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FEDERAL REGISTER

Vol. 84 Tuesday,
No. 88 May 7, 2019

Pages 19853–20004

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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Presidential Documents

Title 3—

The President

Memorandum of April 22, 2019

Combating High Nonimmigrant Overstay Rates

Memorandum for the Secretary of State[,] the Attorney General[, and] the Secretary of Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.,* and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Policy.* (a) My Administration is committed to securing the borders of the United States and fostering respect for the laws of our country, both of which are cornerstones of our Republic. Nonimmigrant visa (visa) overstay rates are unacceptably high for nationals of certain countries. Aliens must abide by the terms and conditions of their visas for our immigration system to function as intended. Although the United States benefits from legitimate nonimmigrant entry, individuals who abuse the visa process and decline to abide by the terms and conditions of their visas, including their visa departure dates, undermine the integrity of our immigration system and harm the national interest.

(b) The large numbers of aliens who overstay their period of lawful admission, failing to comply with the terms of a visa or the Visa Waiver Program, place significant strain on Department of Justice and Department of Homeland Security resources, which are currently needed to address the national emergency on our southern border.

Sec. 2. *Addressing High Visa Overstay Rates.* (a) The Secretary of State shall engage with the governments of countries with a total overstay rate greater than 10 percent in the combined B–1 and B–2 nonimmigrant visa category based on the Department of Homeland Security Fiscal Year 2018 Entry/Exit Overstay Report. This engagement should identify conditions contributing to high overstay rates among nationals of those countries and methods to address those conditions.

(b) Within 120 days of the date of this memorandum, the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, shall provide to the President recommendations to reduce B–1 and B–2 nonimmigrant visa overstay rates from the identified countries. With respect to any of the identified countries, the recommendations may include, as appropriate and to the extent consistent with applicable law, a proclamation, relying on authorities such as sections 212(f) and 215 of the INA (8 U.S.C. 1182(f) and 1185(a)), suspending or limiting entry of nationals of those countries who hold B–1 or B–2 visas; targeted suspension of visa issuance for certain nationals; limits to duration of admission, to be implemented by the Department of Homeland Security; and additional documentary requirements.

(c) The Secretary of State and the Secretary of Homeland Security shall immediately begin taking all appropriate actions that are within the scope of their respective authorities to reduce overstay rates for all classes of nonimmigrant visas.

(d) Within 180 days of the date of this memorandum, the Secretary of Homeland Security shall provide to the President a summary of the Department of Homeland Security's ongoing efforts to reduce overstays from countries participating in the Visa Waiver Program, to include any recommendations for additional action necessary and appropriate to ensure the integrity and security of that Program.

Sec. 3. *Admission Bonds.* The Secretary of State and the Secretary of Homeland Security shall take steps to develop measures required for imposing admission bonds as a means for improving compliance with the terms and conditions of nonimmigrant visas. The Secretaries shall provide a status report to the President within 120 days of the date of this memorandum.

Sec. 4. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof;

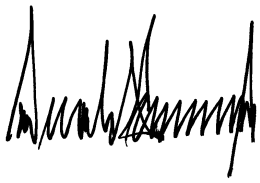
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(iii) existing rights or obligations under international agreements.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 5. The Secretary of State is hereby authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, April 22, 2019

[FR Doc. 2019–09470
Filed 5–6–19; 8:45 am]
Billing code 4710–10–P

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Federal Register
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 405 and 423

[CMS–4174–F]

RIN 0938–AT27

Medicare Program; Changes to the Medicare Claims and Medicare Prescription Drug Coverage Determination Appeals Procedures

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations setting forth the appeals process that Medicare beneficiaries, providers, and suppliers must follow in order to appeal adverse determinations regarding claims for benefits under Medicare Part A and Part B or determinations for prescription drug coverage under Part D. These changes help to streamline the appeals process and reduce administrative burden on providers, suppliers, beneficiaries, and appeal adjudicators. These revisions, which include technical corrections, also help to ensure the regulations are clearly arranged and written to give stakeholders a better understanding of the appeals process.

DATES: These regulations are effective on July 8, 2019.

FOR FURTHER INFORMATION CONTACT: Joella Roland, (410) 786–7638 or Nishamarie Sherry, (410) 786–1189.

SUPPLEMENTARY INFORMATION:

I. Background

As specified under sections 1869 and 1860D–4 of the Social Security Act (the Act) and the implementing regulations, once Medicare makes a coverage or payment determination under Medicare Parts A, B, or D, affected parties have the right to appeal the decision through four levels of administrative review. If certain requirements, including a minimum amount in controversy (AIC), are met, parties can then appeal the decision to federal district court.

Section 1869 of the Act sets forth the process for appealing Parts A and B claim determinations. For most Part A and B claims, the initial determination is made by a Medicare Administrative Contractor (MAC). If a party is dissatisfied with the initial determination, the party may request a redetermination by the MAC, which is a review by MAC staff not involved in the initial determination. If a party is dissatisfied with the MAC's redetermination, the party may request a Qualified Independent Contractor (QIC) reconsideration consisting of an independent review of the administrative record, including the redetermination. Provided a minimum AIC is met, parties then have the option to appeal to the Office of Medicare Hearings and Appeals (OMHA) where they may receive either a hearing or review of the administrative record by an Administrative Law Judge (ALJ), or a review of the administrative record by an attorney adjudicator. Parties then have the option to appeal to the Medicare Appeals Council (the Council) within the Departmental Appeals Board, where an Administrative Appeals Judge examines their claim. A party can then appeal the decision to federal district court if certain requirements are met, including a minimum AIC.

The appeals process described previously for Parts A and B claim determinations was initially proposed in the November 15, 2002 **Federal Register** (67 FR 69312), which was promulgated to implement section 521 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Pub. L. 106–554). This process was implemented in an interim final rule with comment period published on March 8, 2005 (the 2005 interim final rule with comment period) (70 FR 11420), which also set forth new provisions to implement the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108–173). Correcting amendments to the 2005 interim final rule were published on June 30, 2005 (70 FR 37700) and August 26, 2005 (70 FR 50214), and the final rule was published on December 9, 2009 (74 FR 65296). Subsequent revisions to implement section 201 of the Strengthening Medicare and Repaying Taxpayers Act of 2012 (Pub. L. 112–242) were published on February 27, 2015 (80 FR 10611). These appeals procedures for Part A and B claims are set forth in regulations at 42 CFR part 405, subpart I.

Section 1860D–4 of the Act sets forth the appeals process for Part D coverage determinations. Under Medicare Part D, the Part D plan sponsor issues a coverage determination. If this coverage determination is appealed, the Part D plan sponsor reviews the determination, which is known as a redetermination. If a party is dissatisfied with the redetermination, the party may request a reconsideration by an independent review entity. Similar to the appeals process for Parts A and B claim determinations, provided a minimum AIC is met, parties then have the option to appeal to OMHA where they may receive either a hearing or review of the administrative record by an ALJ, or a review of the administrative record by an attorney adjudicator. If dissatisfied with OMHA's decision, a party then may appeal to the Council. The Council decision then may be appealed to federal district court if certain requirements are met, including a minimum AIC. These procedures are set forth in regulations at part 423, subparts M and U.

On January 17, 2017, we issued a final rule entitled ''Medicare Program: Changes to the Medicare Claims and Entitlement, Medicare Advantage Organization Determination, and Medicare Prescription Drug Coverage Determination Appeals Procedures'' (82 FR 4974) (the January 17, 2017 final rule), which revised the Parts A, B, C, and D appeals procedures. The goals of this rulemaking were to streamline the appeals process, increase consistency in decision-making, improve efficiency for both appellants and adjudicators, and provide particular benefit to beneficiaries by clarifying processes and adding provisions for increased assistance when they are unrepresented. On April 16, 2018, we issued a final rule (83 FR 16440) that made additional changes to subparts M and U in order to implement section 704 of the Comprehensive Addiction and Recovery Act of 2016 (Pub. L. 114–198), along with other changes.

Through our experience implementing the current appeals process, and through additional research, we have identified several opportunities to streamline the claims appeals process and reduce associated burden on providers, beneficiaries, and appeals adjudicators. We have also identified several technical corrections that should be made to correct cross references, inconsistent definitions, and confusing terminology.

II. Provisions of the Proposed Rule and Summary of and Responses to Public Comments

A. Introduction

In the October 2, 2018 **Federal Register** (83 FR 49513), we published a proposed rule that, if finalized, would make regulatory changes to the Medicare Part A and Part B and Part D appeals processes to help streamline the appeals process and reduce administrative burden on providers, suppliers, beneficiaries, and appeal adjudicators. If finalized, these proposed revisions, which included technical corrections, would also help to ensure the regulations are clearly arranged and written to give stakeholders a better understanding of the appeals process.

We received approximately 15 timely pieces of correspondence on the proposed rule. Commenters included insurance industry associations and organizations, beneficiaries, providers and provider advocacy groups, and health insurance plans. Of the comments received, most commenters supported the rule, specifically the elimination of the requirement that appellants sign appeal requests.

We also note that some of the public comments were outside of the scope of the proposed rule. These out-of-scope public comments are not addressed in this final rule. Summaries of the public comments that are within the scope of the proposed rule and our responses to those public comments and our final policies are set forth as follows.

B. Discussion of the Proposed Rule

1. Removal of Requirement That Appellants Sign Appeal Requests (§§ 405.944, 405.964, 405.1112, and 423.2112)

Existing regulations at part 405, subpart I, and part 423, subparts M and U, specify the required elements of requests for Medicare Parts A and B claims appeals and for Medicare Part D coverage determination appeals, respectively. Generally, when a contractor or plan issues a Part A or B initial determination or a Part D coverage determination, it notifies the provider, supplier, and/or beneficiary and offers the opportunity to appeal. If this determination is appealed, the contractor or plan reviews the determination, which, in Medicare Parts A, B and D appeals, is known as a redetermination (see §§ 405.940 and 423.580). This can be followed by a review by an independent contractor consisting of an independent review of the administrative record, including the redetermination, which is known as a reconsideration (§§ 405.960 and 423.600.) If a minimum AIC is met, parties then have the option to appeal to the OMHA where the administrative record may be reviewed by an attorney adjudicator or an ALJ or a hearing may be held by an ALJ (§§ 405.1000 through 405.1058 and 423.1968 through 423.2063). Parties then have the option to appeal to the Council within the Departmental Appeals Board where an Administrative Appeals Judge reviews their claim (§§ 405.1100 through 405.1140 and 423.2100 through 423.2140).

Appeal requests can be made using different standard forms. These standard forms include the following: Medicare Redetermination Request Form (CMS–20027); Medicare Reconsideration Request Form (CMS–20033); Request for Administrative Law Judge Hearing or Review of Dismissal (OMHA–100); and Request for Review of Administrative Law Judge (ALJ) Medicare Decision/Dismissal (DAB–101). A written request that is not made on a standard form is also accepted if it contains certain required elements. For example, see §§ 405.944(b), 405.964(b), 405.1014(a), 405.1112, 423.2014(a), 423.2112.

As discussed previously, all Medicare Parts A, B, and D appeal requests must contain the information specified in our regulations. In addition, for Parts A and B claims appeal requests at the redetermination, reconsideration, and Council review levels (§§ 405.944(b)(4), 405.964(b)(4), and 405.1112(a)), and for Part D coverage determination appeal requests at the Council level (§ 423.2112(a)(4)), the appellants must sign their appeal requests. However, there is no signature requirement when the appellant requests OMHA review of Parts A and B claim determinations, or when the appellant requests a redetermination, reconsideration, or OMHA review of Part D coverage determinations. In addition, there is no requirement that appellants sign appeals requests for appeals of Part C organization determinations.

In order to promote consistency between appeal levels, ensure transparency in developing our appeal request requirements, help ensure that we do not impose nonessential requirements on appellants, reduce the burden on appellants, and improve the appeals process based on our experience, we proposed that appellants in Medicare Parts A and B claim and Part D coverage determination appeals be allowed to submit appeal requests without a signature. Specifically, we proposed to revise §§ 405.944(b)(4), 405.964(b)(4), 405.1112(a), and 423.2112(a)(4) to remove the requirement of the appellant's signature for appeal requests (83 FR 49525 through 49529).

