heavily weighted component fixed income securities in each Fund's portfolio (excluding U.S. government securities) would not, in the aggregate, account for more than 25% of such Fund's net assets; (b) each Fund's portfolio of Municipal Securities would continue to be diversified among a minimum of 30 non-affiliated issuers; (c) component securities that in the aggregate account for at least 90% of the weight of each Fund's portfolio of Municipal Securities would continue to be exempted securities as defined in Section 3(a)(12) of the Act; and (d) each Fund's investments in Municipal Securities would continue to provide exposure (based on dollar amount invested) to at least 10 different industries (with no more than 25% of the value of such Fund's net assets comprised of Municipal Securities that provide exposure to any single industry). In addition, each Fund's investments in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, would continue to be limited to 15% of such Fund's net assets and, subject to certain exceptions, each Fund would not invest 25% or more of the value of its total assets in securities of issuers in any one industry. Further, with respect to the Municipal Fund, under normal market conditions, except for the initial invest-up period and periods of high cash inflows or outflows, such Fund's investments in Municipal Securities would continue to provide exposure (based on dollar amount invested) to at least 15 different states (with no more than 30% of the value of such Fund's net assets comprised of Municipal Securities that provide exposure to any single state). The Exchange also notes that the Recent Approvals did not include a representation comparable to the 40/50 Requirement.

In addition, a large amount of information would continue to be publicly available regarding the Funds and the Shares, thereby promoting market transparency. For example, the Intraday Indicative Value (as described in the Prior Releases), available on the Nasdaq Information LLC proprietary index data service, would continue to be widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, each Fund would continue to disclose on its website the Disclosed Portfolio (as defined in Nasdaq Rule 5735(c)(2)) that will form the basis for such Fund's calculation of net asset value (''NAV'') at the end of the business day.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that the additional flexibility to be afforded to the Adviser under the proposed rule change is intended to enhance each Fund's ability to meet its investment goals, to the benefit of investors. In addition, consistent with the Prior Releases, NAV per Share would continue to be calculated daily and each Fund's Disclosed Portfolio would continue to be made available to all market participants at the same time. Further, investors would continue to have ready access to information regarding each Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change would provide the Adviser with additional flexibility in managing the Funds, thereby helping each Fund to achieve its investment goals. As such, it is expected that each Fund may become a more attractive investment product in the marketplace and, therefore, that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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–NASDAQ–2019–021 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–NASDAQ–2019–021. This

[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.

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–NASDAQ–2019–021, and should be submitted on or before May 13, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07992 Filed 4–19–19; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85668; File No. SR–CboeEDGA–2019–006]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Program Related to EDGA Rule 11.16, Trading Halts Due to Extraordinary Market Volatility, to the Close of Business on October 18, 2019

April 16, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 12, 2019, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the pilot program related to EDGA Rule 11.16, Trading Halts Due to Extraordinary Market Volatility, to the close of business on October 18, 2019. The text of the proposed rule change is attached as Exhibit 5[sic].

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

EDGA Rules 11.16(a) through (d), (f) and (g) describe the methodology for determining when to halt trading in all stocks due to extraordinary market volatility, *i.e.,* market-wide circuit breakers. The market-wide circuit breaker mechanism was approved by the Commission to operate on a pilot basis, the term of which is to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS (the ''LULD Plan'' or ''Plan''),[5] including any extensions to the pilot period for the Plan. The Commission published an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis on December 18, 2018,[6] and the Commission approved that amendment on April 11, 2019.[7]

Market-wide circuit breakers provide an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. All U.S. equities exchanges have similar rules related to market-wide circuit breakers, which are designed to slow the effects of extreme price movement through coordinated trading halts across securities markets when severe price declines reach levels that may exhaust market liquidity. Market-wide circuit breakers provide for trading halts in all equities markets during a severe market decline as measured by a single-day decline in the S&P 500 Index.

Pursuant to EDGA Rule 11.16, a market-wide trading halt will be triggered if the S&P 500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2) and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 circuit breaker after 9:30 a.m. ET and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. A market decline that triggers a Level 3 circuit breaker, at any time during the trading day, would halt market-wide trading for the remainder of the trading day. The Exchange proposes to amend EDGA Rule 11.16 to untie the market-wide circuit breaker pilot program's effectiveness from that of the LULD Plan and to extend pilot's effectiveness to the close of business on October 18, 2019.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[6] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (Amendment No. 18 Proposing Release).

[7] *See* Securities Exchange Act Release No. 85623 (April 11, 2018) (**Federal Register** publication pending) (Amendment No. 18 Approval Order).

In addition, the Exchange proposes to amend EDGA Rule 11.16 such that the pilot only applies to the provisions of paragraphs (a) through (d), (f) and (g) of EDGA Rule 11.16—*i.e.,* the provisions related to the market-wide circuit breaker mechanism, and not paragraph (e), which discusses provisions implementing the LULD Plan.[8] The Exchange is required by the LULD Plan to establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the limit up-limit down and trading pause requirements specified in the Plan. EDGA Rule 11.16(e) states that the Exchange is a Participant in the LULD Plan, and requires that members comply with the provisions of the Plan. Furthermore, EDGA Rule 11.16(e) describes order handling performed by the Exchange to maintain compliance with the LULD Plan. Specifically, the rule: (1) Provides that the System shall not display or execute buy (sell) interest above (below) the Upper (Lower) Price Bands, unless such interest is specifically exempted under the Plan; (2) describes how the System re-prices and/or cancels buy (sell) interest that is priced or could be executed above (below) the Upper (Lower) Price Band; and (3) addresses how the Exchange would re-open a security following a Trading Pause. With the approval of the LULD Plan to operate on a permanent basis, the Exchange believes that the provisions of EDGA Rule 11.16(e) should similarly be permanent, thus ensuring continued compliance with the Plan.

The Exchange intends to file a separate proposed rule change with the Commission to operate the provisions of paragraphs (a) through (d), (f) and (g) of EDGA Rule 11.16 on a permanent, rather than pilot, basis. Extending the effectiveness of such provisions to the close of business on October 18, 2019 should provide the Commission adequate time to consider whether to approve the Exchange's separate proposal to operate the market-wide circuit breaker mechanism on a permanent basis.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[9] in general, and Section 6(b)(5) of the Act,[10] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. The Exchange believes that extending the market-wide circuit breaker pilot program for an additional six months would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission considers whether to approve the pilot program on a permanent basis. The proposed rule change would thus promote fair and orderly markets and the protection of investors and the public interest. Based on the foregoing, the Exchange believes the benefits to market participants from the market-wide circuit breaker mechanism should continue on a pilot basis while the Commission considers whether to permanently approve those rules.

The Exchange also believes that it is consistent with the public interest and the protection of investors to make permanent the order handling provisions of EDGA Rule 11.16. Today, like the market-wide circuit breaker rules, those rules are operated under a pilot that coincides with the pilot period for the LULD Plan. Unlike the market-wide circuit breaker rules, however, these rules directly implement the requirements of the LULD Plan, including by implementing order handling that is consistent with the requirements of the Plan. As such, the Exchange believes that it is appropriate to make these rules permanent now that the Plan is no longer operating on a pilot basis. Making these rules permanent would ensure continued compliance by the Exchange and its members with the requirements of the LULD Plan as the Plan transitions to permanent status.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change implicates any competitive issues because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission considers whether to permanently approve the market-wide circuit breaker mechanism under EDGA Rule 11.16. The Exchange believes that FINRA and other national securities exchange will also file similar proposals to extend their respective market-wide circuit breaker pilot programs with the Commission so that the market-wide circuit breaker mechanism may continue uninterrupted while the Commission considers whether to approve its operation on a permanent basis. Furthermore, the proposed rule change would ensure continued compliance with the requirements of the LULD Plan as it becomes permanent, which the Exchange believes would not have a significant impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) [12] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may implement the proposed rule change immediately. The Commission believes that waiving the 30-day

[8] Paragraph (e) of EDGA Rule 11.16, which is being made permanent, is subject to a pilot coterminous with the LULD Plan today.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A). 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 Commission has waived this requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

operative delay is consistent with the protection of investors and the public interest because the Commission approved making the Plan pilot permanent on April 11, 2019, and therefore the Exchange's proposed changes to its rules reflecting that the Plan is now permanent should go into effect immediately. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

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–CboeEDGA–2019–006 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–CboeEDGA–2019–006. 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; the Commission does not edit personal identifying information from submissions. Persons submitting comments are cautioned that we do not redact or edit personal identifying information form comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGA–2019–006 and should be submitted on or before May 13, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Jill M. Peterson,

Assistant Secretary.

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[15] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 206(4)–7, SEC File No. 270–523, OMB Control No. 3235–0585.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Investment Advisers Act rule 206(4)–7 (17 CFR 275.206(4)–7), Compliance procedures and practices.'' Rule 206(4)–7 requires each investment adviser registered with the Commission to (i) adopt and implement internal compliance policies and procedures, (ii) review those policies and procedures annually, (iii) designate a chief compliance officer, and (iv) maintain certain compliance records. Rule 206(4)–7 is designed to protect investors by fostering better compliance with the securities laws. The collection of information under rule 206(4)–7 is necessary to assure that investment advisers maintain comprehensive internal programs that promote the advisers' compliance with the Investment Advisers Act of 1940. The information collection in the rule also assists the Commission's examination staff in assessing the adequacy advisers' compliance programs. This collection of information is found at 17 CFR 275.206(4)–7 and is mandatory.

The Commission's examination staff review the information documented pursuant to rule 206(4)–7; it will be accorded the same level of confidentiality accorded to other responses provided to the Commission in the context of its examination and oversight program. 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 control number.

The respondents to this information collection are investment advisers registered with the Commission. Our latest data indicate that there were 13,249 advisers registered with the Commission as of October 31, 2018. The Commission has estimated that compliance with rule 206(4)-7 imposes an annual burden of approximately 87 hours per respondent. Based on this figure, the Commission estimates a total annual burden of 1,152, 663 hours for this collection of information.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 17, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–08039 Filed 4–19–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, Washington, DC 20549–2736.

Extension:

Rule 3a71–6, SEC File No. 270–656, OMB Control No. 3235–0715.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'') is soliciting comments on the existing collection of information provided for Rule 3a71–6. The SEC plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 3a71–6 provides that non-U.S. security-based swap dealers and major security-based swap participants may comply with certain Exchange Act requirements via compliance with requirements of a foreign financial regulatory system that the Commission has determined by order to be comparable to those Exchange Act requirements, taking into account the scope and objectives of the relevant foreign requirements, and the effectiveness of supervision and enforcement under the foreign regulatory regime.

Requests for substituted compliance may come from parties or groups of parties that may rely on substituted compliance, or from foreign financial authorities supervising such parties or their security-based swap activities. In practice, the Commission expects that the greater portion of any such substituted compliance requests will be submitted by foreign financial authorities. For purposes of the PRA, the Commission estimates that three security-based swap dealers or major security-based swap participants will submit substituted compliance applications.