As discussed previously, there is no requirement that appellants sign appeal requests when appealing their cases to OMHA, for the Part C organization determination appeals process, or at the redetermination and reconsideration levels of Part D appeals. However, as we explained in the proposed rule (83 FR 49515), the other requirements for appeal requests are substantially similar between levels of appeal and appeals processes, or there is a clear reason for the differing requirements. For example, we stated that the requirements for Part A and B appeal requests at the redetermination and reconsideration levels are identical with the exception of the reconsideration requirement that the name of the contractor be listed on the reconsideration appeal request (§§ 405.944 and 405.964). We explained that the rationale for the requirement that the name of the contractor be included on reconsideration appeal requests is that without this information, the independent contractor does not have a method of determining which contractor made the initial determination and redetermination, and is unable to get the case file. Since the contractor doing the redetermination is the same contractor who performed the initial determination, we stated that it is not necessary that this information be included in the redetermination appeal request.

By contrast, we stated in the proposed rule (83 FR 49515) that we do not believe there is a compelling reason to require that a signature be included on redetermination, reconsideration, and Council-level appeal requests, but not on OMHA appeal requests. We explained that removing the requirement that appellants sign their appeal requests, would help promote consistency between appeal request requirements; thus making the appeals process easier for parties to understand.

As discussed in the proposed rule (83 FR 49515), eliminating the requirement that appellants sign their appeal requests would reduce the burden of

developing the appeal request and appealing dismissals of appeal requests for lack of a signature to the next level of review (for example, §§ 405.952(b) and 405.972(b)). We stated that allowing adjudicators to review appeal requests without signatures would allow them to focus their attention on the merits of the appeal, rather than having to dismiss potentially meritorious appeals for a lack of a signature. As a result, we proposed to eliminate the requirement that appellants sign their appeal requests.

We stated in the proposed rule that, when we promulgated the requirement for appellants to sign the appeal requests in regulations, we included a signature on the appeal request to ensure that the person requesting the appeal was a proper party to the appeal. We explained that, through experience, we have found that, in practice, little verification of the signature is possible. To determine if the appeal requestor is a proper party to the appeal, the adjudicator uses the name of the beneficiary and name of the party listed on the appeal request, in addition to the information listed in the case file.

As we explained in the proposed rule (83 FR 49515), the other appeal request requirements consist of fields that are necessary for the adjudicators to properly process the appeal request. As discussed previously, the name of the contractor who made the redetermination is required for the independent contractor to review the case file. In addition, we stated that the Part A and B redetermination appeal request requirement to include the disputed service and/or item enables the contractor to determine the merit of the appellant's claim.

Thus, we stated in the proposed rule that we believe there is no need for a signature on an appeal request at this time and we proposed to eliminate that requirement (83 FR 49515). However, we noted that if we find in the future that there are other reasons that would warrant an appellant's signature on an appeal request (for example, for a good-faith attestation), we would reexamine the possibility of adding the requirement back in. However, we explained that, given that our existing statutory authority limits our ability to enforce certain attestations, we found the signature requirement unnecessary.

We received several comments on this proposal. Following are summaries of the comments we received and responses to these comments.

Comment: The commenters supported the proposed changes to §§ 405.944, 405.964, 405.1112, and 423.2112 to remove the requirement that appellants sign appeal requests, stating its potential to streamline the appeals process and reduce burden.

Response: We appreciate the commenters' support for elimination of the requirement that appellants sign the appeal request and agree that it will streamline the appeals process and reduce burden.

After review and consideration of the comments received, and for the reasons discussed previously and in the proposed rule, we are finalizing without modification our proposed revisions to §§ 405.944(b)(4), 405.964(b)(4), 405.1112(a), and 423.2112(a)(4).

2. Change to Timeframe for Vacating Dismissals (§§ 405.952, 405.972, 405.1052, and 423.2052)

The regulations at §§ 405.952(d), 405.972(d), 405.1052(e), and 423.2052(e) allow adjudicators to vacate a dismissal of an appeal request for a Medicare Part A or B claim or Medicare Part D coverage determination within 6 months of the date of the notice of dismissal. We stated in the proposed rule (83 FR 49515) that this allows sufficient time for adjudicators to carefully evaluate their dismissals while taking into account the principle of administrative finality.

As discussed in the proposed rule (83 FR 49515), through experience, we have concluded that the timeframe for vacating a dismissal would be better expressed in calendar days, rather than months, for two reasons. First, we stated that all timeframes in the regulations under part 405, subpart I, and part 423, subpart U, associated with the filing of appeal requests, adjudication periods, reopening of prior determinations, and other time-limited procedural actions are expressed in calendar days, not months. For example, see §§ 405.942 and 423.2056. Second, we stated that applying a timeframe based on days, rather than months, leads to more consistency in interpretation and actual timeframes. We explained that a timeframe based on months could be subject to varying interpretations, as the number of days in a consecutive 6-month period varies from 181 to 184 days. For example, if an ALJ or attorney adjudicator's dismissal is dated August 31 of one calendar year, advancing the timeframe 6 months to February could be confusing for parties and adjudicators because February does not contain 30 or 31 days. Also, given that February has only 28 or 29 days (in a leap year), any 6-month period that includes February would be shorter than other 6 month periods, leading to some inconsistency in the actual timeframe for vacating a dismissal.

To provide more consistency and predictability for appellants and adjudicators, and better conformity with other timeframes in part 405, subpart I, and part 423, subpart U, we proposed (83 FR 49525 through 49529) to revise the timeframe for vacating a dismissal from 6 months to 180 days in §§ 405.952(d), 405.972(d), 405.1052(e), and 423.2052(e).

We received no comments on these proposals. Accordingly, for the reasons discussed previously and in the proposed rule, we are finalizing without modification our proposed revisions to §§ 405.952(d), 405.972(d), 405.1052(e), and 423.2052(e).

3. Technical Correction to Regulations To Change Health Insurance Claim Number (HICN) References to Medicare Numbers (§§ 405.910, 405.944, 405.964, 405.1014, 405.1112, 423.2014, and 423.2112)

Section 501 of the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) (Pub. L. 114–10), added section 205(c)(2)(C)(xiii) of the Act to prohibit Social Security Numbers (or derivatives) from being displayed on Medicare cards. As a result, CMS issued new Medicare cards, which contain a randomly generated Medicare Beneficiary Identifier (MBI), rather than the Social Security Number-based Health Insurance Claim Number (HICN) that, at the time of the proposed rule, was not on Medicare cards. As discussed in the proposed rule (83 FR 49516), in order to ensure that appellants can easily submit appointment of representative documentation and appeal requests, we would accept this documentation with HICNs or MBIs. Consistent with these efforts, we proposed to remove references to the Social Security Number-based HICN on Medicare cards that are included in the Medicare appeals regulations, and to replace them with references to Medicare number to clarify that either a HICN or MBI can be included on appointment of representative documentation and appeal requests (83 FR 49516). Accordingly, we proposed (83 FR 49527 through 49529) to revise the following provisions of Medicare regulations to remove the words ''health insurance claim'' from the phrase ''Medicare health insurance claim number'' so that there is only a reference to ''Medicare number'': §§ 405.910(c)(5), 405.944(b)(2), 405.964(b)(2), 405.1014(a)(1)(i), 405.1112(a), 423.2014(a)(1)(i), and 423.2112(a)(4).

We received no comments on this proposal. Accordingly, for the reasons discussed previously and in the

proposed rule, we are finalizing our proposed revisions without modification to §§ 405.910(c)(5), 405.944(b)(2), 405.964(b)(2), 405.1014(a)(1)(i), 405.1112(a), 423.2014(a)(1)(i), and 423.2112(a)(4).

4. Removal of Redundant Regulatory Provisions Relating to Medicare Appeals of Payment and Coverage Determinations and Conforming Changes (§§ 423.562, 423.576, 423.602, 423.604, 423.1970, 423.1972, 423.1974, 423.1976, 423.1984, 423.1990, 423.2002, 423.2004, 423.2006, 423.2014, 423.2020, 423.2044, 423.2100, and 423.2136)

The January 17, 2017 final rule revised certain Medicare procedures for appeals of payment and coverage determinations for items and services furnished to Medicare beneficiaries and enrollees. Since the publication of this final rule, we have identified four regulatory provisions in part 423, subpart U, that are redundant. In order to reduce potential confusion, we proposed to remove redundant provisions at §§ 423.1970, 423.1972, 423.1974, and 423.1976 and, where necessary, incorporate appropriate provisions in other sections of the regulations (83 FR 49516 through 49518).

Section 423.1970 of the regulations relating to the rights of enrollees to an ALJ hearing provides—

- In paragraph (a), that, if the amount remaining in controversy after the Independent Review Entity (IRE) reconsideration meets the threshold requirement established annually by the Secretary, an enrollee who is dissatisfied with the IRE reconsideration determination has a right to a hearing before an ALJ;
- In paragraph (b)(1), the methodology for computing the AIC when the basis for appeal is the refusal by the Part D plan sponsor to provide drug benefits;
- In paragraph (b)(2), the methodology for computing the AIC when the basis for appeal is an at-risk determination made under a drug management program in accordance with § 423.153(f); and
- In paragraph (c), the requirements for aggregating appeals to meet the AIC.

Section 423.2002 also contains provisions on the right to an ALJ hearing. This section contains cross-references to the provisions in § 423.1970, and also—

- Establishes a 60-calendar day timeframe for filing a written request for an ALJ hearing following receipt of the written notice of the IRE's reconsideration; and indicates the AIC requirement must be met to be entitled to an ALJ hearing;
- Provides the circumstances under which an enrollee may request that an ALJ hearing be expedited;
- Establishes a 5-calendar day presumption for receipt of the reconsideration following the date of the written reconsideration, unless there is evidence to the contrary; and
- Provides that, for purposes of the section, requests for hearing are considered as filed on the date they are received by the office specified in the IRE's reconsideration.

Because §§ 423.1970 and 423.2002 both address the right to an ALJ hearing, and because there is a possibility that confusion may arise from having two sections with the same title in the same CFR subpart, we proposed to remove § 423.1970 (83 FR 49527). We stated that because § 423.1970(a) is redundant of §§ 423.2000(a) and 423.2002(a)(2) in describing that an enrollee has a right to an ALJ hearing when the enrollee is dissatisfied with an IRE reconsideration and meets the AIC requirement, we believe § 423.1970(a) should be eliminated. We proposed to relocate § 423.1970(b) and (c) to new proposed § 423.2006 (''Amount in controversy required for an ALJ hearing and judicial review'') as paragraphs (c) and (d), respectively (83 FR 49527 and 49528).

In addition, we proposed to remove the reference to ''CMS'' in § 423.1970(b) (relocated to proposed § 423.2006(c)) to clarify that adjudicators, not CMS, ultimately compute the amount remaining in controversy in determining whether the AIC threshold is met for an ALJ hearing or review of an IRE dismissal, and judicial review (83 FR 49528).

As discussed in the proposed rule (83 FR 49516), we believe having one section titled ''Right to an ALJ hearing'' at § 423.2002 and another section titled ''Amount in controversy required for an ALJ hearing and judicial review'' at § 423.2006 is more consistent with the corresponding rules in 42 CFR part 405, subpart I, for appeals of Medicare Part A and Part B initial determinations (§§ 405.1002 and 405.1006). For consistency with § 423.2000(a) and language we proposed to remove from § 423.1970(a), we also proposed to add language to § 423.2002(a) providing that the right to an ALJ hearing is available to enrollees who are dissatisfied with the IRE's reconsideration determination (83 FR 49527).

In order to further increase consistency with § 405.1006 and consolidate the Medicare Part D appeals rules regarding the AIC, we proposed to incorporate provisions in proposed new § 423.2006(a) and (b) that are similar to those provisions contained at § 405.1006(b) and (c), describing the amounts in controversy required for an ALJ hearing and judicial review, respectively, including the annual adjustment of these amounts. In order to more clearly state the AIC requirements for appeals of Part D prescription drug plan coverage determinations, without the need for multiple statutory and regulatory cross-references, we proposed that new § 423.2006 would include the following (83 FR 49527 and 49528):

- At proposed paragraph (a)(1), a provision similar to § 405.1006(b)(1) that the required amount remaining in controversy must be $100 increased by the percentage increase in the medical care component of the Consumer Price Index for All Urban Consumers (U.S. city average) as measured from July 2003 to the July preceding the current year involved.
- At proposed paragraph (a)(2), a provision similar to § 405.1006(b)(2) that, if the figure in § 423.2006(a)(1) is not a multiple of $10, it is rounded to the nearest multiple of $10, and that the Secretary will publish changes to the AIC requirement in the **Federal Register** when necessary.
- At proposed paragraph (b), a provision similar to § 405.1006(c) that, to be entitled to judicial review, the enrollee must meet the AIC requirements of this subpart and have an amount remaining in controversy of $1000 or more, adjusted as specified in proposed § 423.2006(a)(1) and (2).
- At proposed paragraph (c), a provision similar to current § 423.1970(b) explaining how the amount remaining in controversy is calculated.
- At proposed paragraph (d), the text currently found in § 423.1970(c) concerning aggregation of appeals to meet the amount in controversy.