The Commission staff estimates that the one-time reporting burden associated with making each substituted compliance request pursuant to Rule 3a71–6 would occur in the first year and would be approximately 80 hours of in-house counsel time, or 240 aggregate hours across the three entities. The Commission staff estimates that the total costs associated with each substituted compliance request would occur in the first year and would be appropriately $84,000 for outside counsel, or $252,000 in the aggregate across the three entities. Annualized over three years, the time burden is 26.67 hours per respondent per year for a total burden of 80 hours per year for all respondents. Annualized over three years, the cost burden is $28,000 per respondent per year for a total cost burden of $84,000 per year for all respondents.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information shall have practical utility; (b) the accuracy of the SEC's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 17, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–08036 Filed 4–19–19; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 17j–1, SEC File No. 270–239, OMB Control No. 3235–0224.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Conflicts of interest between investment company personnel (such as portfolio managers) and their funds can arise when these persons buy and sell securities for their own accounts (''personal investment activities''). These conflicts arise because fund personnel have the opportunity to profit from information about fund transactions, often to the detriment of fund investors. Beginning in the early 1960s, Congress and the Securities and Exchange Commission (''Commission'') sought to devise a regulatory scheme to effectively address these potential conflicts. These efforts culminated in the addition of section 17(j) to the Investment Company Act of 1940 (the ''Investment Company Act'') (15 U.S.C. 80a–17(j)) in 1970 and the adoption by the Commission of rule 17j–1 (17 CFR 270.17j–1) in 1980.[1] The Commission proposed amendments to rule 17j–1 in 1995 in response to recommendations made in the first detailed study of fund policies concerning personal investment activities by the Commission's Division of Investment Management since rule 17j–1 was adopted. Amendments to rule 17j–1, which were adopted in 1999, enhanced fund oversight of personal investment activities and the board's role in carrying out that oversight.[2] Additional amendments to rule 17j–1 were made in 2004, conforming rule 17j–1 to rule 204A–1 under the Investment Advisers Act of 1940 (15 U.S.C. 80b), avoiding duplicative reporting, and modifying certain definitions and time restrictions.[3] Section 17(j) makes it unlawful for persons affiliated with a registered investment company (''fund'') or with the fund's investment adviser or principal underwriter (each a ''17j–1 organization''), in connection with the purchase or sale of securities held or to be acquired by the investment company, to engage in any fraudulent, deceptive, or manipulative act or practice in

[1] Prevention of Certain Unlawful Activities with Respect to Registered Investment Companies, Investment Company Act Release No. 11421 (Oct. 31, 1980) (45 FR 73915 (Nov. 7, 1980)).

[2] Personal Investment Activities of Investment Company Personnel, Investment Company Act Release No. 23958 (Aug. 20, 1999) (64 FR 46821 (Aug. 27, 1999)).

[3] Investment Adviser Codes of Ethics, Investment Advisers Act Release No. 2256 (Jul. 2, 2004) (69 FR 41696 (Jul. 9, 2004)).

contravention of the Commission's rules and regulations. Section 17(j) also authorizes the Commission to promulgate rules requiring 17j–1 organizations to adopt codes of ethics.

In order to implement section 17(j), rule 17j–1 imposes certain requirements on 17j–1 organizations and ''Access Persons'' [4] of those organizations. The rule prohibits fraudulent, deceptive or manipulative acts by persons affiliated with a 17j–1 organization in connection with their personal securities transactions in securities held or to be acquired by the fund. The rule requires each 17j–1 organization, unless it is a money market fund or a fund that does not invest in Covered Securities,[5] to: (i) Adopt a written codes of ethics, (ii) submit the code and any material changes to the code, along with a certification that it has adopted procedures reasonably necessary to prevent Access Persons from violating the code of ethics, to the fund board for approval, (iii) use reasonable diligence and institute procedures reasonably necessary to prevent violations of the code, (iv) submit a written report to the fund describing any issues arising under the code and procedures and certifying that the 17j–1 entity has adopted procedures reasonably necessary to prevent Access Persons form violating the code, (v) identify Access Persons and notify them of their reporting obligations, and (vi) maintain and make available to the Commission for review certain records related to the code of ethics and transaction reporting by Access Persons.

The rule requires each Access Person of a fund (other than a money market fund or a fund that does not invest in Covered Securities) and of an investment adviser or principal underwriter of the fund, who is not subject to an exception,[6] to file: (i) Within 10 days of becoming an Access Person, a dated initial holdings report that sets forth certain information with respect to the Access Person's securities and accounts; (ii) dated quarterly transaction reports within 30 days of the end of each calendar quarter providing certain information with respect to any securities transactions during the quarter and any account established by the Access Person in which any securities were held during the quarter; and (iii) dated annual holding reports providing information with respect to each Covered Security the Access Person beneficially owns and accounts in which securities are held for his or her benefit. In addition, rule 17j–1 requires investment personnel of a fund or its investment adviser, before acquiring beneficial ownership in securities through an initial public offering (IPO) or in a private placement, to obtain approval from the fund or the fund's investment adviser.

The requirements that the management of a rule 17j–1 organization provide the fund's board with new and amended codes of ethics and an annual issues and certification report are intended to enhance board oversight of personal investment policies applicable to the fund and the personal investment activities of Access Persons. The requirements that Access Persons provide initial holdings reports, quarterly transaction reports, and annual holdings reports and request approval for purchases of securities through IPOs and private placements are intended to help fund compliance personnel and the Commission's examinations staff monitor potential conflicts of interest and detect potentially abusive activities. The requirement that each rule 17j–1 organization maintain certain records is intended to assist the organization and the Commission's examinations staff in determining if there have been violations of rule 17j–1.

We estimate that annually there are approximately 75,316 respondents under rule 17j–1, of which 5,316 are rule 17j–1 organizations and 70,000 are Access Persons. In the aggregate, these respondents make approximately 107,038 responses annually. We estimate that the total annual burden of complying with the information collection requirements in rule 17j–1 is approximately 368,094 hours. This hour burden represents time spent by Access Persons that must file initial and annual holdings reports and quarterly transaction reports, investment personnel that must obtain approval before acquiring beneficial ownership in any securities through an IPO or private placement, and the responsibilities of Rule 17j–1 organizations arising from information collection requirements under rule 17j–1. These include notifying Access Persons of their reporting obligations, preparing an annual rule 17j–1 report and certification for the board, documenting their approval or rejection of IPO and private placement requests, maintaining annual rule 17j–1 records, maintaining electronic reporting and recordkeeping systems, amending their codes of ethics as necessary, and, for new fund complexes, adopting a code of ethics.

We estimate that there is an annual cost burden of approximately $5,000 per fund complex, for a total of $3,915,000, associated with complying with the information collection requirements in rule 17j–1. This represents the costs of purchasing and maintaining computers and software to assist funds in carrying out rule 17j–1 recordkeeping.

These burden hour and cost estimates are based upon the Commission staff's experience and discussions with the fund industry. The estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information requirements of the rule is mandatory and is necessary to comply with the requirements of the rule in

[4] Rule 17j–1(a)(1) defines an ''access person'' as ''Any Advisory Person of a Fund or of a Fund's investment adviser. If an investment adviser's primary business is advising Funds or other advisory clients, all of the investment adviser's directors, officers, and general partners are presumed to be Access Persons of any Fund advised by the investment adviser. All of a Fund's directors, officers, and general partners are presumed to be Access Persons of the Fund.'' The definition of Access Person also includes ''Any director, officer or general partner of a principal underwriter who, in the ordinary course of business, makes, participates in or obtains information regarding, the purchase or sale of Covered Securities by the Fund for which the principal underwriter acts, or whose functions or duties in the ordinary course of business relate to the making of any recommendation to the Fund regarding the purchase or sale of Covered Securities.'' Rule 17j–1(a)(1).

[5] A ''Covered Security'' is any security that falls within the definition in section 2(a)(36) of the Act, except for direct obligations of the U.S. Government, bankers' acceptances, bank certificates of deposit, commercial paper and high quality short-term debt instruments, including repurchase agreements, and shares issued by open-end funds. Rule 17j–1(a)(4).

[6] Rule 17j–1(d)(2) contains the following exceptions: (i) An Access Person need not file a report for transactions effected for, and securities held in, any account over which the Access Person does not have control; (ii) an independent director of the fund, who would otherwise be required to report solely by reason of being a fund director and who does not have information with respect to the fund's transactions in a particular security, does not have to file an initial holdings report or a quarterly transaction report; (iii) an Access Person of a principal underwriter of the fund does not have to file reports if the principal underwriter is not affiliated with the fund (unless the fund is a unit investment trust) or any investment adviser of the fund and the principal underwriter of the fund does not have any officer, director, or general partner who serves in one of those capacities for the fund or any investment adviser of the fund; (iv) an Access Person to an investment adviser need not make quarterly reports if the report would duplicate information provided under the reporting provisions of the Investment Adviser's Act of 1940; (v) an Access Person need not make quarterly transaction reports if the information provided in the report would duplicate information received by the 17j–1 organization in the form of broker trade confirmations or account statements or information otherwise in the records of the 17j–1 organization; and (vi) an Access Person need not make quarterly transaction reports with respect to transactions effected pursuant to an Automatic Investment Plan.

general. 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 control number. Rule 17j–1 requires that records be maintained for at least five years in an easily accessible place.[7]

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: April 17, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–08040 Filed 4–19–19; 8:45 am]

BILLING CODE 8011–01–P

[7] If information collected pursuant to the rule is reviewed by the Commission's examination staff, it will be accorded the same level of confidentiality accorded to other responses provided to the Commission in the context of its examination and oversight program. See section 31(c) of the Investment Company Act (15 U.S.C. 80a–30(c)).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Form T–4, SEC File No. 270–124, OMB Control No. 3235–0107.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collections of information discussed below.

Form T–4 (17 CFR 269.4) is a form used by an issuer to apply for an exemption under Section 304(c) (15 U.S.C 77ddd(c)) of the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*). Form T–4 is filed on occasion. The information required by Form T–4 is mandatory. This information is publicly available on EDGAR. Form T–4 takes approximately 5 hours per response to prepare and is filed by approximately 3 respondents. We estimate that 25% of the 5 hours per response (1 hour) is prepared by the filer for a total annual reporting burden of 3 hours (1 hour per response × 3 responses).

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 control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: April 17, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–08041 Filed 4–19–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 15a–6. SEC File No. 270–0329, OMB Control No. 3235–0371.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 15a–6 (17 CFR 240.15a–6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 15a–6 provides conditional exemptions from the requirement to register as a broker-dealer pursuant to Section 15 of the Exchange Act (15 U.S.C. 78o) for foreign broker-dealers that engage in certain specified activities involving U.S. persons. In particular, Rule 15a–6(a)(3) provides an exemption from broker-dealer registration for foreign broker-dealers that solicit and effect transactions with or for U.S. institutional investors or major U.S. institutional investors through a registered broker-dealer, provided that the U.S. broker-dealer, among other things, obtains certain information about, and consents to service of process from, the personnel of the foreign broker-dealer involved in such transactions, and maintains certain records in connection therewith.

These requirements are intended to ensure (a) that the registered broker-dealer will receive notice of the identity of, and has reviewed the background of, foreign personnel who will contact U.S. investors, (b) that the foreign broker-dealer and its personnel effectively may be served with process in the event enforcement action is necessary, and (c) that the Commission has ready access to information concerning these persons and their U.S. securities activities. Commission staff estimates that approximately 2,000 U.S. registered broker-dealers will spend an average of two hours of clerical staff time and one hour of managerial staff time per year obtaining the information required by the rule, resulting in a total aggregate burden of 6,000 hours per year for complying with the rule. Assuming an hourly cost of $63 [1] for a compliance clerk and $269 [2] for a compliance manager, the resultant total internal labor cost of compliance for the respondents is $818,000 per year (2,000 entities × ((2 hours/entity × $63/hour) + (1 hour per entity × $283/hour)) = $818,000).

In general, the records to be maintained under Rule 15a–6 must be kept for the applicable time periods as set forth in Rule 17a–4 (17 CFR 240.17a–4) under the Exchange Act or, with respect to the consents to service

[1] The hourly rate used for a compliance clerk was from SIFMA's *Office Salaries in the Securities Industry 2013,* modified by Commission staff to account for an 1,800 hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

[2] The hourly rate used for a compliance manager was from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff to account for an 1,800 hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

of process, for a period of not less than six years after the applicable person ceases engaging in U.S. securities activities. Reliance on the exemption set forth in Rule 15a–6 is voluntary, but if a foreign broker-dealer elects to rely on such exemption, the collection of information described therein is mandatory. The collection does not involve confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner,100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: April 17, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–08042 Filed 4–19–19; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85665; File No. SR–CboeBYX–2019–004]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Program Related to BYX Rule 11.18, Trading Halts Due to Extraordinary Market Volatility, to the Close of Business on October 18, 2019

April 16, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 12, 2019, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (''BYX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the pilot program related to BYX Rule 11.18, Trading Halts Due to Extraordinary Market Volatility, to the close of business on October 18, 2019. The text of the proposed rule change is attached as Exhibit 5 [sic].

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

BYX Rules 11.18(a) through (d), (f) and (g) describe the methodology for determining when to halt trading in all stocks due to extraordinary market volatility, *i.e.,* market-wide circuit breakers. The market-wide circuit breaker mechanism was approved by the Commission to operate on a pilot basis, the term of which is to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS (the ''LULD Plan'' or ''Plan''),[5] including any extensions to the pilot period for the Plan. The Commission published an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis on December 18, 2018,[6] and the Commission approved that amendment on April 11, 2019.[7]

Market-wide circuit breakers provide an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. All U.S. equities exchanges have similar rules related to market-wide circuit breakers, which are designed to slow the effects of extreme price movement through coordinated trading halts across securities markets when severe price declines reach levels that may exhaust market liquidity. Market-wide circuit breakers provide for trading halts in all equities markets during a severe market decline as measured by a single-day decline in the S&P 500 Index.

Pursuant to BYX Rule 11.18, a market-wide trading halt will be triggered if the S&P 500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2) and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 circuit breaker after 9:30 a.m. ET and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. A market decline that triggers a Level 3 circuit breaker, at any time during the trading day, would halt market-wide trading for the remainder of the trading day. The Exchange proposes to amend BYX Rule 11.18 to untie the market-wide circuit breaker pilot program's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.

In addition, the Exchange proposes to amend BYX Rule 11.18 such that the pilot only applies to the provisions of paragraphs (a) through (d), (f) and (g) of BYX Rule 11.18—*i.e.,* the provisions related to the market-wide circuit breaker mechanism, and not paragraph

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[6] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (Amendment No. 18 Proposing Release).

[7] *See* Securities Exchange Act Release No. 85623 (April 11, 2018) (**Federal Register** publication pending) (Amendment No. 18 Approval Order).

(e), which discusses provisions implementing the LULD Plan.[8] The Exchange is required by the LULD Plan to establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the limit up-limit down and trading pause requirements specified in the Plan. BYX Rule 11.18(e) states that the Exchange is a Participant in the LULD Plan, and requires that members comply with the provisions of the Plan. Furthermore, BYX Rule 11.18(e) describes order handling performed by the Exchange to maintain compliance with the LULD Plan. Specifically, the rule: (1) Provides that the System shall not display or execute buy (sell) interest above (below) the Upper (Lower) Price Bands, unless such interest is specifically exempted under the Plan; and (2) describes how the System re-prices and/or cancels buy (sell) interest that is priced or could be executed above (below) the Upper (Lower) Price Band. With the approval of the LULD Plan to operate on a permanent basis, the Exchange believes that the provisions of BYX Rule 11.18(e) should similarly be permanent, thus ensuring continued compliance with the Plan.

The Exchange intends to file a separate proposed rule change with the Commission to operate the provisions of paragraphs (a) through (d), (f) and (g) of BYX Rule 11.18 on a permanent, rather than pilot, basis. Extending the effectiveness of such provisions to the close of business on October 18, 2019 should provide the Commission adequate time to consider whether to approve the Exchange's separate proposal to operate the market-wide circuit breaker mechanism on a permanent basis.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[9] in general, and Section 6(b)(5) of the Act,[10] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. The Exchange believes that extending the market-wide circuit breaker pilot program for an additional six months would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission considers whether to approve the pilot program on a permanent basis. The proposed rule change would thus promote fair and orderly markets and the protection of investors and the public interest. Based on the foregoing, the Exchange believes the benefits to market participants from the market-wide circuit breaker mechanism should continue on a pilot basis while the Commission considers whether to permanently approve those rules.

The Exchange also believes that it is consistent with the public interest and the protection of investors to make permanent the order handling provisions of BYX Rule 11.18. Today, like the market-wide circuit breaker rules, those rules are operated under a pilot that coincides with the pilot period for the LULD Plan. Unlike the market-wide circuit breaker rules, however, these rules directly implement the requirements of the LULD Plan, including by implementing order handling that is consistent with the requirements of the Plan. As such, the Exchange believes that it is appropriate to make these rules permanent now that the Plan is no longer operating on a pilot basis. Making these rules permanent would ensure continued compliance by the Exchange and its members with the requirements of the LULD Plan as the Plan transitions to permanent status.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change implicates any competitive issues because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission considers whether to permanently approve the market-wide circuit breaker mechanism under BYX Rule 11.18. The Exchange believes that FINRA and other national securities exchange will also file similar proposals to extend their respective market-wide circuit breaker pilot programs with the Commission so that the market-wide circuit breaker mechanism may continue uninterrupted while the Commission considers whether to approve its operation on a permanent basis. Furthermore, the proposed rule change would ensure continued compliance with the requirements of the LULD Plan as it becomes permanent, which the Exchange believes would not have a significant impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) [12] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may implement the proposed rule change immediately. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the Commission approved making the Plan pilot permanent on April 11, 2019, and therefore the Exchange's proposed changes to its rules reflecting that the Plan is now permanent should go into effect immediately. Therefore, the Commission hereby waives the 30-day operative delay and designates the

[8] Paragraph (e) of BYX Rule 11.18, which is being made permanent, is subject to a pilot coterminous with the LULD Plan today.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A). 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 Commission has waived this requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

proposed rule change to be operative upon filing with the Commission.[15]

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–CboeBYX–2019–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBYX–2019–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–CboeBYX–2019–004 and should be submitted on or before May 13, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07991 Filed 4–19–19; 8:45 am]

BILLING CODE 8011–01–P

[15] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants, SEC File No. 270–792; OMB Control No. 3235–0739.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants.[1] (17 CFR 240.3a67–10, 240.3a71–3,240.3a71–6, 240.15Fh–1 through 15Fh–6 and 240.15Fk–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

In 2010, Congress passed the Dodd-Frank Act, establishing a comprehensive framework for regulating the over-the-counter swaps markets. As required by Title VII of the Dodd-Frank Act, new section 15F(h) of the Exchange Act established business conduct standards for security-based swap (''SBS'') Dealers and Major SBS Participants (''collectively ''SBS Entities'') in their dealings with counterparties, including special entities. In 2016, in order to implement the Dodd-Frank Act, the Commission adopted the BCS Rules for SBS Dealers and Major SBS Participants,[2] a comprehensive set of business conduct standards and chief compliance officer requirements applicable to SBS Entities, that are designed to enhance transparency, facilitate informed customer decision-making, and heighten standards of professional conduct to better protect investors.[3]

Rules 15Fh–1 through 15Fh–6 and 15Fk–1 require SBS Entities to:

- Verify whether a counterparty is an eligible contract participant and whether it is a special entity;
- Disclose to the counterparty material information about the SBS, including material risks, characteristics, incentives and conflicts of interest;
- Provide the counterparty with information concerning the daily mark of the SBS;
- Provide the counterparty with information regarding the ability to require clearing of the SBS;
- Communicate with counterparties in a fair and balanced manner based on principles of fair dealing and good faith;
- Establish a supervisory and compliance infrastructure; and
- Designate a chief compliance officer that is required to fulfill the described duties and provide an annual compliance report.

The rules also require SBS Dealers to:

- Determine that recommendations they make regarding SBS are suitable for their counterparties.
- Establish, maintain and enforce written policies and procedures reasonably designed to obtain and retain

[1] *Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants,* Exchange Act Release 77617 (Apr. 14, 2016), 81 FR 29959 (May 13, 2016). *See also Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants; Correction,* Exchange Act Release 77617A (May 19, 2016), 81 FR 32643 (May 24, 2016). (together, 'the Business Conduct Rules for SBSDs and MSBSPs'' or ''BCS Rules'')

[2] *Id.*

[3] Commission staff has prepared separate supporting statements pursuant to the Paperwork Reduction Act (''PRA'') regarding final Rule 3a71–3(c) and Rule 3a71–6, which address the cross-border application of the business conduct standards and the availability of substituted compliance. The Office of Management and Budget (''OMB'') has assigned control number 3235–0717 to Final Rule 3a71–3(c) and 3235–0715 to Final Rule 3a71–6. Final Rule 3a67–10(d) is a definitional rule and does not have a PRA burden associated with it. Rules 3a71–3(a), Rule 15Fh–1 and Rules 15Fh–2(b) and (c) address scope of the rules and definitions and so do not have PRA burdens associated with them.

a record of the essential facts concerning each known counterparty that are necessary to conduct business with such counterparty; and

• Comply with rules designed to prevent ''pay-to-play.''