Finally, we proposed to update or remove the cross-references to § 423.1970 in §§ 423.562(b)(4)(iv), 423.576, 423.602(b)(2), 423.1984(c), 423.2002(a) introductory text, (a)(2), and (b)(3), 423.2004(a)(2), and 423.2044(c) and to add a cross-reference to § 423.2006 in § 423.1990(b)(3) in place of the language ''established annually by the Secretary'' (83 FR 49527 through 49529).

Section 423.1972, titled ''Request for an ALJ hearing,'' provides the procedures an enrollee must follow when filing a request for hearing as follows:

- Paragraph (a) provides that a written request must be filed with the

OMHA office specified in the IRE's reconsideration notice.

• Paragraph (b) provides the timeframe for filing a request.

• Paragraph (c)(1) states that if a request for hearing clearly shows that the AIC is less than that required under § 423.1970, the ALJ or attorney adjudicator dismisses the request.

• Paragraph (c)(2) provides that if, after a hearing is initiated, the ALJ finds that the AIC is less than the amount required under § 423.1970, the ALJ discontinues the hearing and does not rule on the substantive issues raised in the appeal.

As we stated in the proposed rule (83 FR 49517), with the exception of paragraph (c)(2), all of the provisions in § 423.1972 are duplicative of or incorporate by reference other provisions found in § 423.2002(a) and (d) (Right to an ALJ hearing), § 423.2014(d)(2) and (e) (Request for an ALJ hearing or a review of an IRE dismissal), § 423.2020 (Time and place for a hearing before an ALJ), and § 423.2052(a)(2) (Dismissal of a request for a hearing before an ALJ or request for review of an IRE dismissal). In order to eliminate the redundancy and potential confusion, we proposed to remove § 423.1972 in its entirety (83 FR 49527). As a part of this proposed change, we also proposed to update or remove the cross-references to § 423.1972 in §§ 423.604, 423.1984(c), 423.2014(d) introductory text and (e)(1), and 423.2020(a). We stated in the proposed rule (83 FR 495174) that we do not believe it is necessary to retain § 423.1972(c)(2) in another location because ALJs have broad authority to regulate the course of the hearing. We further noted that, in the rare circumstances described in § 423.1972(c)(2) where an ALJ does not make a finding regarding the AIC until after a hearing is initiated, the ALJ may discontinue the hearing and issue a dismissal under §§ 423.2002(a)(2) and 423.2052(a)(2).

Section 423.1974, titled ''Council review,'' provides that an enrollee who is dissatisfied with an ALJ's or attorney adjudicator's decision or dismissal may request that the Council review the ALJ's or attorney adjudicator's decision or dismissal as provided in § 423.2102. We stated in the proposed rule (83 FR 49517) that this provision is similar to § 423.2100, titled ''Medicare Appeals Council review: general.'' To eliminate the redundancy, we proposed (83 FR 49529) to remove the language of § 423.1974 and incorporate it in § 423.2100(a). This language would replace the language in § 423.2100(a). We also proposed (83 FR 49527) to update or remove the cross-references to § 423.1974 in §§ 423.562(b)(4)(v) and 423.1984(d).

Section 423.1976, titled ''Judicial review,'' provides the following:

• In paragraph (a), that an enrollee may request judicial review of an ALJ's or attorney adjudicator's decision if the Council denied the enrollee's request for review and the AIC meets the threshold requirement established annually by the Secretary.

• In paragraph (b), that the enrollee may request judicial review of a Council decision if it is the final decision of CMS and the AIC meets the threshold established in paragraph (a)(2).

• In paragraph (c), that, in order to request judicial review, an enrollee must file a civil action in a district court of the United States in accordance with section 205(g) of the Act.

As we stated in the proposed rule (83 FR 49517), with the exception of paragraph (a), these provisions are largely duplicative of other provisions contained in § 423.2136, also titled ''Judicial review.'' To eliminate this redundancy, we proposed to remove the provisions of § 423.1976 and revise § 423.2136 as follows:

• Section 423.2136(a) would be redesignated as § 423.2136(a)(1). The cross-reference to § 423.1976 would be removed, and language from § 423.1976(b) would be incorporated in § 423.2136(a)(1)(i) and (ii) and revised by replacing ''CMS'' with ''the Secretary'' for consistency with the language in section 1876(c)(5)(B) of the Act and § 423.2140, and replacing ''paragraph (a)(2) of this section'' with ''§ 423.2006'' which we proposed to add to the regulations to address the AIC requirements.

• Language at § 423.1976(a) would be revised to incorporate a reference to § 423.2006 and the authorizing language from § 423.2136(a) (proposed § 423.2136(a)(1)) and moved to new § 423.2136(a)(2).

• We also proposed to update or remove the cross-references to § 423.1976 in §§ 423.562(b)(4)(vi), 423.576, and 423.2136(b)(1). We sought comment on these proposed changes.

In summary, we proposed to remove or relocate language as shown in the following table:

Current section	Proposed new section	Proposed action	Rationale
§ 423.1970(a)	N/A	Remove	Similar language exists in §§ 423.2000(a) and 423.2002(a)(2).
§ 423.1970(b) § 423.1970(c)	§ 423.2006	Remove and incorporate revised language at proposed new § 423.2006(c). Remove and incorporate at proposed new § 423.2006(d).	Increases consistency with § 405.1006.
N/A N/A	§ 423.2006(a) § 423.2006(b)	Add language concerning AIC computation not previously outlined in part 423.	
§ 423.1972(a) § 423.1972(b) § 423.1972(c)(1)	N/A	Remove	Similar language exists in §§ 423.2002(a) and (d), 423.2014(d)(2) and (e), 423.2020, and 423.2052(a)(2) and reduces redundancy.
§ 423.1972(c)(2)	N/A	Remove	Unnecessary.
§ 423.1974	N/A	Remove and incorporate into § 423.2100(a)	Reduces redundancy.
§ 423.1976(a) § 423.1976(b)	N/A	Remove and incorporate revised language at new § 423.2136(a)(2). Remove and incorporate revised language at proposed new § 423.2136(a)(1).	
§ 423.1976(c)	N/A	Remove	Similar language exists in § 423.2136(b)(1).

We received no comments on the proposals described previously. Accordingly, for the reasons discussed previously and in the proposed rule, we are finalizing the proposed revisions without modification.

5. Change to Timeframe for Council Referral (§§ 405.1110 and 423.2110)

The regulations at §§ 405.1110(a) and (b)(2) and 423.2110(a) and (b)(2) give CMS or its contractors 60 calendar days after the date or issue date, respectively, of OMHA's decision or dismissal to refer the case to the Council. In the case of Part A and Part B appeals, CMS or its contractors are sent the decision notice when they are a party to the hearing or soon after the hearing occurred. For Part D appeals, as specified in § 423.2046(a)(1), the decision notice is sent to the enrollee, plan sponsor, and IRE.

As we discussed in the proposed rule (83 FR 49518), our regulations generally include regulatory timeframes that start when CMS or its contractors receive the decision notice, rather than the date the decision notice was issued. For example, § 405.1010(b)(3), which addresses the timing of when CMS or its contractor may elect to participate in an ALJ hearing, provides that CMS or its contractor must send notice of its intent to participate, if no hearing is scheduled, no later than 30 calendar days after notification that a request for hearing was filed or, if a hearing is scheduled, no later than 10 calendar days after receiving the notice of hearing. We explained that the rationale for starting the timeframe in § 405.1010(b)(3) after receipt of the notice was to ensure that CMS or its contractors have sufficient time to conduct a thorough evaluation of the facts and the case.

For the same reason, we proposed to revise the timeframe in §§ 405.1110(a) and (b)(2) and 423.2110(a) and (b)(2) for CMS or it contractors to refer a case to the Council such that the timeframe would begin after the ALJ's or attorney adjudicator's decision or dismissal is received (83 FR 49527 and 49529). We stated that starting the timeframe after CMS or its contractor receives OMHA's written decision or dismissal would help ensure that CMS and its contractors have sufficient time to decide whether the case is the type of case that should be referred to the Council for review. In addition, we stated that this proposed change would help ensure that even if CMS and its contractors receive a delayed notice, they would have sufficient time to decide whether the case should be referred to the Council.

In order to ensure consistent implementation of this proposal, we also proposed to add new §§ 405.1110(e) and 423.2110(e) to provide that the date of receipt of the ALJ's or attorney adjudicator's decision or dismissal is presumed to be 5 calendar days after the date of the notice of the decision or dismissal, unless there is evidence to the contrary (83 FR 49529). We explained that this would help facilitate the Council's determination on the timeliness of the referral by establishing a date by which the Council may presume that CMS or its contractor received the decision from OMHA. We stated that this 5-day mailing presumption is consistent with the presumption included in §§ 405.1102(a)(2) and 423.2102(a)(3) with respect to the timeframe for requesting Council review following an ALJ's or attorney adjudicator's decision or dismissal (83 FR 49518).

For these reasons, we proposed to revise the Council referral timeframes in §§ 405.1110(a) and (b)(2) and 423.2110(a) and (b)(2), and proposed to add §§ 405.1110(e) and 423.2110(e) as discussed previously (83 FR 49529).

Following is a summary of the comment we received and our response to this comment.

Comment: A commenter expressed concern that changing the timeframe to begin after the decision is received could further delay the Council's ultimate decision on the case, if the Council accepts the referral.

Response: We acknowledge that this change in timeframe could result in a delayed decision by the Council on the case. However, we believe that CMS and its contractors need sufficient time to do a thorough review of each appeal. We believe that the need for CMS and its contractors to conduct a thorough review outweighs any concerns that may arise from a slight delay that appellants may experience in receiving their decision by the Council, if the Council ultimately accepts the referral.

Accordingly, after review and consideration of the comment received, and for the reasons discussed previously and in the proposed rule, we are finalizing without modification our proposed revisions to §§ 405.1110(a) and (b)(2) and 423.2110(a) and (b)(2), and our proposals to add §§ 405.1110(e) and 423.2110(e).

6. Technical Correction to Regulation Regarding Duration of Appointed Representative in a Medicare Secondary Payer Recovery Claim (§ 405.910)

The regulation at § 405.910 sets forth rules addressing the appointment of representatives in a Medicare Parts A and B claims appeals, including for secondary payer recovery claims. Specific rules regarding the duration of time that an appointment of representative instrument is valid are provided under § 405.910(e).

On February 27, 2015, we published a final rule entitled ''Medicare Program; Right of Appeal for Medicare Secondary Payer Determinations Relating to Liability Insurance (Including Self-Insurance), No-Fault Insurance, and Workers' Compensation Laws and Plans (80 FR 10611). In that final rule, we added paragraph (e)(4) to § 405.910 in order to provide applicable plans with the benefit of the existing rule for Medicare secondary payers regarding the duration of appointment for an appointed representative. Within this added provision, we included a citation to § 405.906(a)(1)(iv), as the regulation establishing party status for applicable plans. As we stated in the proposed rule (83 FR 49518), this citation is an incorrect cross-reference; and the correct cross-reference is § 405.906(a)(4). We proposed to revise § 405.910(e)(4) to correct the cross-reference (83 FR 49525). We stated in the proposed rule that this proposed correction would not alter any existing processes or procedures within the Medicare claims appeals process.

We received no comments on this proposal. Accordingly, for the reasons discussed previously and in the proposed rule, we are finalizing the proposed revision without modification to § 405.910(e)(4).

7. Technical Correction To Actions That Are Not Initial Determinations (§ 405.926)

The regulation at § 405.926 sets forth actions that are not considered initial determinations subject to the administrative appeals process under part 405, subpart I. On October 4, 2016, we issued a final rule entitled ''Medicare and Medicaid Programs; Reform of Requirements for Long-Term Care Facilities'' (81 FR 68688 through 68872) that moved the definition of ''transfer and discharge'' in § 483.12 to the definitions under § 483.5. Accordingly, we updated the cross-reference to ''§ 483.5'' within § 405.926(f) to the cross-reference to ''§ 483.5(n)''. However, as we stated in the proposed rule (83 FR 49519), the citation of § 483.5(n) is an incorrect cross-reference.