The rules also define what it means to ''act as an advisor'' to a special entity, and require an SBS Dealer who acts as an advisor to a special entity to:

• Make a reasonable determination that any security-based swap or trading strategy involving a security-based swap recommended by the SBS Dealer is in the best interests of the special entity whose identity is known at a reasonably sufficient time prior to the execution of the transaction to permit the SBS Dealer to comply with this obligation; and

• Make reasonable efforts to obtain such information that the SBS Dealer considers necessary to make a reasonable determination that a security-based swap or trading strategy involving a security-based swap is in the best interests of the known special entity.

In addition, the rules require SBS Entities acting as counterparties to special entities to reasonably believe that the counterparty has an independent representative who meets the following requirements:

• Has sufficient knowledge to evaluate the transaction and risks;

• Is not subject to a statutory disqualification;

• Undertakes a duty to act in the best interests of the special entity;

• Makes appropriate and timely disclosures to the special entity of material information concerning the security-based swap;

• Evaluates, consistent with any guidelines provided by the special entity, the fair pricing and the appropriateness of the security-based swap;

• Is independent of the security-based swap dealer or major security-based swap participant that is the counterparty to a proposed security-based swap.

Under the rules, the special entity's independent representative must also be subject to pay-to-play regulations, and if the special entity is an ERISA plan, the independent representative must be an ERISA fiduciary.

The information that must be collected pursuant to the BCS Rules is intended to increase accountability and transparency in the market. The information will therefore help establish a framework that protects investors and promotes efficiency, competition and capital formation.

Based on a review of recent data, as of 2018, the Commission estimates the number of respondents to be as follows: 50 SBS Dealers, 5 Major SBS Participants, for a total of 55 ''SBS Entities''.[4] Further, we estimate that approximately 46 of these 55 SBS Entities will be dually registered with the CFTC as Swap Entities. We also estimate that there are currently 13,137 security-based swap market participants of which 8,802 are also swap market participants. In 2018, there were approximately 593,364 security-based swap transactions between an SBS Dealer and counterparty that is not an SBS Dealer of which 233,595 were new or amended trades. The Commission estimates there are 370 independent, third-party representatives and 20 in-house independent representatives.[5] We estimate that there are approximately 13,706 unique SBS Dealer and non-SBS-Dealer pairs. We have used these estimates in calculating the hour and cost burdens for the rule provisions that we anticipate have a ''collection of information'' burden within the meaning of the PRA.

The Commission estimates that the aggregate burden of the ongoing reporting and disclosures required by the BCS Rules, as described above, is approximately 554,823 hours and $2,138,000 calculated as follows:

Section	Type of burden	Respondents	Ongoing annual burden (hours)	Ongoing annual burden (cost)	Industry-wide annual burden (hours)	Industry-wide annual burden (cost)
15Fh–3(b), (c), (d)—Disclosures—SBS Entities.	Reporting	55	4,120	$0	226,600	$0
15Fh–3(b), (c), (d)—Disclosures—SBS Transactions Between SBS Dealer and Non-SBSD Counterparty.	Reporting	233,595	1	0	233,595	0
15Fh–3(e), (f)—Know Your Counterparty and Recommendations (SBS Dealers).	Reporting	50	137	0	6,853	0
15Fh–3(g)—Fair and Balanced Communications.	Reporting	55	2	3,600	110	198,000
15Fh–3(h)—Supervision	Reporting	55	540	4,800	29,700	264,000
15Fh–5—SBS Entities Acting as Counterparties to Special Entities.	Reporting	55	390	0	21,450	0
15Fh–5—SBS Entities Acting as Counterparties to Special Entities.	Third-Party Disclosure.	55	390	0	21,450	0
15Fh–6—Political Contributions	Reporting	50	1	25,600	50	1,280,000
15Fk–1—Chief Compliance Officer	Reporting	55	273	7,200	15,015	396,000.00
Total					554,823	$2,138,000

Written 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 Commission's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or

[4] Unless otherwise noted, estimates were derived from the DTCC–TIW data set (February 2019).

[5] See, Exchange Act Rule 15Fh–5.

other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Charles Riddle, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 17, 2019.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–08037 Filed 4–19–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85656; File No. SR–CboeBZX–2019–023]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change Amend Exchange Rule 14.11(c), Index Fund Shares, To Adopt Generic Listing Standards for Index Fund Shares Based on an Index of Municipal Bond Securities

April 16, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 3, 2019, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 14.11(c) (''Index Fund Shares'') to adopt generic listing standards for Index Fund Shares based on an index of municipal bond securities.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 14.11(c) permits the Exchange to list a series of Index Fund Shares based on an index or portfolio of underlying securities. Currently, Rule 14.11(c) includes generic listing standards for Index Fund Shares based on an index or portfolio of equity or fixed income securities or a combination thereof. The Exchange proposes to amend Rule 14.11(c) to add a new Rule 14.11(c)(4)(B)(ii) to provide quantitative generic listing standards for Index Fund Shares based on an index or portfolio of Municipal Securities[3] that do not meet the generic listing standards under Rule 14.11(c)(4)(B)(i).[4] All other standards not included in Rule 14.11(c)(4)(B)(i) applicable to series of Index Fund Shares based on an index composed of fixed income securities will continue to apply to a series of Index Fund Shares based on an index or portfolio of Municipal Securities listed pursuant to Rule 14.11(c)(4)(B)(ii).

An index of Municipal Securities typically does not meet the generic listing requirements for Index Fund Shares based on an index of fixed income securities.[5] Nonetheless, the Commission has previously approved proposed rule changes relating to listing and trading on the Exchange of Index Fund Shares based on an index of Municipal Securities.[6] Given the large number of prior approvals by the Commission, the Exchange now

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Municipal Securities'' has the definition given to it in Section 3(a)(29) of the Act.

[4] The Exchange notes that this proposal is substantively identical to a proposal recently submitted by NYSE Arca, Inc. *See* Securities Exchange Act Release No. 85170 (February 21, 2019), 84 FR 6451 (February 27, 2019) (SR–NYSEArca–2019–04).

[5] *See* Exchange Rule 14.11(c)(4)(A)(ii). Municipal Securities are typically issued in with individual maturities of relatively small size, although they generally are constituents of a much larger municipal bond offering. Therefore, an index of Municipal Securities will typically be unable to satisfy the requirement that component fixed income securities that, in the aggregate, account for at least 75% of the weight of the index each shall have a minimum principal amount outstanding of $100 million or more.

[6] The Exchange notes that the Commission has approved or published immediately effective filings allowing the listing and trading of a large number of series of Index Fund Shares based on Municipal Securities. *See* Securities Exchange Act Release Nos. 84107 (September 13, 2018), 83 FR 47210 (September 18, 2018) (SR–CboeBZX–2018–070) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To List and Trade Shares of the iShares iBonds Dec 2025 Term Muni Bond ETF of iShares Trust Under BZX Rule 14.11(c)(4) (Index Fund Shares)); 79381 (November 22, 2016), 81 FR 86044 (November 29, 2016) (SR–BatsBZX–2016–48) (Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendments No. 1 and No. 2 Thereto, To List and Trade Shares of the iShares iBonds Dec 2023 Term Muni Bond ETF and iShares iBonds Dec 2024 Term Muni Bond ETF of the iShares U.S. ETF Trust Pursuant to BZX Rule 14.11(c)(4); 67985 (October 4, 2012), 77 FR 61804 (October 11, 2012) (SR–NYSEArca–2012–92) (order approving proposed rule change relating to the listing and trading of iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 67729 (August 24, 2012), 77 FR 52776 (August 30, 2012) (SR–NYSEArca–2012–92) (notice of proposed rule change relating to the listing and trading of iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 72523, (July 2, 2014), 79 FR 39016 (July 9, 2014) (SR–NYSEArca–2014–37) (order approving proposed rule change relating to the listing and trading of iShares 2020 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary.02); 72172 (May 15, 2014), 79 FR 29241 (May 21, 2014) (SR–NYSEArca–2014–37) (notice of proposed rule change relating to the listing and trading of iShares 2020 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary.02); 72464 (June 25, 2014), 79 FR 37373 (July 1, 2014) (File No. SR–NYSEArca–2014–45) (order approving proposed rule change governing the continued listing and trading of shares of the PowerShares Insured California Municipal Bond Portfolio, PowerShares Insured National Municipal Bond Portfolio, and PowerShares Insured New York Municipal Bond Portfolio); 75468 (July 16, 2015), 80 FR 43500 (July 22, 2015) (SR–NYSEArca–2015–25) (order approving proposed rule change relating to the listing and trading of iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec2022 AMT-Free Muni Bond ETF under NYSE Arca Equities Rule 5.2(j)(3)); 74730 (April 15, 2015), 76 [sic] FR 22234 (April 21, 2015) (notice of proposed rule change relating to the listing and trading of iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec 2022 AMT-Free Muni Bond ETF under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 74730 75376 (July 7, 2015), 80 FR 40113 (July 13, 2015) (SR–NYSEArca–2015–18) (order approving proposed rule change relating to the listing and trading of Vanguard Tax-Exempt Bond Index Fund under NYSE Arca Equities Rule 5.2(j)(3)).

proposes to adopt generic listing standards for Index Fund Shares based on an index of Municipal Securities that do not meet the generic listing standards for Index Fund Shares based on an index of fixed income securities.

In the Exchange's experience, indices of Municipal Securities are able to satisfy all of the generic listing requirements applicable to fixed income indices contained in Rule 14.11(c)(4) except the requirement that component securities in an index have a minimum original principal amount outstanding. Specifically, Municipal Securities are generally issued with individual maturities of relatively small size, although they generally are constituents of a much larger municipal bond offering. Therefore, Municipal Securities are unable to satisfy the rule's requirement that ''at least 75% of the Fixed Income Securities portion of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of $100 million or more.'' Notwithstanding the inability of a Municipal Securities index to meet this aspect of the generic listing standards, the Commission has previously approved for listing and trading a series of Index Fund Shares based on such indices where the Exchange has demonstrated an index is not susceptible to manipulation.[7]

The Exchange would apply existing Rule 14.11(c)(4) and proposed Rule 14.11(c)(4)(B)(ii) in a ''waterfall'' manner. Specifically, every series of Index Fund Shares based on an index of fixed income securities and cash (including an index that contains Municipal Securities) would initially be evaluated against the generic listing standards of Rule 14.11(c)(4)(b)(i). If the index underlying a series of Index Fund Shares satisfied the existing criteria of Rule 14.11(c)(4)(b)(i), the Exchange would proceed with listing the Index Fund Shares. The Exchange would apply proposed Rule 14.11(c)(4)(B)(ii) only if: (i) An index did not meet the requirements of Rule 14.11(c)(4)(b)(i); and (ii) such index contained only Municipal Securities and cash.

The Exchange believes that if an index of fixed income securities and cash (including one that contains Municipal Securities) satisfies the existing requirements of Rule 14.11(c)(4)(B)(i), its constituent securities are sufficiently liquid to deter manipulation of the index. Further, the proposed alternative listing standard, which would only be applicable to an index consisting entirely of Municipal Securities and cash, includes many requirements that are more stringent than those applicable to an index of fixed income securities and cash. The Exchange believes these heightened requirements would deter potential manipulation of such Municipal Securities indices even though the index may include securities that have smaller original principal amounts outstanding.

Comparison of Existing Quantitative Requirements for Fixed Income Indices vs. Proposed Quantitative Requirements for Municipal Securities Indices

Below is a comparison of the existing quantitative requirements for Index Fund Shares based on an index of fixed income securities versus the Exchange's proposed alternative quantitative requirements for Index Fund Shares based on an index of Municipal Securities:

ORIGINAL PRINCIPAL AMOUNT OUTSTANDING

Existing Requirement for Fixed Income Securities.	Fixed Income Security components that in aggregate account for at least 75% of the Fixed Income Securities portion of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of $100 million or more.
Proposed Requirement for Municipal Securities.	Municipal Security components that in aggregate account for at least 90% of the Municipal Securities portion of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of at least $5 million and have been issued as part of a transaction of at least $20 million.

As discussed above, Municipal Securities are typically issued with individual maturities of relatively small size, although they generally are constituents of a much larger municipal bond offering. In recognition of these smaller offering sizes, the Exchange proposes to reduce the minimum original principal amount outstanding requirement for component securities to at least $5 million. Further, the Exchange proposes that qualifying securities must have been issued as part of a transaction of at least $20 million. Lastly, the Exchange proposes to increase the percentage weight of an index that must satisfy the original principal amount outstanding requirement from 75% to 90%.

The Exchange does not believe that reducing the minimum original principal amount outstanding requirement for component securities will make an index more susceptible to manipulation. The Exchange believes that the requirement that component securities in a fixed income index have a minimum principal amount outstanding, in concert with the other requirements of Rule 14.11(c)(4)(B)(i), is to ensure that such index is sufficiently broad-based in scope as to minimize potential manipulation of the index.[8] However, based on empirical analysis, the Exchange does not believe that an index of Municipal Securities with lower original principal amounts outstanding is necessarily more susceptible to manipulation.[9] In 2016, Blackrock, Inc. analyzed the potential manipulation of Municipal Securities and found that such manipulation ''may be uneconomical and is unsupported in practice.'' [10] In addition, the Exchange believes that its proposal to require that 90% of the weight of a Municipal Securities index meet the original principal amount outstanding

[7] *See* supra note 6.

[8] The Commission approved BZX Rule 14.11(c) in Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018).

[9] *See* Letter from Samara Cohen, Managing Director, U.S. Head of iShares Capital Markets, Joanne Medero, Managing Director, Government Relations & Public Policy, and Deepa Damre, Managing Director, Legal & Compliance, BlackRock, Inc., to Brent J. Fields, Secretary, Commission, dated October 18, 2017 in support of the Exchange's proposal to facilitate the listing and trading of Index Fund Shares listed pursuant to NYSE Arca Rule 5.2–E(j)(3) (SR–NYSEArca–2017–56).

[10] *See Id.* at 3 and accompanying Footnote 11. Blackrock stated ''Our empirical analysis indicated that: (1) Given the over-the-counter dealer-centric market for municipal bonds, the bid-ask spread decreases with trade size; therefore, trading many small lots to move matrix prices is likely to be costly; (2) large trades move prices significantly and this effect is incorporated into prices quickly; for manipulation to work by affecting bond prices, the trades must be large, implying greater dollar cost and more likelihood of detection even if markets were segmented; (3) while pricing agents apply matrix pricing techniques to value non-traded bonds, the effect is likely too small to permit price manipulation of the corresponding index or ETF; and (4) market participants will use all intraday data to come up with their own valuations independently of pricing providers; ultimately, the price of an ETF at a point in time reflects these estimates in a manner that balances supply and demand.''

requirement (as opposed to 75% for fixed income indices) will further deter potential manipulation by ensuring that a greater portion of the index meet this minimum size requirement.

The Exchange notes that the Commission has previously approved the listing and trading of several series of Index Fund Shares where the underlying Municipal Securities index required that component securities representing at least 90% of the weight of the index have a minimum original principal amount outstanding of at least $5 million and have been issued as part of a transaction of at least $20 million.[11]

MAXIMUM WEIGHT OF COMPONENT SECURITIES

Existing Requirement for Fixed Income Securities.	No component fixed income security (excluding Treasury Securities and GSE Securities) shall represent more than 30% of the Fixed Income Securities portion of the weight of the index or portfolio, and the five most heavily weighted component fixed income securities in the index or portfolio shall not in the aggregate account for more than 65% of the Fixed Income Securities portion of the weight of the index or portfolio.
Proposed Requirement for Municipal Securities.	No component Municipal Security shall represent more than 10% of the Municipal Securities portion of the weight of the index or portfolio, and the five most heavily weighted component Municipal Securities in the index or portfolio shall not in the aggregate account for more than 30% of the Municipal Securities portion of the weight of the index or portfolio.

The Exchange proposes to substantially reduce the maximum weight that any individual Municipal Security, or group of five Municipal Securities, can have in a Municipal Securities index. The current generic listing rules for Index Fund Shares based on a fixed income index permit individual component securities to account for up to 30% of the weight of such index and the top-five weighted component securities to account for up to 65% of the weight of such index. The Exchange proposes to reduce these metrics to 10% for individual Municipal Securities and 30% for the top-weighted Municipal Securities in an index.

The Exchange believes that its proposal will reduce the likelihood that a Municipal Securities index underlying a series of Index Fund Shares could be subject to manipulation by ensuring that no individual Municipal Security, or group of five Municipal Securities, represents an outsized weight of a Municipal Securities index.

DIVERSIFICATION OF ISSUERS

Existing Requirement for Fixed Income Securities.	An underlying index or portfolio (excluding one consisting entirely of exempted securities) must include a minimum of 13 non-affiliated issuers.
Proposed Requirement for Municipal Securities.	An underlying index or portfolio must include a minimum of 13 non-affiliated issuers.

The current generic listing rules for Index Fund Shares based on an index of fixed income securities require that such index must include securities from at least thirteen non-affiliated [12] issuers. Notably, the current rules exempt indices consisting entirely of exempted securities from complying with this diversification requirement. Municipal Securities are included in the definition of exempted securities.[13] Therefore, an index of Municipal Securities that otherwise met the requirements of Rule 14.11(c)(4) would not be required to satisfy any minimum issuer diversification requirement.

Nonetheless, the Exchange proposes that a Municipal Securities index be required to include securities from at least 13 non-affiliated issuers. The Exchange believes that requiring such diversification will reduce the likelihood that an index can be manipulated by ensuring that securities from a variety of issuers are represented in an index of Municipal Securities.

NUMBER OF COMPONENTS

Existing Requirement for Fixed Income Securities	Thirteen.
Proposed Requirement for Municipal Securities	Five Hundred.

The current generic listing rules for Index Fund Shares based on an index of fixed income securities do not have an explicit requirement that an index contain a minimum number of securities. However, given that such rules require an index to contain securities from at least thirteen non-affiliated issuers, there is a de facto requirement that an index of fixed income securities contain at least thirteen component securities. As described above, a fixed income index comprised entirely of exempted securities (including Municipal Securities) is not required to satisfy the issuer diversification test, thereby allowing it to have no minimum number of component securities.

The Exchange proposes to require that a Municipal Securities index contain at least 500 component securities. The Exchange believes that such requirement will ensure that a Municipal Securities index is sufficiently broad-based and diversified to make it less susceptible to manipulation.

[11] *See, e.g.,* Securities Exchange Act Release No. 84049 (September 6, 2018), 83 FR 46228 (September 12, 2018) (SR–NYSEArca–2018–38) (order approving, among other things, revisions to the continued listing criteria applicable to the iShares New York AMT-Free Muni Bond ETF).

[12] Rule 405 under the Securities Act of 1933 defines an affiliate as a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with such person. Control, for this purpose, is the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

[13] *See* Section 3(a)(12) of the Act.

The Exchange proposes that the quantitative requirements described above would apply to a Municipal Securities index underlying a series of Index Fund Shares on both an initial and continued basis.

The Exchange proposes to amend Exchange Rule 14.11(c)(5) to specify that the Exchange may approve a series of Index Fund Shares for listing based on a combination of indexes, including an index of Municipal Securities. To the extent that an index of Municipal Securities is included in a combination, amended Rule 14.11(c)(5) will specify that the Municipal Securities index must meet all requirements of Rule 14.11(c)(4)(B)(ii). In addition, amended Rule 14.11(c)(5) will specify that requirements related to index dissemination and related continued listing standards will apply to indexes of Municipal Securities. The Exchange notes that a combination index that includes an index of Municipal Securities will not be permitted to seek to provide investment results in a multiple of the direct or inverse performance of such combination index.

Additional Requirements

As noted above, the Exchange proposes that existing rules applicable to Index Fund Shares based on fixed income securities will continue to apply to any series of Index Fund Shares listed pursuant to Rule 14.11(c)(4)(B)(ii), including: (i) Index methodology and calculation; [14] (ii) dissemination of information; [15] (iii) initial shares outstanding; [16] (iv) hours of trading; [17] (v) surveillance procedures; [18] and (vi) all continued listing requirements under Rule 14.11(c)(9)(B).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[19] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [20] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that Index Fund Shares listed pursuant to proposed Exchange Rule 14.11(c)(4)(B)(ii) will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares with other markets that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA also can access data obtained from the MSRB relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by a Fund reported to FINRA's TRACE.

The Exchange believes that the proposed listing standard will ensure that indices underlying a series of Index Fund Shares are sufficiently well-diversified to protect against index manipulation. On an initial and continuous basis, each index will contain at least 500 component securities. In addition, on an initial and continued basis, at least 90% of the Municipal Securities portion of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of at least $5 million and have been issued as part of a transaction of at least $20 million. Further, on an initial and continued basis, no component Municipal Security shall represent more than 10% of the Municipal Securities portion of the weight of the index or portfolio, and the five most heavily weighted component Municipal Securities in an index or portfolio shall not in the aggregate account for more than 30% of the Municipal Securities portion of the weight of such index or portfolio. Lastly, on an initial and continued basis, an underlying index or portfolio must include a minimum of 13 non-affiliated issuers. The Exchange believes that this significant diversification and the lack of concentration among constituent securities provides [sic] a strong degree of protection against index manipulation.