To correct this error, we proposed to revise § 405.926(f) to remove the incorrect reference to ''§ 483.5(n)'' and replace it with the cross-reference ''§ 483.5 definition of 'transfer and discharge' '' (83 FR 49525). We stated

that this proposed technical correction would serve to correct an incorrect citation. We further explained that it would not alter any existing processes or procedures within the Medicare claims appeals process (83 FR 49518).

We received no comments on this proposal. Accordingly, for the reasons discussed previously and in the proposed rule, we are finalizing the proposed revision without modification to § 405.926(f).

8. Changes To Enhance Implementation of Rule Streamlining the Medicare Appeals Procedures (§§ 405.970, 405.1006, 405.1010, 405.1014, 405.1020, 405.1034, 405.1046, 405.1052, 405.1056, 423.1014, 423.1990, 423.2002, 423.2010, 423.2016, 423.2032, 423.2034, 423.2036, 423.2052, and 423.2056)

Since we published the January 17, 2017 final rule, we have identified several provisions that, upon further review, pose unanticipated challenges with implementation, which are explained in this section. In addition, there are other regulatory provisions that we believe require additional clarification and the correction of technical errors and omissions. In the proposals listed in this section, we sought to help ensure the provisions are implemented as intended, provide clarification, and correct technical errors and omissions. Our proposed changes were as follows.

a. Amount in Controversy (AIC) (§ 405.1006)

Section 405.1006 addresses the AIC required for an ALJ hearing and judicial review, and § 405.1006(d) provides the methodology for computing the AIC. In general, the AIC is computed as the amount that the provider or supplier bills for the items and services in the disputed claim, reduced by any Medicare payments already made or awarded for the items or services, and further reduced by any deductible and/or coinsurance amounts that may be collected for the items or services. In the January 17, 2017 final rule, we created several exceptions to this general computation methodology for situations where we believed an alternative methodology would more accurately describe the amount actually in dispute. Among these alternatives was the calculation methodology specified in § 405.1006(d)(4), which states that when an appeal involves an identified overpayment, the AIC is the amount of the overpayment specified in the demand letter for the items or services in the disputed claim. For appeals involving an estimated overpayment amount determined through the use of statistical sampling and extrapolation, § 405.1006(d)(4) further provides that the AIC is the total amount of the estimated overpayment determined through extrapolation, as specified in the demand letter.

As discussed in the proposed rule (83 FR 49519), when we created this exception, we did not account for the possibility that the amount of the overpayment or estimated overpayment specified in the demand letter might change throughout the administrative appeals process if, for example, an adjudicator finds that some of the items or services for which an overpayment was demanded are covered and payable, or alternatively, if an adjudicator raises a new issue that results in the denial of additional items or services. We explained that, even outside the administrative appeals process, the amount of an overpayment may be revised by a CMS contractor (for example, following a discussion period with the contractor that initially determined the overpayment). Although some of these situations may result in the issuance of a revised demand letter, such a letter may not always be issued during the pendency of the appeals process.

To account for situations where the amount of an overpayment specified in the demand letter does not reflect subsequent adjustments to the amount remaining in controversy, we proposed to revise § 405.1006(d)(4) to state that when an appeal involves an identified overpayment, the AIC is the amount of the overpayment specified in the demand letter, or the amount of the revised overpayment if the amount originally demanded changes as a result of a subsequent determination or appeal, for the items or services in the disputed claim (83 FR 49525). For appeals involving an estimated overpayment amount determined through the use of statistical sampling and extrapolation, we further proposed to revise § 405.1006(d)(4) to state that the AIC is the total amount of the estimated overpayment determined through extrapolation, as specified in the demand letter, or as subsequently revised (83 FR 49525).

Following is a summary of the comment we received and our response to this comment.

Comment: A commenter expressed concern that CMS and MACs do not always issue demand letters when the amount of an overpayment changes. The commenter requested that CMS require MACs to issue revised demand letters whenever an appeal decision is made that would increase or decrease the amount of an identified overpayment, and to clarify what the AIC would be if no revised demand letter is issued.

Response: The commenter's request to require MACs to issue revised demand letters whenever an appeal decision is made that would increase or decrease the amount of an identified overpayment is beyond the scope of the proposed rule, and thus we are not addressing it in this final rule.

With regard to the commenter's request to clarify what the AIC would be if no revised demand letter is issued, as we explained in the preamble to the proposed rule (83 FR 49519), the amount of an overpayment or estimated overpayment specified in a demand letter might change throughout the administrative appeals process as a result of appeals determinations, or outside the appeals process (for example, following a discussion period with the contractor that initially determined the overpayment). We further explained that, although some of these situations may result in the issuance of a revised demand letter, such a letter may not always be issued during the appeals process. It is for this reason that we proposed to revise § 405.1006(d)(4) to account for situations in which the amount of the overpayment or estimated overpayment specified in the demand letter (original or revised) no longer accurately reflects the AIC for an appeal. In these circumstances, an OMHA adjudicator would consider the amount of the overpayment or estimated overpayment specified in the most recent demand letter, factoring in any additional denied items or services, payment reductions, or payments awarded subsequent to the issuance of the demand letter. For purposes of determining whether an appeal meets the minimum AIC required for an ALJ hearing or review of a dismissal, we believe the demand letter, coupled with other available billing or payment information, would provide appellants and adjudicators with the necessary information to determine, or at least approximate, the effect of subsequent determinations or appeals and the amount of the revised overpayment. For estimated overpayments determined through the use of statistical sampling and extrapolation, because these estimated overpayments tend to far exceed the minimum AIC, we believe it would generally be unnecessary to calculate the exact amount of the revised estimate.

After review and consideration of the comments received, for the reasons discussed previously and in the proposed rule, we are finalizing the

proposed revisions without modification to § 405.1006(d)(4).

b. Submissions by CMS and CMS Contractors (§§ 405.1010 and 405.1012)

In § 405.1010(b)(1), we state that if CMS or a CMS contractor elects to participate in the proceedings on a request for hearing before receipt of a notice of hearing, or when notice of hearing is not required, it must send written notice of its intent to participate to the parties who were sent a copy of the notice of reconsideration, and to the assigned ALJ or attorney adjudicator, or if the appeal is not assigned, to a designee of the Chief ALJ. We discussed in the January 17, 2017 final rule that the requirement to notify the parties who were sent a copy of the notice of reconsideration helps ensure that the potential parties to a hearing, if a hearing is conducted, would receive notice of the intent to participate (82 FR 5016). However, the final regulation at § 405.1010(b)(1) does not account for requests for reconsideration that are escalated from the QIC level to the OMHA level of appeal without a notice of reconsideration having been issued.

As discussed in the proposed rule (83 FR 49519), in order to help ensure that the potential parties to a hearing would receive notice of CMS' or the contractor's intent to participate and address reconsideration escalations from the QIC to OMHA, we proposed to revise § 405.1010(b)(1) to require that, for escalated requests for reconsideration, notice of the intent to participate would also be sent to any party that filed a request for reconsideration or was found liable for the services at issue subsequent to the initial determination, which we believe is consistent with circumstances under which a party would receive notice of a hearing under § 405.1020. (Section 405.1020(c)(1) also provides that a notice of hearing is sent to all parties that participated in the reconsideration. However, we stated we did not believe this provision is necessary in circumstances where the QIC has not issued a reconsideration because, in practice, there is generally no opportunity for participation in these circumstances by parties other than the party that filed the request for reconsideration.) For the same reason, we also proposed to revise § 405.1010(c)(3)(ii)(A), which currently requires that copies of CMS or contractor position papers or written testimony that are submitted before receipt of a notice of hearing must be sent to the parties who were sent a copy of the notice of reconsideration (83 FR 49525 and 49526). We proposed to revise § 405.1010(c)(3)(ii)(A) to instead provide that copies are sent to the parties that are required to be sent a copy of the notice of intent to participate in accordance with § 405.1010(b)(1). We noted that no corresponding revisions to § 423.2010 are needed because escalation is not available in Medicare Part D appeals (83 FR 49519).

In § 405.1010(b)(3)(ii), we state that if CMS or a CMS contractor elects to participate after a hearing is scheduled, it must send written notice of its intent to participate no later than 10 calendar days ''after receiving the notice of hearing.'' As discussed in the proposed rule (83 FR 49519 and 49520), upon reviewing the revised rules, we noticed an inconsistency between this language and the language in § 405.1012(a)(1), which requires CMS or a CMS contractor electing to be a party to a hearing to send written notice of its intent to be a party no later than 10 calendar days ''after the QIC receives the notice of hearing.'' We explained in the January 17, 2017 final rule (82 FR 5020) that the timeframe in § 405.1012(a)(1) was based on receipt of the notice of hearing by the QIC because notices of hearing are currently sent to the QIC in accordance with § 405.1020(c). We stated that we believe these requirements should be consistent and the timeframes should begin on the same date, regardless of whether CMS or a CMS contractor is electing to be a party or participant. We also stated that we believe that the regulations should provide flexibility for CMS to designate another contractor, other than the QIC, to receive notices of hearing under § 405.1020(c) if that contractor is then tasked with disseminating the notice of hearing to other CMS contractors. Therefore, and as discussed in this section with regard to notices of hearing, we proposed to revise § 405.1020(c)(1) to provide for this flexibility (83 FR 49526).

For conformity with proposed revised § 405.1020(c)(1) and to resolve the existing inconsistency in §§ 405.1010(b)(3)(ii) and 405.1012(a)(1), we proposed to revise both sections to provide that written notice of the intent to participate or intent to be a party must be submitted no later than 10 calendar days after receipt of the notice of hearing by the QIC or another contractor designated by CMS to receive the notice of hearing (83 FR 49526). We noted that no corresponding revision is needed to the part 423, subpart U, rules because notices of hearing are sent to both the Medicare Part D plan sponsor and the IRE (83 FR 49520).

In § 405.1010(c)(3)(i), we state that CMS or a CMS contractor that filed an election to participate must submit any position papers or written testimony within 14 calendar days of its election to participate if no hearing has been scheduled, or no later than 5 calendar days prior to the hearing if a hearing is scheduled, unless the ALJ grants additional time to submit the position paper or written testimony. In the January 17, 2017 final rule (82 FR 5017), we discussed that the requirement to submit any written testimony within 14 calendar days of the election to participate if no hearing has been scheduled helps to ensure that the position paper and/or written testimony are available when determinations are made to schedule a hearing or issue a decision based on the record in accordance with § 405.1038.

Although § 405.1010(c)(3)(i) allows an ALJ to extend the 5-calendar day submission timeframe for cases in which a hearing is scheduled, the regulation text may be unclear as to whether the same discretion is afforded to ALJs or attorney adjudicators with respect to the 14-calendar day submission timeframe for cases in which no hearing has been scheduled. Our intent was to apply this discretionary extension in both circumstances, as evidenced by the corresponding regulation at § 423.2010(d)(3)(i), which allows an ALJ or attorney adjudicator to grant additional time to submit a position paper or written testimony both in cases where a hearing has been scheduled and in cases where no hearing has been scheduled (82 FR 5019). Accordingly, to clarify our intent and help ensure consistency between part 405 and part 423, we proposed to revise § 405.1010(c)(3)(i) to clarify that an ALJ or attorney adjudicator may also extend the 14-calendar day timeframe for submission of position papers and written testimony in cases in which no hearing has been scheduled (83 FR 49525 and 49526).

In § 405.1012(b), we state that if CMS or a CMS contractor elects to be a party to the hearing, it must send written notice of its intent to the ALJ and to ''the parties identified in the notice of hearing.'' Upon reviewing the revised rules, we noticed an inconsistency between this language and the language in § 405.1010(b)(2), which states that if CMS or a CMS contractor elects to participate after receipt of a notice of hearing, it must to send written notice of its intent to participate to the ALJ and ''the parties who were sent a copy of the notice of hearing.'' Although the standard for who must receive notice is

the same, the way in which it is articulated is different, which we believe may lead to confusion. To prevent potential confusion and help ensure consistency in the regulations, we proposed to revise § 405.1012(b) by replacing the language ''identified in the notice of hearing'' with ''who were sent a copy of the notice of hearing'' (83 FR 49526). As we noted in the proposed rule, no corresponding revision is needed to the part 423, subpart U, rules because only the enrollee is a party to a Medicare Part D appeal and CMS, the IRE, and the Part D plan sponsor may only request to be nonparty participants (83 FR 49520).