In addition, the Exchange represents that Index Fund Shares listed to the proposed generic listing rule will comply with all other requirements applicable to Index Fund Shares including, but not limited to, the applicable rules governing the trading of equity securities, trading hours, trading halts, surveillance, information barriers and the Information Circular to Members, as set forth in Exchange rules applicable to Index Fund Shares.

The Exchange believes that its proposed amendments to Rule 14.11(c)(5) are consistent with the Act because any index of Municipal Securities included in a combination index will be required to meet the requirements of proposed Rule 14.11(c)(4)(B)(ii). In addition, such index will be required to meet the index dissemination and continued listing requirements of Rule 14.11(c)(5). Lastly, a combination index that includes an index of Municipal Securities will not be permitted to seek to provide investment results in a multiple of the direct or inverse performance of such combination index.

As described above, the Exchange notes that the Commission has previously approved the listing and trading of several series of Index Fund Shares where the underlying Municipal Securities index required that component securities representing at least 90% of the weight of the index have a minimum original principal amount outstanding of at least $5 million and have been issued as part of a transaction of at least $20 million. Further, the Exchange notes that the other elements of the proposed rule are each the same or more restrictive than the generic listing rules applicable to Index Fund Shares based on an index of fixed income securities. The Exchange, therefore, believes that indices underlying a series of Index Fund Shares listed pursuant to the proposed generic rules will be sufficiently broad-based to deter potential manipulation.

The proposed rule change is designed to promote just and equitable principles

[14] *See* Rule 14.11(c)(4)(C).
[15] *See* Rule 14.11(c)(6)(A).
[16] *See* Rule 14.11(c)(6)(B).
[17] *See* Rule 14.11(c)(7).
[18] *See* Rule 14.11(c)(6)(C).
[19] 15 U.S.C. 78f(b).
[20] 15 U.S.C. 78f(b)(5).
[21] *Id.*

of trade and to protect investors and the public interest. The Exchange believes that a large amount of information will be publicly available regarding Index Fund Shares listed pursuant to the proposed rule, thereby promoting market transparency. As described above, the Intraday Indicative Value (the ''IIV'') will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Regular Trading Hours. The current value of an index underlying a series of Index Fund Shares will be disseminated by one or more major market data vendors at least once per day. Information regarding market price and trading volume of the Index Fund Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. Prior to the commencement of trading, the Exchange will inform its Members in an Information Circular of the special characteristics and risks associated with trading the Index Fund Shares. If the Exchange becomes aware that the net asset value of a series of Index Fund Shares (the ''NAV'') is not being disseminated to all market participants at the same time, it will halt trading in the Index Fund Shares until such time as the NAV is available to all market participants. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Index Fund Shares. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Index Fund Shares inadvisable. If the IIV or the index values are not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination of the applicable IIV or an index value occurs. If the interruption to the dissemination of the applicable IIV or an index value persists past the trading day in which it occurred, the Exchange will halt trading. Trading in Shares of the Funds will be halted if the circuit breaker parameters in Exchange Rule 11.18 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Index Fund Shares inadvisable. In addition, investors will have ready access to information regarding the IIV, and quotation and last sale information for the Index Fund Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of exchange-traded products based on municipal bond indexes that will enhance competition among market participants, to the benefit of investors and the marketplace. The Exchange has in place surveillance procedures relating to trading in the Index Fund Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, investors will have ready access to information regarding the IIV and quotation and last sale information for the Index Fund Shares. Trade price and other information relating to municipal bonds is available through the MSRB's EMMA system.

As required under Rule 14.11(c)(4)(C)(i) and (iii), if the index is maintained by a broker-dealer or fund advisor, the broker-dealer or fund advisor shall erect and maintain a ''firewall'' around the personnel who have access to information concerning changes and adjustments to the index. Further, any advisory committee, supervisory board, or similar entity that advises a Reporting Authority or that makes decisions on the index composition, methodology and related matters, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the applicable index.

Further, the index value of a series of Index Fund Shares listed pursuant to proposed Rule 14.11(c)(4)(B)(ii) will be widely disseminated by one or more major market data vendors at least once per day and if the index value does not change during some or all of the period when trading is occurring on the Exchange, the last official calculated index value must remain available throughout Exchange trading hours. In addition, the IIV for the Index Fund Shares will be disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Regular Trading Hours as required under Rule 14.11(c)(4)(C)(ii).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of Index Fund Shares based on an index of Municipal Securities which will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 Exchange 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–CboeBZX–2019–023 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–CboeBZX–2019–023. 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–CboeBZX–2019–023, and should be submitted on or before May 13, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2019–07982 Filed 4–19–19; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10744]

Certification Pursuant to Section 7041(a)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (Div. K, Pub. L. 116–6)

By virtue of the authority vested in me as Secretary of State pursuant to section 7041(a)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (Div. K, Pub. L. 116–6), I hereby certify that the Government of Egypt is sustaining the strategic relationship with the United States and meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

This determination shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: March 11, 2019.

Michael R. Pompeo,

Secretary of State.

[FR Doc. 2019–08060 Filed 4–19–19; 8:45 am]

BILLING CODE 4710–31–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0291]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Notice of Proposed Construction or Alteration, Notice of Actual Construction or Alteration

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 FAA uses the information collected on form 7460–1 to determine the effect a proposed construction or alteration would have on air navigation and the National Airspace System (NAS) and the information collected on form 7460–2 to measure the progress of actual construction.

DATES: Written comments should be submitted by June 21, 2019.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Obstruction Evaluation Group, ATTN: Dave Maddox, Federal Aviation Administration, 800 Independence Ave. SW, Room 400 East, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Dave Maddox by email at: *david.maddox@faa.gov;* phone: 202–267–4525.

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: 2120–0001.

Title: Notice of Proposed Construction or Alteration, Notice of Actual Construction or Alteration.

Form Numbers: FAA Forms 7460–1 and 7460–2.

Type of Review: Renewal of an information collection.

Background: 49 U.S.C Section 44718 states that the Secretary of Transportation shall require notice of structures that may affect navigable airspace, air commerce, or air capacity. These notice requirements are contained in 14 CFR 77. The information is collected via FAA Forms 7460–1 and 7460–2.

Respondents: 85,000.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: Approximately 15 Minutes.

Estimated Total Annual Burden: 70,075 hours.

Issued in Washington, DC, on April 16, 2019.

Michael Helvey,

Manager, Obstruction Evaluation Group, AJV–15.

[FR Doc. 2019–08011 Filed 4–19–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment To Dispose of 0.76 Acres of Airport Land at T.F. Green Airport, Warwick, RI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comments.

SUMMARY: Notice is being given that the FAA is considering a request from the Rhode Island Airport Corporation (RIAC) to dispose of 0.76 acres of land. The parcel, made up of five smaller parcels, was acquired as part of Airport Improvement Program Grant 3–44–0003–01 and is located to the northwest of Runway 16. The parcel is no longer needed for airport purposes. Prior to and as part of the disposal, the buyer must rezone the property for commercial use and an avigation easement will be required for the property to ensure compatible land use with the airport. RIAC will obtain fair market value for the disposal of the land and the income derived from this disposal will be reinvested in a future AIP funded project for the airport.

DATES: Comments must be received on or before May 22, 2019.

ADDRESSES: You may send comments using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* and follow

the instructions on providing comments.

- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W 12–140, 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.

Interested persons may inspect the request and supporting documents by contacting the FAA at the address listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mr. Jorge E. Panteli, Compliance and Land Use Specialist, Federal Aviation Administration, New England Region, Airports Division, 1200 District Avenue, Burlington, Massachusetts 01803. Telephone: 781–238–7618.

Issued in Burlington, Massachusetts on April 1, 2019.

Kelly Slusarski,

Manager, Planning and Engineering.

[FR Doc. 2019–08082 Filed 4–19–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0216; FMCSA–2015–0322; FMCSA–2015–0323; FMCSA–2016–0007]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 12 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2014–0216; FMCSA–2015–0322; FMCSA–2015–0323; FMCSA–2016–0007, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On February 21, 2019, FMCSA published a notice announcing its decision to renew exemptions for 12 individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (84 FR 5541). The public comment period ended on March 25, 2019, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the 12 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8).

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of November and are discussed below.

As of November 4, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (84 FR 5541): Joseph Celdonia (MD) and Thomas K. Mitchell (MS).

The drivers were included in docket number FMCSA–2014–0216. Their exemptions are applicable as of November 4, 2018, and will expire on November 4, 2020.

As of November 15, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (84 FR 5541):

Kevin Beamon (NY)
Joseph Drion (MO)
Marvin L. Fender (CO)
Robert W. Goddard (NH)
Michael C. Grant (SC)
Todd W. Hines (OH)
John A. Kangas (MI)

Chad T. Knott (MD)
Curt Palubicki (MN)
William M. Powderly (MN)

The drivers were included in docket numbers FMCSA–2015–0322; FMCSA–2015–0323; and FMCSA–2016–0007. Their exemptions are applicable as of November 15, 2018, and will expire on November 15, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 11, 2019.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2019–08028 Filed 4–19–19; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before June 21, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224. Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment.

FOR FURTHER INFORMATION CONTACT: Requests for additional information, or copies of the information collection and instructions, or copies of any comments received, contact Elaine Christophe, at (202) 317–5745, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

The IRS is seeking comments concerning the following forms, and reporting and record-keeping requirements:

1. *Title:* Gains and Losses From Section 1256 Contracts and Straddles.

OMB Number: 1545–0644.

Form Number: Form 6781.

Abstract: Form 6781 is used by taxpayers in computing their gains and losses on Internal Revenue Code section 1256 contracts under the marked-to-market rules and gains and losses under Code section 1092 from straddle positions. The data is used to verify that the tax reported accurately reflects any such gains and losses.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Responses: 56,843.

Estimated Time per Response: 15 hours and 54 minutes.

Estimated Total Annual Burden Hours: 903,236.

2. *Title:* Penalty on Income Tax Return Preparers Who Understate Taxpayer's Liability on a Federal Income Tax Return or Claim for Refund.

OMB Number: 1545–1231.

Regulation Project Number: IA–38–90 (TD 9436-final).

Abstract: These regulations set forth rules under section 6694 of the Internal Revenue Code regarding the penalty for understatement of a taxpayer's liability on a Federal income tax return or claim for refund. In certain circumstances, the preparer may avoid the penalty by disclosing on a Form 8275 or by advising the taxpayer or another preparer that disclosure is necessary.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Responses: 127,801,426.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 10,674,581 hours.

3. *OMB Number:* 1545–1558.

Revenue Procedure Number: Revenue Procedure 97–43.

Revenue Ruling Number: Revenue Ruling 97–39.

Abstract: Revenue Procedure 97–43 provides taxpayers automatic consent to change to mark-to-market accounting for securities after the taxpayer elects under regulation section 1.475(c)–1, subject to certain terms and conditions. Revenue Ruling 97–39 provides taxpayers additional mark-to-market guidance under section 475 of the Internal Revenue Code.