Finally, § 405.1012(e)(1) states the circumstances under which an ALJ or attorney adjudicator may determine that a CMS or contractor election to be a party to a hearing made under § 405.1012 is invalid. Because § 405.1012(a) only permits CMS or a contractor to elect to be a party after the QIC receives a notice of hearing, and only an ALJ may schedule and conduct a hearing, we believe the determination as to whether an election made under § 405.1012 is valid should be left to the assigned ALJ. Therefore, we proposed in § 405.1012(e)(1) to replace the phrase ''ALJ or attorney adjudicator'' with ''ALJ'' (83 FR 49526). As we noted, no corresponding revision is needed to the part 423, subpart U, rules because only the enrollee is a party to a Medicare Part D appeal and CMS, the IRE, and the Part D plan sponsor may only request to be nonparty participants (83 FR 49520).

Following is a summary of the comment we received and our response to this comment.

Comment: One commenter opposed the proposal to permit a contractor, other than the QIC, to receive notices of hearing because the commenter believed that allowing flexibility for CMS to designate another contractor to receive notices of hearing would undermine QIC accountability, as the commenter believed that the QIC that rendered the decision on appeal should be a party to the hearing. The commenter further stated that the proposal to allow CMS to designate another contractor, other than the QIC, to receive notices of hearing rather than the QIC would waste time, add complexity, and prejudice providers by allowing CMS to select a different contractor shortly before the hearing. The commenter also noted that the current time frame for CMS or a CMS contractor to submit a position paper or written testimony when a hearing is scheduled (no later than 5 calendar days prior to a hearing if a hearing has been scheduled, unless the time frame is extended by an ALJ) does not afford appellants enough time to review and address any new issues raised in the position paper or written testimony. The commenter also pointed out that on page 49520 of the preamble to the proposed rule, we inadvertently stated that were proposed to revise § 405.1012(b)(2), but that paragraph does not exist.

Response: We do not agree with the commenter that our proposal to allow CMS the flexibility to designate another contractor, other than the QIC, to receive notices of hearing would undermine QIC accountability, add complexity to the hearing process, or unfairly prejudice providers. It is possible that the commenter misunderstood our proposal as a proposal to replace the QIC who adjudicated the appeal with another contractor as a party to the hearing; however, this was not what we proposed. Rather, we proposed that CMS have flexibility to replace the QIC in its administrative role of distributing hearing requests.

Providing CMS with the flexibility to designate a different contractor to receive the notice of hearing does not add complexity to the hearing process. When a hearing is scheduled under the current regulations, OMHA sends the notice of hearing to a single CMS contractor. That contractor is then responsible for disseminating notice of the hearing to other CMS contractors, such as the MAC that issued the redetermination. This proposal, which we are finalizing, will allow CMS to assign the administrative responsibility of notifying the appropriate entities to a contractor other than the QIC. The QIC will still receive notice of the hearing, and would still have the opportunity to elect to participate in or be a party to the appeal, as applicable. Only CMS contractors that were involved with the claims, determinations, and decisions on appeal, or their successors, are notified of a hearing under the current process, and only those entities would be notified under the process we are finalizing.

Under current §§ 405.1010 and 405.1012, CMS or any of its contractors may elect to participate in the proceedings on a request for an ALJ hearing, and one of these entities may also elect to be a party to the proceedings if a hearing is scheduled and the appellant is not an unrepresented beneficiary. Neither the QIC nor any other CMS contractor is required to be a party (or a non-party participant) to a hearing. To join the proceedings as a party, a CMS contractor must affirmatively elect party status during the appropriate timeframe, and must notify the other parties identified in the notice of hearing of its intent to be a party to the hearing. Section 405.1012(a)(1), (b). Additionally, under § 405.1012(a)(2), an ALJ may request, but may not require, CMS and/or one or more of its contractors to be a party to a hearing and cannot draw any adverse inferences if CMS or the contractor decides not to be a party to the hearing. Our proposal does not undermine QIC accountability, as current § 405.1012 already provides flexibility for CMS or any CMS contractor, not just the QIC, to elect to join an appeal as a party, with the limitation that only the first entity to file its election after the notice of hearing is issued may attend the oral hearing. Our proposal to permit the designation of a contractor, other than the QIC, to perform the administrative role of disseminating hearing requests, would not change the ability of CMS or any of its contractors to elect to be a party to an OMHA appeal.

As for the commenter's concern about the current time frame for CMS or CMS contractor submission of position papers or written testimony when a hearing is scheduled, this comment is beyond the scope of the proposed rule, and we will not be addressing it in this final rule.

Finally, we thank the commenter for alerting us to the typographical error we inadvertently made in the preamble to the proposed rule by referring to § 405.1012(b)(2) instead of § 405.1012(b) in one place in the discussion. The proposed regulation text of the proposed rule (83 FR 49526) correctly reflected our proposal to modify § 405.1012(b).

After review and consideration of the comments received, and for the reasons discussed previously and in the proposed rule, we are finalizing these proposed changes without modification to §§ 405.1010(b)(1), (b)(3)(ii), (c)(3)(i), and (c)(3)(ii)(A) and 405.1012(a)(1), (b), and (e)(1).

c. Extension Requests (§§ 405.1014 and 423.2014)

Prior to the January 17, 2017 final rule, § 405.1014(c)(2) provided that any request for an extension of the time to request a hearing must be in writing, give the reasons why the request for a hearing was not filed within the stated time period, and must be filed with the entity specified in the notice of reconsideration. In the January 17, 2017 final rule, this provision was relocated to § 405.1014(e)(2) and revised, in part, to state that any request for an extension of the time to request a hearing or review of a QIC dismissal must be filed with the request for hearing or request

for review. This change was motivated by questions from appellants concerning whether a request for an extension should be filed without a request for hearing so that a determination could be made on the extension request before the request for hearing was filed (82 FR 5038). However, in our attempt to provide clarity to appellants, we created a requirement that, in its strictest interpretation, would foreclose an appellant from requesting an extension of the time to request a hearing or review after a request for hearing is filed. The need for such a request to be made may arise when an appellant—particularly an unrepresented beneficiary—is not aware that a request for hearing is untimely at the time of filing. In these situations, OMHA frequently asks the appellant to provide an explanation for the untimely filing and, if the OMHA adjudicator finds good cause for the untimely filing, the time period for filing is extended in accordance with § 405.1014(e)(3).

In order to remedy this situation, we proposed to revise § 405.1014(e)(2) to provide that requests for extension must be filed with the request for hearing or request for review, or upon notice that the request may be dismissed because it was not timely filed (83 FR 49520, 49521, and 49526). We also proposed a corresponding revision to § 423.2014(e)(3) for extension requests filed by Medicare Part D enrollees (83 FR 49520, 49521, and 49528).

We received no comments on this proposal. Accordingly, for the reasons discussed previously and in the proposed rule, we are finalizing the proposed revisions without modification to §§ 405.1014 and 423.2014.

d. Notice of Hearing (§ 405.1020)

In § 405.1020(c)(1), we require that a notice of hearing be sent to all parties that filed an appeal or participated in the reconsideration, any party who was found liable for the services at issue subsequent to the initial determination or may be found liable based on a review of the record, the QIC that issued the reconsideration, and CMS or a contractor that elected to participate in the proceedings in accordance with § 405.1010(b) or that the ALJ believes would be beneficial to the hearing, advising them of the proposed time and place of the hearing. However, this rule does not account for requests for reconsideration that are escalated from the QIC level to the OMHA level of appeal without a reconsideration having been issued.

To help ensure that the QIC, and other CMS contractors who receive notice of scheduled hearings through the QIC, receive notice of all scheduled hearings, we proposed to revise § 405.1020(c)(1) to require that notice be sent to the QIC that issued the reconsideration or from which the request for reconsideration was escalated (83 FR 49521 and 49526). As discussed in section II.H.2. of the proposed rule with regard to CMS and CMS contractor submissions, we proposed, and are finalizing a change to the regulation, to provide future flexibility for CMS to designate another contractor to receive notices of hearing by revising § 405.1020(c)(1) to state, in part, that the notice of hearing may instead be sent to another contractor designated by CMS to receive it. We noted that no corresponding revisions are needed in § 423.2020(c)(1) because escalation is not available in Medicare Part D appeals, and notices of hearing are sent to both the Medicare Part D plan sponsor and the IRE (83 FR 49521).

We received a comment on this proposal, which we have summarized and addressed as follows.

Comment: A commenter opposed the proposal to allow CMS to designate another contractor, other than the QIC, to receive notices of hearing, because the contractor that rendered the decision appealed should be a party to the hearing, not a third party that was not previously involved in the appeal. The commenter expressed concern that last minute designations by CMS would unfairly prejudice providers.

Response: We do not agree with the commenter that our proposal to allow flexibility for CMS to designate another contractor to receive notices of hearing will unfairly prejudice providers. As clarified in an earlier response, the contractor designated to receive notices of hearing will not replace the QIC that issued the reconsideration as a potential party to the hearing, or prevent the QIC from participating in an appeal. Under current §§ 405.1010 and 405.1012, CMS or any of its contractors may elect to participate in the proceedings on a request for an ALJ hearing, and one of these entities may also elect to be a party to the proceedings if a hearing is scheduled and the appellant is not an unrepresented beneficiary. The CMS-designated recipient of the notice of hearing under proposed § 405.1020(c)(1), whether it continues to be the QIC that issued the reconsideration or another contractor that CMS designates to receive the notice of hearing, will disseminate the notice of hearing to any other CMS contractor involved in reviewing the claim at issue or an appeal thereof. The proposal, which we are finalizing, merely provides CMS with flexibility to designate a different contractor to receive notices of hearing on CMS's behalf and disseminate notice of the hearing to the QIC and other CMS contractors.

For the reasons discussed previously and in the proposed rule, we are finalizing this proposed change without modification to § 405.1020(c)(1).

e. Request for an In-Person or Video Teleconference (VTC) Hearing (§§ 405.1020 and 423.2020)

Section 405.1020(i)(1) and (5) provides that if an unrepresented beneficiary who filed the request for hearing objects to a video-teleconference (VTC) hearing or to the ALJ's offer to conduct a hearing by telephone, or if a party other than an unrepresented beneficiary who filed the request for hearing objects to a telephone or VTC hearing, an ALJ may grant the unrepresented beneficiary's or other party's request for an in-person or VTC hearing if it satisfies the requirements in § 405.1020(i)(1) through (3), with the concurrence of the Chief ALJ or a designee and upon a finding of good cause. Prior to the January 17, 2017 final rule, § 405.1020(i) dealt exclusively with a party's request for an in-person hearing and § 405.1020(i)(5) required concurrence of the Managing Field Office ALJ and a finding of good cause for an ALJ to grant the request. (As we discussed in the January 17, 2017 final rule (82 FR 5046), the position of Managing Field Office ALJ was replaced by the position of Associate Chief ALJ, and we replaced the reference to ''Managing Field Office ALJ'' in § 405.1020(i)(5) with ''Chief ALJ or a designee'' to provide greater flexibility in the future as position titles change.) Managing Field Office ALJ concurrence and a finding of good cause were not required prior to the January 17, 2017 final rule for requests for a VTC hearing because VTC was the default method of hearing.

As we discussed in the proposed rule (83 FR 49521), when we revised § 405.1020(i) in the January 17, 2017 final rule to reflect the change from VTC to telephone hearing as the default method for appearances by parties other than unrepresented beneficiaries, we neglected to restrict the requirement for the concurrence of the Chief ALJ or designee to requests for in-person hearing, in accordance with § 405.1020(b)(1)(ii) and (b)(2)(ii). In addition, we neglected to clarify that, because VTC is the default hearing method for unrepresented beneficiaries, a finding of good cause is not required when an unrepresented beneficiary who filed the request for hearing objects to

an ALJ's offer to conduct a hearing by telephone and requests a VTC hearing. Accordingly, we proposed to revise § 405.1020(i)(5) to clarify that concurrence of the Chief ALJ or designee is only required if the request is for an in-person hearing, and that a finding of good cause is not required for a request for VTC hearing made by an unrepresented beneficiary who filed the request for hearing and objects to an ALJ's offer to conduct a hearing by telephone. We also proposed corresponding revisions to § 423.2020(i)(5) for objections filed by Medicare Part D enrollees.