Current Actions: There are no changes being made to the revenue procedure or revenue ruling at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 200.

Estimated Time per Response: 5 hours.

Estimated Total Annual Burden Hours: 1,000.

4. *Title:* U.S. Income Tax Return for Qualified Funeral Trusts.

OMB Number: 1545–1593.

Form Number: 1041–QFT.

Abstract: Internal Revenue Code section 685 allows the trustee of a qualified funeral trust to elect to report and pay the tax for the trust. Form 1041–QFT is used for this purpose. The IRS uses the information on the form to determine that the trustee filed the proper return and paid the correct tax.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Responses: 15,000.

Estimated Time per Response: 18.5 hours.

Estimated Total Annual Burden Hours: 277,500.

5. *Title:* Agent for Consolidated Group.

OMB Number: 1545–1699.

Treasury Decision 9715, Revenue Procedure 2002–43, Treasury Decision 9002, and Revenue Procedure 2015–26.

Abstract: The information is needed in order for a terminating common parent of a consolidated group to designate a substitute agent for the group and receive approval of the Commissioner, or for a default substitute agent to notify the Commissioner that it is the default substitute agent, pursuant to Treas. Reg. § 1.1502–77(c)&(d). The Commissioner will use the information to determine whether to approve the designation of the substitute agent (if approval is required) and to change the IRS's records to reflect the information about the substitute agent.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 200.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 400.

6. *Title:* Timely Mailing Treated As Timely Filing.

OMB Number: 1545–1899.

Regulation Project Number: TD 9543 and RP 97–19. (Notice 99–41, Notice 2001–62, Notice 2015–38).

Abstract: This information collection contains regulations amending a Treasury Regulation to provide guidance as to the only ways to establish prima facie evidence of delivery of documents that have a filing deadline prescribed by the internal revenue laws, absent direct proof of actual delivery. The regulations are necessary to provide greater certainty on this issue and to provide specific guidance. The regulations affect taxpayers who mail Federal tax documents to the Internal Revenue Service or the United States Tax Court. Procedure 97–19 provides the criteria that will be used by the IRS to determine whether a private delivery service qualifies as a designated Private Delivery Service under section 7502 of the Internal Revenue Code. Notice 99–41, Notice 2001–62 & Notice 2015–38 are related but add no additional burden.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, federal government and state, local, or tribal government.

The estimated burden related to RP 97–19:

Estimated Number of Responses: 17.

Estimated Time per Response: 180 hours 31 minutes.

Estimated Total Annual Burden Hours: 3,069.

The estimated related to TD 9543:

Estimated Number of Responses: 10,847,647.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 1,084,765.

7. *Title:* Tribal Evaluation of Filing and Accuracy Compliance (TEFAC)—Compliance Check Report.

OMB Number: 1545–2026.

Form Number: Form 13797.

Abstract: This form will be provided to tribes who elect to perform a self compliance check on any or all of their entities. This is a VOLUNTARY program, and the entity is not penalized for non-completion of forms or withdrawal from the program. Upon completion, the information will be used by the Tribe and ITG to develop training needs, compliance strategies, and corrective actions.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations and State, Local, or Tribal Government.

Estimated Number of Responses: 20.

Estimated Time per Response: 22 hours 20 minutes.

Estimated Total Annual Burden Hours: 447.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Approved: April 16, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–07975 Filed 4–19–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0014]

Agency Information Collection Activity: Authorization and Certification of Entrance or Reentrance Into Rehabilitation and Certification of Status

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 22, 2019.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer, 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0014 in any correspondence.

FOR FURTHER INFORMATION CONTACT: Danny S. Green at (202) 421–1354.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Authorization and Certification of Entrance or Reentrance Into Rehabilitation and Certification of Status—VA Form 28–1905.

OMB Control Number: 2900–0014.

Type of Review: Extension without change of a currently approved collection.

Abstract: VA case managers use VA Form 28–1905 to identify program

participants and provide specific guidelines on the planned program to facilities providing education, training, or other rehabilitation services. Facility officials certify that the claimant has enrolled in the planned program and submit the form to VA. VA uses the data collected to ensure that claimants do not receive benefits for periods for which they did not participate in any rehabilitation, special restorative or specialized vocational training programs.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-Day comment period soliciting comments on this collection of information was published at 84 FR 02136 on February 13, 2019, page 3854.

Affected Public: Individuals and households.

Estimated Annual Burden: 7,500 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 90,000.

By direction of the Secretary.

Danny S. Green,

VA Interim Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2019–07974 Filed 4–19–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Funding Availability: Homeless Providers Grant and Per Diem Program

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of funding availability (NOFA).

SUMMARY: VA is announcing the availability of 1-year renewal funding for the 12 currently operational Fiscal Year (FY) 2019 VA Homeless Providers Grant and Per Diem (GPD) Program Special Need Grant recipients and their collaborative VA Special Need partners (as applicable) to submit renewal applications for assistance under the Special Need Grant component of VA's Homeless Providers GPD Program. The focus of this NOFA is to encourage applicants to continue services to the homeless Special Need Veteran population. This NOFA contains information concerning the program, application process, and amount of funding available.

DATES: An original completed signed and dated renewal application for assistance under VA's GPD Program and associated documents, must be received by the GPD Program Office by 4:00 p.m. Eastern Time on June 3, 2019. (See application requirements below.)

Applications may not be sent by facsimile or email. In the interest of fairness to all competing applicants, this deadline is firm as to date and time, and VA will treat any application received after the deadline as ineligible for consideration. Applicants should take this firm deadline into account and make early submission of their materials to avoid risk of ineligibility due to unanticipated delays or other delivery-related problems.

Applications must be physically delivered (*e.g.,* in person, or via United States Postal Service, FedEx, United Parcel Service, or any other type of courier). The VA GPD National Program Office staff will accept the application and date stamp it immediately at the time of arrival. This is the date and time that will determine if the deadline is met for these types of deliveries.

ADDRESSES: An original signed, dated, completed, and collated grant renewal application and all required associated documents must be submitted to the following address: VA Homeless Providers GPD Program Office, 10770 N 46th Street, Suite C–200, Tampa, Florida 33617. Applications must be received by the application deadline. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected or not funded.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffery L. Quarles, Director, VA GPD National Program, 10770 N 46th Street, Suite C–200, Tampa, Florida 33617; 1–(877) 332–0334 (This is a toll-free number).

SUPPLEMENTARY INFORMATION:

Funding Opportunity Title: Grant and Per Diem Special Need Grant Program.

Announcement Type: Renewal.

Funding Opportunity Number: VA–GPD–SN–FY2019.

Catalog of Federal Domestic Assistance Number: 64.024, VA Homeless Providers Grant and Per Diem Program.

I. Funding Opportunity Description

A. *Purpose:* This NOFA announces the availability of funds to provide 1-year funding assistance in FY 2020 under VA's Homeless Providers GPD Program for the 12 operational GPD Special Need recipients and their collaborative VA partners (as applicable). Eligible applicants may obtain grant assistance to cover additional operational costs that would not otherwise be incurred, but for the fact that the recipient is providing supportive housing beds and services for the following Special Need homeless Veteran populations:

(1) Women;

(2) Frail elderly;

(3) Chronically mentally ill; or

(4) Individuals who have care of minor dependents.

B. *Definitions:* Section 61.1 of title 38, Code of Federal Regulations contains definitions of terms used in the GPD Program. Eligible applicants should review these definitions to ensure their proposed populations meet the specific requirements.

Funding applied for under this NOFA may be used for the provision of service and operational costs to facilitate the following for each targeted group:

Women

(1) Ensure transportation for women, especially for health care and educational needs; and

(2) Address safety and security issues including segregation from other program participants if deemed appropriate.

Frail Elderly

(1) Ensure the safety of the residents in the facility, including preventing harm and exploitation;

(2) Ensure opportunities to keep residents mentally and physically agile to the fullest extent through the incorporation of structured activities, physical activity, and plans for social engagement within the program and in the community;

(3) Provide opportunities for participants to address life transitional issues and separation and/or loss issues;

(4) Provide access to assistance devices, such as walkers, grippers, or other devices necessary for optimal functioning;

(5) Ensure adequate supervision, including supervision of medication and monitoring of medication compliance; and

(6) Provide opportunities for participants either directly or through referral, for other services particularly relevant for the frail elderly, including services or programs addressing emotional, social, spiritual, and generative needs.

Chronically Mentally Ill

(1) Help participants join in, and engage with, the community;

(2) Facilitate reintegration with the community and provide services that

may optimize reintegration such as life-skills education, recreational activities, and follow-up case management;

(3) Ensure that participants have opportunities and services for re-establishing relationships with family;

(4) Ensure adequate supervision, including supervision of medication and monitoring of medication compliance; and

(5) Provide opportunities for participants, either directly or through referral, to obtain other services particularly relevant for a chronically mentally ill population, such as vocational development, benefits management, fiduciary or money management services, medication compliance, and medication education.

Individuals Who Have Care of Minor Dependents

(1) Ensure transportation for individuals who have care of minor dependents, and their minor dependents, especially for health care and educational needs;

(2) Provide directly or offer referrals for adequate and safe child care;

(3) Ensure children's health care needs are met, especially age-appropriate wellness visits and immunizations; and

(4) Address safety and security issues, including segregation from other program participants if deemed appropriate.

C. *Eligibility Information:* To be eligible, an applicant must be a currently operational FY 2019 VA Homeless Providers GPD Program Special Need Grant recipient with or without a collaborative VA Special Need partner, who was awarded this grant based on the NOFA published in the **Federal Register** on May 15, 2018, 83 FR 22580. Furthermore, if the applicant currently has a collaborative project and its VA partner no longer wishes to continue, the applicant will be ineligible for an award under this NOFA.

D. *Cost Sharing or Matching:* None.

E. *Authority:* 38 United States Code §§ 2011, 2012, 2061, as implemented in regulation at 38 Code of Federal Regulations (CFR) 61.

II. Award Information

A. *Overview:* This NOFA announces the availability of 1-year renewal funding for use in FY 2020 for the 12 currently operational FY 2019 VA Homeless Providers GPD Program Special Need Grant recipients and their collaborative VA Special Need partners (as applicable) to submit renewal applications for assistance under the Special Need Grant component of VA's Homeless Providers GPD Program.

B. *Funding Priorities:* None.

C. *Allocation of Funds:* Approximately $3 million is available for the current Special Need Grant component of VA's Homeless Providers GPD Program. Funding will be for a period beginning on October 1, 2019, and ending on September 30, 2020. The Special Need per diem payment will be the lesser of:

(1) One hundred percent of the daily cost of care estimated by the Special Need Grant recipient for furnishing services to homeless Veterans with Special Needs that the Special Need Grant recipient certifies to be correct, minus any other sources of income; or

(2) Two times the current VA State Home Program per diem rate for domiciliary care.