As further discussed in the proposed rule, in reviewing the January 17, 2017 final rule, we also noted potential confusion about whether § 405.1020(e) or (i) applies to objections to the place of a hearing when the objection is accompanied by a request for a VTC or an in-person hearing. While an objection to a hearing being conducted by telephone or VTC may broadly qualify as an objection to the place of the hearing under § 405.1020(e), our intent was for § 405.1020(i) to apply to such an objection when the objection is accompanied by a request for a different hearing format, because § 405.1020(i) is specific to an objection to the scheduled hearing format and request for an alternate hearing format. To mitigate the potential confusion as to which provisions applies, we proposed to revise § 405.1020(e) by adding paragraph (e)(5) to make clear that it applies only when the party's or enrollee's objection does not include a request for an in-person or VTC hearing (83 FR 49521 through 49526). We also proposed a corresponding revision to § 423.2020(e) concerning a Medicare Part D enrollee's objection to the time and place of hearing (83 FR 49528).

We received no comments on this proposal. Accordingly, for the reasons discussed previously and in the proposed rule, we are finalizing the revision proposed previously without modification.

f. Dismissal of a Request for a Hearing (§§ 405.1052 and 423.2052)

Section 405.1052(a) describes the situations under which an ALJ may dismiss a request for hearing (other than withdrawals of requests for hearing, which are described in § 405.1052(c)). Although paragraph (a) pertains only to ALJ dismissals, paragraphs (a)(3), (a)(4)(i), and (a)(5) and (6) contain inadvertent references to attorney adjudicators.

- Paragraph (a)(3) states that an ALJ may dismiss a request for hearing when the party did not request a hearing within the stated time period and the ALJ or attorney adjudicator has not found good cause for extending the deadline, as provided in § 405.1014(e).
- Paragraph (a)(4)(i) provides that when determining whether the beneficiary's surviving spouse or estate has a remaining financial interest, the ALJ or attorney adjudicator considers whether the surviving spouse or estate remains liable for the services that were denied or a Medicare contractor held the beneficiary liable for subsequent similar services under the limitation of liability provisions based on the denial of the services at issue. (As discussed in section II.H.10 of the proposed rule, we proposed to change the reference to ''limitation of liability'' to ''limitation on liability.'')
- Paragraph (a)(5) states that an ALJ or attorney adjudicator dismisses a hearing request entirely or refuses to consider any one or more of the issues because a QIC, an ALJ or attorney adjudicator, or the Council has made a previous determination or decision under part 405, subpart I, about the appellant's rights on the same facts and on the same issue(s) or claim(s), and this previous determination or decision has become binding by either administrative or judicial action.
- Paragraph (a)(6) states that an ALJ or attorney adjudicator may conclude that an appellant has abandoned a request for hearing when OMHA attempts to schedule a hearing and is unable to contact the appellant after making reasonable efforts to do so.

As discussed in the January 17, 2017 final rule (82 FR 4982), our intent in finalizing the attorney adjudicator proposals was to provide authority for attorney adjudicators to dismiss a request for hearing only when an appellant withdraws his or her request for an ALJ hearing, and not under any other circumstances. We further explained that attorney adjudicators could not dismiss a request for hearing due to procedural issues or make a determination that would result in a dismissal of a request for an ALJ hearing (other than a determination that the appellant had withdrawn the request for hearing) (82 FR 5008 and 5009). Therefore, we proposed to revise § 405.1052(a)(3), (a)(4)(i), and (a)(6) to remove the reference to attorney adjudicators and paragraph (a)(5) to remove the first reference to an attorney adjudicator (83 FR 49526). We also proposed corresponding corrections to § 423.2052(a)(3), (5), and (6) for dismissals of Part D requests for hearing (83 FR 49529).

Prior to the January 17, 2017 final rule, § 405.1052(b) required that notice of a dismissal of a request for hearing be sent to all parties at their last known address. We explained in that rule that the requirement to send notice of the dismissal to all parties was overly inclusive and caused confusion by requiring notice of a dismissal to be sent to parties who have not received a copy of the request for hearing or request for review that is being dismissed (82 FR 5086). Therefore, we revised this provision (and moved it to § 405.1052(d)) to state that OMHA mails or otherwise transmits a written notice of a dismissal of a request for hearing or review to all parties who were sent a copy of the request for hearing or review at their last known address.

However, as we discussed in the proposed rule (83 FR 49522), in our effort to better tailor the list of recipients, we neglected to specify that notice is also sent to the appellant—who must receive notice of the dismissal, but would not have received a copy of its own request for hearing or review—and to account for CMS or a CMS contractor who elected to be a party to the appeal. We believe that CMS or a CMS contractor that is a party to an appeal has an interest in the outcome of the appeal and should be notified if the request for hearing or review is dismissed. Section 405.1046 helps ensure that CMS or CMS contractors who are a party to a hearing receive notice of the decision by requiring that the decision be sent to all parties at their last known address. In order to help ensure CMS and CMS contractors are afforded similar notice of dismissals, and that the appellant is notified of a dismissal of its request for hearing or review, we proposed to revise § 405.1052(d) to require that notice be sent to the appellant, all parties who were sent a copy of the request for hearing or review at their last known address, and to CMS or a CMS contractor that is a party to the proceedings on a request for hearing (83 FR 49526). We stated that no corresponding revision to § 423.2052 is needed because only the enrollee is a party to a Medicare Part D appeal and receives notice of the dismissal (83 FR 49522).

We received no comments on the proposals described previously.

Accordingly, for the reasons discussed previously and in the proposed rule, we are finalizing the revisions proposed previously without modification.

g. Remanding a Dismissal of a Request for Reconsideration (§§ 405.1056, 405.1034, 423.2034, and 423.2056)

Section 405.1056(a)(1) provides that if an ALJ or attorney adjudicator requests an official copy of a missing redetermination or reconsideration for an appealed claim in accordance with § 405.1034, and the QIC or another contractor does not furnish the copy within the timeframe specified in § 405.1034, the ALJ or attorney adjudicator may issue a remand directing the QIC or other contractor to reconstruct the record or, if it is not able to do so, initiate a new appeal adjudication. Section 405.1056(a)(2) provides that if the QIC does not furnish the case file for an appealed reconsideration, an ALJ or attorney adjudicator may issue a remand directing the QIC to reconstruct the record or, if it is not able to do so, initiate a new appeal adjudication. In § 405.1056(d), an ALJ or attorney adjudicator will remand a case to the appropriate QIC if the ALJ or attorney adjudicator determines that a QIC's dismissal of a request for reconsideration was in error.

As we stated in the proposed rule (83 FR 49522), occasionally, an ALJ or attorney adjudicator may need to remand a request for review of a dismissal of a reconsideration request for reasons similar to those specified in § 405.1056(a)(1) and (2) because the ALJ or attorney adjudicator is unable to obtain an official copy of the dismissal determination, or because the QIC does not furnish the case file for an appealed dismissal. We explained that, by restricting the bases for remand under § 405.1056(a)(1) and (2) to appeals of reconsiderations, we inadvertently made these reasons unavailable for remands of requests for review of a dismissal under § 405.1056(d). Therefore, we proposed to revise § 405.1056(d) by redesignating existing paragraph (d) as paragraph (d)(1), and adding paragraph (d)(2) to state that an ALJ or attorney adjudicator may also remand a request for review of a dismissal in accordance with the procedures in paragraph (a) of the section if an official copy of the notice of dismissal or case file cannot be obtained from the QIC (83 FR 48527). We also proposed corresponding revisions to § 423.2056(d) for Medicare Part D remands of a request for review of an IRE's dismissal of a request for reconsideration (83 FR 49529). We stated that this proposed change would necessitate two additional revisions.

First, §§ 405.1056(g) and 423.2056(g), which discuss reviews of remands by the Chief ALJ or designee, state that the review of remand procedures are not available for and do not apply to remands that are issued under § 405.1056(d) or § 423.2056(d), respectively. In the January 17, 2017 final rule, we explained that this limitation was due to the fact that remands issued on review of a QIC's or IRE's dismissal of a request for reconsideration (that is, based on a determination that the QIC's or IRE's dismissal was in error) are more akin to a determination than a purely procedural mechanism (82 FR 5069 through 5070). Because remands issued under new proposed §§ 405.1056(d)(2) and 423.2056(d)(2) would be procedural remands, we proposed to revise §§ 405.1056(g) and 423.2056(g) by replacing the references to paragraph (d) with a reference to paragraph (d)(1), so that remands issued under paragraph (d)(2) would be subject to the review of remand procedures in paragraph (g) (83 FR 49522, 49527, and 49529).

Second, we proposed to revise §§ 405.1034(a)(1) and 423.2034(a)(1) to provide that the request for information procedures in these paragraphs apply not only to requests for official copies of redeterminations and reconsiderations, but also to requests for official copies of dismissals of requests for redetermination or reconsideration (83 FR 49522 and 49526).

We received a comment on this proposal. Following is a summary of the comment we received and our response to this comment.

Comment: One commenter opposed the proposal to revise §§ 405.1056(d) and 423.2056(d) to allow an ALJ or attorney adjudicator to remand a request for review of a dismissal if an official copy of the notice of dismissal or case file cannot be obtained from the QIC because the commenter believed it would reduce CMS contractors' accountability for recordkeeping and timely transmission of case file information, while creating additional burden and delays for appellants. The commenter further stated that the proposal to revise §§ 405.1056(d) and 423.2056(d) to allow an ALJ or attorney adjudicator to remand decisions if an official copy of the case file cannot be obtained would have the effect of increasing, not decreasing, the number of pending appeals, and that ''if CMS or its contractors cannot maintain appropriate records, then an adverse finding should be reversed.''

Response: We do not agree with the commenter that our proposal to revise §§ 405.1056(d) and 423.2056(d) to permit an OMHA adjudicator to remand a request for review of a dismissal when OMHA is unable to obtain the case file or an official copy of a notice of dismissal would reduce CMS contractor accountability, create additional burden or cause undue delays for appellants, or significantly add to the number of pending appeals. OMHA and CMS have joint operating procedures in place for transmitting case files. Currently, in the rare circumstance in which the QIC or IRE does not respond to a request for a case file, OMHA sends a second request. Requests for hearing are remanded only if the QIC or IRE does not respond to the second request, or does respond but is unable to furnish the requested case file. Similarly, when an official copy of a redetermination or reconsideration is missing from the case file, §§ 405.1034(a)(1) and 423.2034(a)(1) require that OMHA verify whether an electronic copy of the redetermination or reconsideration is available in the official system of record, and if so accept the electronic copy as an official copy. If an electronic copy is not available in the system of record, an OMHA adjudicator is required to request the missing information from the QIC or IRE, or its successor, while retaining jurisdiction over the case. Then, only if the QIC or IRE does not furnish the requested redetermination or reconsideration within the time frame specified in § 405.1034 or § 423.2034 is a remand authorized under § 405.1056(a)(1) or § 423.2056(a)(1).

In proposed §§ 405.1056(d) and 423.2056(d), authorizing remands when an official copy of the notice of dismissal or a case file for an appealed dismissal of a request for reconsideration cannot be obtained from the QIC or IRE, OMHA would apply the same procedures that currently apply under §§ 405.1034(a) and 423.2034(a) for missing redeterminations, reconsiderations, and case files for appealed reconsiderations and the same joint operating procedures that are already in place for requesting case files. We further proposed to revise §§ 405.1034(a)(1) and 423.2034(a)(1) to require that OMHA first confirm whether an official copy of a missing notice of dismissal is available in the official system of record before issuing a request for information to the QIC or IRE (83 FR 49526 and 49528). Thus, the same safeguards that currently apply to prevent unnecessary requests for information and remands in appeals of reconsiderations would also apply to requests for review of a dismissal, and would help ensure appellants are not subjected to increased burdens or delays that may be associated with a remand. Rather than reducing accountability, we

believe the possibility that a case may be remanded would increase accountability and encourage the QIC or IRE to furnish complete case files for requests for review of a dismissal upon receipt of the initial OMHA case file request.

In the rare circumstances where a missing dismissal or case file could not be obtained by OMHA because the QIC or IRE does not respond to OMHA's case file request, or because an electronic copy of the missing notice of dismissal is not available in the official system of record and the QIC or IRE does not respond to OMHA's request under § 405.1034(a) or § 423.2034(a), or because the QIC or IRE cannot locate the requested case file or dismissal, we believe a remand to the QIC or IRE that issued the dismissal would be the most efficient means to reconstruct the record or, if necessary, re-adjudicate the request for reconsideration. The commenter's suggestion that OMHA issue a fully favorable determination and reverse the denial is not appropriate, as it would require CMS or a plan to pay previously denied claims or authorize previously denied requests for coverage without regard to their merits. HHS is charged with maintaining Medicare program integrity against waste, fraud, and abuse, and has a statutory obligation to ensure that non-meritorious claims that do not meet statutory criteria for payment are not paid (see, for example, sections 1814, 1835, 1862(a), and 1893 of the Act).

After review and consideration of the comments received, for the reasons discussed previously and in the proposed rule, we are finalizing these proposed changes without modification to §§ 405.1034(a)(1), 405.1056(d) and (g), 423.2034(a)(1), and 423.2056(d) and (g).

h. Notice of a Remand (§ 405.1056)

Section 405.1056(f) provides that OMHA mails or otherwise transmits written notice of a remand of a request for hearing or request for review to all of the parties who were sent a copy of the request for hearing or review, at their last known address, and to CMS or a contractor that elected to be a participant in the proceedings or party to the hearing. However, as discussed in the proposed rule (83 FR 49522), § 405.1056(f) does not require that notice be sent to the appellant, who would not have received a copy of its own request for hearing or review. For the same reasons described previously with regard to notices of dismissal, we proposed to revise § 405.1056(f) to require that notice be sent to the appellant, all parties who were sent a copy of the request for hearing or review at their last known address, and to CMS or a contractor that elected to be a participant in the proceedings or party to the hearing (83 FR 49522, 49523, and 49527). We stated that no corresponding revision to part 423, subpart U, is needed because § 423.2056(f) already provides that notice is sent to the enrollee, who is the only party to a Part D appeal.

In addition, § 405.1056(f) provides that the notice of remand states that there is a right to request that the Chief ALJ or a designee review the remand. However, § 405.1056(g) states that the review of remand procedures are not available for and do not apply to remands that are issued under § 405.1056(d) (which, as noted in section II.H.D.7. of the proposed rule, we proposed to redesignate as § 405.1056(d)(1)). To resolve this discrepancy and help ensure that parties receive accurate information regarding the availability of the review of remand procedures, we proposed to revise § 405.1056(f) to clarify that the notice of remand states that there is a right to request that the Chief ALJ or a designee review the remand, unless the remand was issued under § 405.1056(d)(1) (83 FR 49527). We also proposed corresponding changes to § 423.2056(f) (83 FR 49529).

We received no comments on the proposals described previously. Accordingly, for the reasons discussed previously and in the proposed rule, we are finalizing the proposed revisions without modification to §§ 405.1056(f) and 423.2056(f).

i. Requested Remands (§ 423.2056)

Section 423.2056(b) provides that if an ALJ or attorney adjudicator finds that the IRE issued a reconsideration and no redetermination was made with respect to the issue under appeal or the request for redetermination was dismissed, the reconsideration will be remanded to the IRE, or its successor, to readjudicate the request for reconsideration. However, as discussed in the proposed rule (83 FR 49523), when we finalized this provision in the January 17, 2017 final rule, we did not account for situations in which no redetermination was issued because the Medicare Part D plan sponsor failed to meet the timeframe for a standard or expedited redetermination, as provided in § 423.590. We stated that, in these situations, § 423.2056(b) does not provide a basis for remand because the failure of the Part D plan sponsor to provide a redetermination within the specified timeframe constitutes an adverse redetermination decision, and the Part D plan sponsor is required to forward the enrollee's request to the IRE within 24 hours of the expiration of the adjudication timeframe in accordance with § 423.590(c) (for requests for standard redeterminations) and (e) (for requests for expedited redeterminations). Accordingly, we proposed to revise § 423.2056(b) to clarify that this reason for remand does not apply when the request for redetermination was forwarded to the IRE in accordance with § 423.590(c) or (e) without a redetermination having been conducted (83 FR 49529).

We received no comments on this proposal. Accordingly, for the reasons discussed previously and in the proposed rule, we are finalizing the proposed revision without modification to § 423.2056(b).

j. Other Technical Changes

In the January 17, 2017 final rule, we amended regulations throughout 42 CFR part 405, subparts I and J, part 422, subpart M, part 423, subparts M and U, and part 478, subpart B, by replacing certain references to ALJs, ALJ hearing offices, and unspecified entities with a reference to OMHA or an OMHA office. We explained that these changes were being made to provide clarity to the public on the role of OMHA in administering the ALJ hearing program, and to clearly identify where requests and other filings should be directed (82 FR 4992). However, as discussed in the proposed rule (83 FR 49523), we neglected to revise two existing references to ALJs in § 405.970(c)(2) and one existing reference to an ALJ in § 405.970(d). To correct our oversight, we proposed to revise § 405.970(c)(2) and (d) by replacing each instance of the phrase ''to an ALJ'' with ''to OMHA'' to clarify that appeals are escalated to OMHA, rather than an individual ALJ (83 FR 49525).

In the January 17, 2017 final rule, in order to reduce confusion with MACs, we revised references to the Medicare Appeals Council throughout part 405, subpart I, part 422, subpart M, and part 423, subparts M and U, by replacing ''MAC'' with ''Council'' (82 FR 4993). However, we stated in the proposed rule (83 FR 49523) that we neglected to change one reference to ''MAC'' in § 423.1990(d)(2)(ii). Accordingly, we proposed to revise § 423.1990(d)(2)(ii) by replacing ''MAC'' with ''Council'' (83 FR 49527).

In § 423.2010(d)(1), we stated that CMS, IRE, and/or Part D plan sponsor participation in an appeal may include filing position papers and/or providing testimony to clarify factual or policy issues in a case, but it does not include

calling witnesses or cross-examining the witnesses of an enrollee to the hearing. As discussed in the proposed rule (83 FR 49523), this provision is similar to § 405.1010(c)(1), which describes the scope of CMS and CMS contractor participation in Medicare Part A and Part B appeals and provides, in part, that such participation does not include calling witnesses or cross-examining the witnesses of a party to the hearing. We stated in the proposed rule (83 FR 49523) that, when finalizing § 423.2010(d)(1) in the January 17, 2017 final rule, which we based on § 405.1010(c)(1), we inadvertently retained the phrase ''to the hearing'' after ''enrollee''. We stated that we believe this phrase is unnecessary in this context and reads awkwardly, and proposed to revise § 423.2010(d)(1) to remove it (83 FR 49523 and 49528).

Prior to the January 17, 2017 final rule, § 423.2016(b)(1) provided that an ALJ may consider the standard for granting an expedited hearing met if a lower-level adjudicator has granted a request for an expedited hearing. We revised this paragraph in the January 17, 2017 final rule to account for the possibility that a request for an expedited appeal could be granted by an attorney adjudicator. However, as we stated in the proposed rule (83 FR 49523), we neglected to correct the existing reference to a lower-level adjudicator having granted a request for an expedited hearing. Because lower-level adjudicators do not conduct hearings, we proposed to revise § 423.2016(b)(1) by replacing ''hearing'' with ''decision'' (83 FR 49528).

Section 423.2032(c) describes the circumstances in which a coverage determination on a drug that was not specified in a request for hearing may be added ''to pending appeal.'' As we discussed in the proposed rule, we inadvertently omitted the word ''a'' and proposed to revise § 423.2032(c) by removing the phrase ''to pending appeal'' and adding ''to a pending appeal'' in its place (83 FR 49523 and 49528).

Prior to the January 17, 2017 final rule, § 423.2036(g) stated, in part, that an ALJ may ask the witnesses at a hearing any questions relevant to the issues ''and allow the enrollee or his or her appointed representative, as defined at § 423.560.'' As discussed in the proposed rule (83 FR 49523), in the January 17, 2017 final rule, we redesignated this paragraph as paragraph (d), but neglected to correct the missing language at the end of the sentence. For consistency with § 405.1036(d), we proposed to revise § 423.2036(d) by adding '', to do so'' at the end of the paragraph, before the period (83 FR 49529).

Section 423.2036(e) discusses what evidence is admissible at the hearing, and states that an ALJ may not consider evidence on any change in condition of a Part D enrollee after a coverage determination, and further provides that if an enrollee wishes for such evidence to be considered, the ALJ must remand the case to the Part D IRE as set forth in § 423.2034(b)(2). Prior to the January 17, 2017 final rule, § 423.2034(b)(2) stated that an ALJ will remand a case to the appropriate Part D IRE if the ALJ determines that the enrollee wishes evidence on his or her change in condition after the coverage determination to be considered in the appeal. As discussed in the proposed rule (83 FR 49523), in the January 17, 2017 final rule, we moved this provision to § 423.2056(e), but neglected to update the cross-reference to it in § 423.2036(e). Accordingly, we proposed to revise § 423.2036(e) to replace the reference to ''§ 423.2034(b)(2)'' with the reference ''§ 423.2056(e)'' (83 FR 49529).

In §§ 405.952(b)(4)(i), 405.972(b)(4)(i), 405.1052(a)(4)(i) and (b)(3)(i), and 405.1114(c)(1), when discussing determinations as to whether a beneficiary's surviving spouse or estate has a remaining financial interest in an appeal, we refer to limitation on liability under section 1879 of the Act as ''limitation of liability.'' To increase consistency with the language used in the statute and help reduce confusion as to which standard is being applied, we proposed to replace the phrase ''limitation of liability'' with ''limitation on liability'' in each of these sections (83 FR 49525 through 49527).

As we stated in the proposed rule (83 FR 49524), we identified one provision in part 405, subpart I, and two provisions in part 423, subpart U, where we used incorrect terminal punctuation at the end of a paragraph that is part of a list. To correct our errors, we proposed to revise §§ 405.1046(a)(2)(ii), 423.2002(b)(1), and 423.2010(b)(3)(ii) by replacing the period at the end of each paragraph with a semicolon (83 FR 49526 through 49528).

Lastly, we proposed to revise the authority citations for parts 405 and 423 to meet the current Office of the Federal Register regulatory drafting guidance (83 FR 49524, 49525, and 49527). As we stated in the proposed rule (83 FR 49524), the guidance requires that we use only the United States Code (U.S.C.) citations for statutory citations unless the citation does not exist.

We received no comments on the proposed technical changes discussed previously. Accordingly, for the reasons discussed previously and in the proposed rule, we are finalizing the revisions proposed previously without modification.

III. Collection of Information Requirements

This final rule revises the appeals process regarding claims for benefits under Medicare Parts A and B and for Medicare prescription drug coverage determinations under Part D. Since appeals are an information collection requirement that is associated with an administrative action pertaining to specific individuals or entities (5 CFR 1320.4(a)(2) and (c)). The burden for preparing and filing an appeal is exempt from the requirements of the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*). Consequently, there is no need for review by the Office of Management and Budget under the authority of the PRA.

IV. Regulatory Impact Statement

We have examined the impact of this rule 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 RIA must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This rule 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 final rule would 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 rule would 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 rule would 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 regulation 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 ''EO 13771 deregulatory actions are not limited to those defined as significant under EO 12866 or OMB's Final Bulletin on Good Guidance Practices.'' This final rule, is considered an E.O. 13771 deregulatory action. Consistent with Executive Order 13771 requirements, when discounted from 2016 to infinity at 7 percent, this final rule would annually save $9,497,685.00 a year.

The final policy to remove the requirement that appellants sign appeal requests would result in a slight reduction of burden to appellants by allowing them to spend less time developing their appeal request and appealing dismissals of appeal requests for lack of a signature to the next level of review. Using the data from the number of appeal requests received, we estimate that approximately 4,465,000 appeal requests per year require a signature. We estimate that it takes 1 minute to sign the appeal request. Therefore, the reduction in administrative time spent would be 4,465,000 × .016 hour = 71,440.00 hours.

We used an adjusted hourly wage of $34.66 based on the Bureau of Labor Statistics May 2016 website for occupation code 43–9199, ''All other office and administrative support workers,'' which gives a mean hourly salary of $17.33, which when multiplied by a factor of two to include overhead, and fringe benefits, results in $34.66 an hour. The consequent cost savings would be 71,440.00 × $34.66 = $2,476,110.40 for time spent signing the appeal requests.

Based on a sampling of the number of appeal requests that are dismissed for not containing a signature, we estimated that 284,486 appeal requests are dismissed per year for not containing a signature on them, and 5 minutes to request that the adjudicator vacate the dismissal or appeal the dismissal. For appellants, the reduction in administrative time spent would be 284,486 × .083 hours = 23,612 hours with a consequent savings of 23,612 hours × $34.66 per hour = $818,404.00. The total amount saved for appellants would be $3,294,514.40, which consists of $2,476,110.40 for time spent signing the appeal requests added to $818,404.00 for time saved appealing the dismissed appeal requests.