Special Need awards are subject to: FY 2020 funds availability; the recipient meeting the performance goals as stated in the grant application; statutory and regulatory requirements; and annual inspections.

Applicants should ensure their funding requests and operational costs are based on the 12-month period above and should be in line with expenditures from the prior year. Requests cannot exceed the amount obligated under their FY 2019 award. Applicants should note unexpended funding from FY 2019 awards will be deobligated.

D. *Funding Actions:* Applicants will be notified of any further additional information needed to confirm or clarify information provided in the application. Applicants will then be notified of the deadline to submit such information. If an applicant is unable to meet any of the conditions for grant award within the specified timeframe, VA reserves the right to not award funds to that applicant and to use the funds available for other Special Need applicants. Following receipt and confirmation that this information is accurate and in acceptable form, the applicant will execute an agreement with VA in accordance with 38 CFR 61.61.

E. *Grant Award Period:* Applicants that are selected will have a maximum of 1 year beginning on October 1, 2019, and ending on September 30, 2020, to utilize the Special Need funding. Funds unexpended after the September 30, 2020, deadline will be deobligated.

F. *Funding Restrictions:* No part of a Special Need Grant may be used for any purpose that would significantly change the scope of the specific GPD project for which a capital GPD was awarded. As a part of the review process, VA will review the original project and subsequent approved program changes of the previous FY 2016 Original Special Need applications and the FY 2019 renewal grants, to ensure significant scope changes have not occurred, displacing other homeless Veteran populations.

Note: Changes to the Special Need population the applicant currently serves will not be allowed.

Special Need funding may not be used for capital improvements or to purchase vans or real property. However, the leasing of vans or real property may be acceptable. Questions regarding acceptability should be directed to VA's National GPD Program Office at the number listed in Contact Information. Applicants may not receive Special Need funding to replace funds provided by any Federal, state, or local government agency or program to assist homeless persons.

III. Application and Submission Information

Content and Form of Application: Applicants should ensure that they include all required documents in their application and carefully follow the format described below. Submission of an incorrect, incomplete, or incorrectly formatted application package will result in the application being rejected at the beginning of the process. If an applicant is unable to meet any conditions for grant award within the specified time frame, VA reserves the right to not award funds and to use the funds available for other Special Need applicants.

IV. Application Documentation Required

A. *Letter from Applicant:* Applicants must submit a letter on their organization letterhead stating the intent to apply for renewal funding and agreement for VA to evaluate their previously awarded FY 2016 Special Need application and FY 2019 renewal grant for scoring purposes. In addition, the letter must state the model (see listing below) to which that application will be linked and that the applicant agrees, as a condition of funding under this NOFA, that they will provide the services as outlined in that application, along with any VA-approved changes in scope, and that the applicant's FY 2016 required forms and certifications still apply for the period of this award.

B. *Models:* Bridge Housing; Low Demand; Clinical Treatment; Hospital to Housing; or Service Intensive Transitional Housing.

C. *Performance Goals:* Applicants must submit documentation of the applicant meeting the performance goals

as stated in the FY 2016 original grant Special Need application and carried forward to their FY 2019 renewal grant, as evidenced by their last VA project inspection.

D. *Letter from VA Collaborative Partner (if applicable):* If the FY 2016 Special Need grant was a collaborative grant, the applicant must submit an updated letter of commitment, or an updated Memorandum of Agreement (MOA) from the VA collaborative partner stating that VA will continue to meet its objectives, or provide its duties as outlined in the original MOA in FY 2016.

Note: If the applicant currently has a collaborative project and its VA partner no longer wishes to continue, then the applicant will be ineligible for an award under this NOFA.

E. *Other Submission Requirements:* None.

F. *Submission Dates and Times:* An original signed and dated application package, including all required documents, must be received in the GPD Program Office, VA Homeless Providers GPD Program Office, 10770 N 46th Street, Suite C–200, Tampa, Florida, 33617; by 4:00 p.m. Eastern Standard Time on June 3, 2019.

Applications must be received by the application deadline. Applications must arrive as a complete package, to include VA collaborative partner materials (see Application Requirements). Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected or not funded.

V. Application Review Information

A. *Criteria for Special Need Grants:* Rating criteria may be found at 38 CFR 61.40.

B. *Review and Selection Process:* Review and selection process may be found at 38 CFR 61.40.

Selections will be made based on criteria described in the FY 2016 application and additional information as specified in this NOFA.

C. *Award Notice:* Although subject to change, the GPD Program Office expects to announce grant awards during the late fourth quarter of FY 2019 (September). The initial announcement will be made via news release which will be posted on VA's National GPD Program website at *www.va.gov/homeless/gpd.asp.* Following the initial announcement, the GPD Office will mail notification letters to the grant recipients. Applicants who are not selected will be mailed a declination letter within 2 weeks of the initial announcement.

D. *Administrative and National Policy:* It is important to be aware that VA places great emphasis on responsibility and accountability. VA has procedures in place to monitor services provided to homeless Veterans and outcomes associated with the services provided in grant and per diem-funded programs. Applicants should be aware of the following:

(1) Awardees will be required to support their request for payments with adequate fiscal documentation as to income and expenses.

(2) All awardees that are selected in response to this NOFA must meet the requirements of the current edition of the Life Safety Code of the National Fire Protection Association as it relates to their specific facility. Applicants should note that all facilities are to be protected throughout by an approved automatic sprinkler system unless a facility is specifically exempted under the Life Safety Code. Applicants should consider this when submitting their grant applications, as no additional funds will be made available for capital improvements under this NOFA.

(3) Each program receiving Special Need funding will have a liaison appointed from a nearby VA medical facility to provide oversight and monitor services provided to homeless Veterans in the program.

(4) Monitoring will include at a minimum, a quarterly review of each GPD grantee's progress toward meeting performance goals, including the applicant's internal goals and objectives in helping Veterans attain housing stability, adequate income support, and self-sufficiency as identified in each GPD grantee's original application. Monitoring will also include a review of the agency's income and expenses as they relate to this project to ensure payment is accurate.

Each funded program will participate in the VA's national program monitoring and evaluation as these monitoring procedures will be used to determine successful accomplishment of these housing outcomes for each GPD-funded program.

Applicants with questions regarding the funding from previous Special Need awards should contact the VA Homeless Providers GPD Program Office prior to application.

A full copy of the regulations governing the GPD Program is available at the GPD website at *http://www.va.gov/HOMELESS/GPD.asp.*

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 April 16, 2019, for publication.

Dated: April 17, 2019.

Luvenia Potts,

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

[FR Doc. 2019–08048 Filed 4–19–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0060]

Agency Information Collection Activity Under OMB Review: Claim for One Sum Payment Government Life Insurance and Claim for Monthly Payments Government Life Insurance

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 22, 2019.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0060'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, Enterprise Records Service (005R1B), Department of Veterans Affairs, 811 Vermont Avenue NW, Washington, DC 20420, (202) 421–1354 or email *Danny.Green2@va.gov.* Please refer to ''OMB Control No. 2900–0060'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Claim for One Sum Payment Government Life Insurance (VA Form 29–4125) Claim for Monthly Payments Government Life Insurance (VA Form 29–4125a)

OMB Control Number: 2900–0060.

Type of Review: Revision of a currently approved collection.

Abstract: These forms are used by beneficiaries applying for proceeds of Government Life Insurance policies. The information requested is authorized by law, 38 U.S.C. 1908.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 84 FR 4150 on February 14, pages 4150 and 4151.

Affected Public: Individuals or Households.

Estimated Annual Burden: 12,010.

Estimated Average Burden per Respondent: 6 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 120,100.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2019–07984 Filed 4–19–19; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Education (VACOE), Notice of Meeting, Amended

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Veterans' Advisory Committee on Education will meet on May 8th and May 9th, 2019. On both days, the meeting will be held in McShain Large Lounge in McCarthy Hall, Georgetown University, 3700 O St. NW, Washington, DC 20057. The meeting sessions will begin and end as follows:

Date	Time
May 8, 2019	8:30 a.m. to 5:00 p.m.
May 9, 2019	8:30 a.m. to 5:00 p.m.

The meeting sessions are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on educational issues affecting Veterans. The Committee's area of focus includes access to quality programing and ensuring Veterans success.

On May 8, 2019, the morning agenda includes welcoming remarks, remarks from VA officials, and briefings regarding access to quality educational programing for Veterans. The Committee will use the afternoon to discuss the presentations from the morning and conduct an open discussion around those topics. On May 9, 2019, the morning agenda topic is focused on Ensuring Veterans Success. The Committee will be briefed on available data regarding GI Bill beneficiaries and the transition assistance program education track. The Committee will use the afternoon to discuss the presentations from the morning and conduct an open discussion around those topics. The afternoon will end with the Committee discussion recommendations and next steps based on the topics covered during the meeting.

Public comments will be due by 4:30 p.m. on May 1, 2019, and there will be a public comment period at 4:00 p.m. on May 8, 2019. Interested parties should contact Mr. Lucas Tickner, via email at *Lucas.Tickner@va.gov,* by mail at 810 Vermont Avenue NW (22—Education Service), Washington, DC 20420. Individuals wishing to speak are invited to submit a 1–2 page summary of their comment for inclusion in the official meeting record. Any member of the public seeking additional information should contact Mr. Tickner at the email address noted above.

Dated: April 17, 2019.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2019–08013 Filed 4–19–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0009]

Agency Information Collection Activity Under OMB Review: Application for Vocational Rehabilitation for Veterans With Service-Connected Disabilities

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 22, 2019.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0009'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, (202) 421–1354 or email *Danny.Green2@va.gov.* Please refer to ''OMB Control No. 2900–0009'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Application for Vocational Rehabilitation for Veterans with Service-connected Disabilities (Chapter 31, Title 38 U.S.C.) (VA Form 28–1900)

OMB Control Number: 2900–0009.

Type of Review: Reinstatement with Change to a Previously Approved Collection.

Abstract: VA Form 28–1900 is completed by Veterans with a combined service–connected disability rating of 10 percent or more and Servicemembers awaiting discharge for such disability to apply for vocational rehabilitation benefits. VA provides services and assistance to Veterans with service-connected disabilities, who are determined entitled to such benefits, to obtain and maintain suitable employment. Vocational rehabilitation also provides services to support Veterans with service-connected disabilities to achieve maximum independence in their daily living activities if employment is not reasonably feasible. This form is necessary to facilitate claims processing by providing a consistent format for the certification statement.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 84 FR 4610 on February 15, 2019, page 4610.

Affected Public: Individuals or Households.

Estimated Annual Burden: 21,419 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 128,515.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2019–07979 Filed 4–19–19; 8:45 am]

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