When the cost of contractors dismissing appeal requests for the lack of signature is factored in, the cost savings becomes $11,757,600. This cost is calculated by multiplying the number of appeal requests dismissed at the MAC and QIC levels multiplied by the cost that we pay the contractors to adjudicate a dismissal. The average cost for a MAC to dismiss an appeal request would be $25 × 200,000 appeals dismissed for a lack of signature per year, which equates to 5,000,000. The average cost for a QIC to dismiss an appeal request would be $80 × 84,470 appeal requests dismissed for a lack of signature per year, which equates to a savings of $6,757,600. When these two costs are added together the cost savings becomes $11,757,600.

We did not receive comments on the burden estimates outlined in the proposed rule.

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

List of Subjects

42 CFR Part 405

Administrative practice and procedure, Diseases, Health facilities, Health professions, Medical devices, Medicare, Reporting and recordkeeping, Rural areas, X-rays.

42 CFR Part 423

Administrative practice and procedures, Emergency medical services, Health facilities, Health maintenance organizations (HMO), Medicare, Penalties, Privacy, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

■ 1. The authority citation for part 405 is revised to read as follows:

Authority: 42 U.S.C. 263a, 405(a), 1302, 1320b–12, 1395x, 1395y(a), 1395ff, 1395hh, 1395kk, 1395rr, and 1395ww(k).

§ 405.910 [Amended]

■ 2. Section 405.910 is amended—

■ a. In paragraph (c)(5) by removing the phrase ''health insurance claim''; and

■ b. In paragraph (e)(4) by removing the reference ''§ 405.906(a)(1)(iv)'' and adding the reference ''§ 405.906(a)(4)'' in its place.

§ 405.926 [Amended]

■ 3. Section 405.926 is amended in paragraph (f) by removing the reference ''§§ 483.5(n) and 483.15'' and adding the reference ''§ 483.5 definition of 'transfer and discharge' and § 483.15'' in its place.

§ 405.944 [Amended]

■ 4. Section 405.944 is amended—

■ a. In paragraph (b)(2) by removing the phrase ''health insurance claim''; and

■ b. In paragraph (b)(4) by removing the phrase ''and signature''.

§ 405.952 [Amended]

■ 5. Section 405.952 is amended—

■ a. In paragraph (b)(4)(i) by removing the phrase ''limitation of liability'' and adding the phrase ''limitation on liability'' in its place; and

■ b. In paragraph (d) by removing the phrase ''6 months'' and adding the phrase ''180 calendar days'' in its place.

§ 405.964 [Amended]

■ 6. Section 405.964 is amended—

■ a. In paragraph (b)(2) by removing the phrase ''health insurance claim''; and

■ b. In paragraph (b)(4) by removing the phrase ''and signature''.

§ 405.970 [Amended]

■ 7. Section 405.970 is amended in paragraphs (c)(2) and (d) by removing the phrase ''to an ALJ'' each time it appears and adding the phrase ''to OMHA'' in its place.

§ 405.972 [Amended]

■ 8. Section 405.972 is amended—

■ a. In paragraph (b)(4)(i) by removing the phrase ''limitation of liability'' and adding the phrase ''limitation on liability'' in its place; and

■ b. In paragraph (d) by removing the phrase ''6 months'' and adding the phrase ''180 calendar days'' in its place.

■ 9. Section 405.1006 is amended by revising paragraph (d)(4) to read as follows:

§ 405.1006 Amount in controversy required for an ALJ hearing and judicial review.

* * * * *

(d) * * *

(4) *Overpayments.* Notwithstanding paragraph (d)(1) of this section, when an appeal involves an identified overpayment, the amount in controversy is the amount of the overpayment specified in the demand letter, or the amount of the revised overpayment if the amount originally demanded changes as a result of a subsequent determination or appeal, for the items or services in the disputed claim. When an appeal involves an estimated overpayment amount determined through the use of statistical sampling and extrapolation, the amount in controversy is the total amount of the estimated overpayment determined through extrapolation, as specified in the demand letter, or as subsequently revised.

* * * * *

■ 10. Section 405.1010 is amended by revising paragraphs (b)(1), (b)(3)(ii), (c)(3)(i), and (c)(3)(ii)(A) to read as follows:

§ 405.1010 When CMS or its contractors may participate in the proceedings on a request for an ALJ hearing.

* * * * *

(b) * * *

(1) *No notice of hearing.* If CMS or a contractor elects to participate before receipt of a notice of hearing, or when a notice of hearing is not required, it must send written notice of its intent to participate to—

(i) The assigned ALJ or attorney adjudicator, or a designee of the Chief ALJ if the request for hearing is not yet assigned to an ALJ or attorney adjudicator; and

(ii) The parties who were sent a copy of the notice of reconsideration or, for escalated requests for reconsideration, any party that filed a request for reconsideration or was found liable for the services at issue subsequent to the initial determination.

* * * * *

(3) * * *

(ii) If a hearing is scheduled, no later than 10 calendar days after receipt of the notice of hearing by the QIC or another contractor designated by CMS to receive the notice of hearing.

(c) * * *

(3) * * *

(i) Unless the ALJ or attorney adjudicator grants additional time to submit the position paper or written testimony, a position paper or written testimony must be submitted within 14 calendar days of an election to participate if no hearing has been scheduled, or no later than 5 calendar days prior to the hearing if a hearing is scheduled.

(ii) * * *

(A) The parties that are required to be sent a copy of the notice of intent to participate in accordance with paragraph (b)(1) of this section, if the position paper or written testimony is being submitted before receipt of a notice of hearing for the appeal; or

* * * * *

§ 405.1012 [Amended]

■ 11. Section 405.1012 is amended—

■ a. In paragraph (a)(1) by removing the phrase ''after the QIC receives the notice of hearing'' and adding the phrase ''after receipt of the notice of hearing by the QIC or another contractor designated by CMS to receive the notice of hearing'' in its place;

■ b. In paragraph (b) by removing the phrase ''identified in the notice of hearing'' and adding the phrase ''who were sent a copy of the notice of hearing'' in its place; and

■ c. In paragraph (e)(1) by removing the phrase ''ALJ or attorney adjudicator'' and adding the term ''ALJ'' in its place.

§ 405.1014 [Amended]

■ 12. Section 405.1014 is amended—

■ a. In paragraph (a)(1)(i) by removing the phrase ''health insurance claim''; and

■ b. In paragraph (e)(2) by removing the phrase ''with the request for hearing or request for review of a QIC dismissal'' and adding the phrase ''with the request for hearing or request for review of a QIC dismissal, or upon notice that the request may be dismissed because it was not timely filed,'' in its place.

■ 13. Section 405.1020 is amended by—

■ a. Revising paragraph (c)(1);

■ b. Adding paragraph (e)(5); and

■ c. Revising paragraph (i)(5).

The revisions and addition read as follows:

§ 405.1020 Time and place for a hearing before an ALJ.

* * * * *

(c) * * *

(1) A notice of hearing is sent to all parties that filed an appeal or participated in the reconsideration; any party who was found liable for the services at issue subsequent to the initial determination or may be found liable based on a review of the record; the QIC that issued the reconsideration or from which the request for reconsideration was escalated, or another contractor designated to receive the notice of hearing by CMS; and CMS or a contractor that elected to participate in the proceedings in accordance with § 405.1010(b) or that the ALJ believes would be beneficial to the hearing, advising them of the proposed time and place of the hearing.

* * * * *

(e) * * *

(5) If the party's objection to the place of the hearing includes a request for an in-person or VTC hearing, the objection and request are considered in paragraph (i) of this section.

* * * * *

(i) * * *

(5) The ALJ may grant the request, with the concurrence of the Chief ALJ or designee if the request was for an in-person hearing, upon a finding of good cause and will reschedule the hearing for a time and place when the party may appear in person or by VTC before the ALJ. Good cause is not required for a request for VTC hearing made by an unrepresented beneficiary who filed the request for hearing and objects to an ALJ's offer to conduct a hearing by telephone.

* * * * *

■ 14. Section 405.1034 is amended by revising paragraph (a)(1) to read as follows:

§ 405.1034 Requesting information from the QIC.

(a) * * *

(1) Official copies of redeterminations and reconsiderations that were conducted on the appealed claims, and official copies of dismissals of a request for redetermination or reconsideration, can be provided only by CMS or its contractors. Prior to issuing a request for information to the QIC, OMHA will confirm whether an electronic copy of the redetermination, reconsideration, or dismissal is available in the official system of record, and if so will accept the electronic copy as an official copy.

* * * * *

§ 405.1046 [Amended]

■ 15. Section 405.1046 is amended in paragraph (a)(2)(ii) by removing the period at the end of the paragraph and adding a semicolon in its place.

■ 16. Section 405.1052 is amended by revising paragraphs (a)(3), (a)(4)(i), (a)(5) and (6), (b)(3)(i), (d), and (e) to read as follows:

§ 405.1052 Dismissal of a request for a hearing before an ALJ or request for review of a QIC dismissal.

(a) * * *

(3) The party did not request a hearing within the stated time period and the ALJ has not found good cause for extending the deadline, as provided in § 405.1014(e).

(4) * * *

(i) The request for hearing was filed by the beneficiary or the beneficiary's representative, and the beneficiary's surviving spouse or estate has no remaining financial interest in the case. In deciding this issue, the ALJ considers if the surviving spouse or estate remains liable for the services that were denied or a Medicare contractor held the beneficiary liable for subsequent similar services under the limitation on liability provisions based on the denial of the services at issue.

* * * * *

(5) The ALJ dismisses a hearing request entirely or refuses to consider any one or more of the issues because a QIC, an ALJ or attorney adjudicator, or the Council has made a previous determination or decision under this subpart about the appellant's rights on the same facts and on the same issue(s) or claim(s), and this previous determination or decision has become binding by either administrative or judicial action.

(6) The appellant abandons the request for hearing. An ALJ may conclude that an appellant has abandoned a request for hearing when OMHA attempts to schedule a hearing and is unable to contact the appellant after making reasonable efforts to do so.

* * * * *

(b) * * *

(3) * * *

(i) The request for review was filed by the beneficiary or the beneficiary's representative, and the beneficiary's surviving spouse or estate has no remaining financial interest in the case. In deciding this issue, the ALJ or attorney adjudicator considers if the surviving spouse or estate remains liable for the services that were denied or a Medicare contractor held the beneficiary liable for subsequent similar services under the limitation on liability provisions based on the denial of the services at issue.

* * * * *

(d) *Notice of dismissal.* OMHA mails or otherwise transmits a written notice of the dismissal of the hearing or review request to the appellant, all parties who were sent a copy of the request for hearing or review at their last known address, and to CMS or a CMS contractor that is a party to the proceedings on a request for hearing. The notice states that there is a right to request that the ALJ or attorney adjudicator vacate the dismissal action. The appeal will proceed with respect to any other parties who filed a valid request for hearing or review regarding the same claim or disputed matter.

(e) *Vacating a dismissal.* If good and sufficient cause is established, the ALJ or attorney adjudicator may vacate his or her dismissal of a request for hearing or review within 180 calendar days of the date of the notice of dismissal.

■ 17. Section 405.1056 is amended by revising paragraphs (d), (f), and (g) to read as follows:

§ 405.1056 Remands of requests for hearing and requests for review.

* * * * *

(d) *Remanding a QIC's dismissal of a request for reconsideration.* (1) Consistent with § 405.1004(b), an ALJ or attorney adjudicator will remand a case to the appropriate QIC if the ALJ or attorney adjudicator determines that a QIC's dismissal of a request for reconsideration was in error.

(2) If an official copy of the notice of dismissal or case file cannot be obtained from the QIC, an ALJ or attorney adjudicator may also remand a request for review of a dismissal in accordance with the procedures in paragraph (a) of this section.

* * * * *

(f) *Notice of remand.* OMHA mails or otherwise transmits a written notice of the remand of the request for hearing or request for review to the appellant, all of the parties who were sent a copy of the request at their last known address, and CMS or a contractor that elected to be a participant in the proceedings or party to the hearing. The notice states that there is a right to request that the Chief ALJ or a designee review the remand, unless the remand was issued under paragraph (d)(1) of this section.

(g) *Review of remand.* Upon a request by a party or CMS or one of its contractors filed within 30 calendar days of receiving a notice of remand, the Chief ALJ or designee will review the remand, and if the remand is not authorized by this section, vacate the remand order. The determination on a request to review a remand order is binding and not subject to further review. The review of remand procedures provided for in this paragraph are not available for and do not apply to remands that are issued under paragraph (d)(1) of this section.

■ 18. Section 405.1110 is amended—

■ a. In paragraph (a) by removing the phrase ''after the date'' and adding the phrase ''of receipt'' in its place;

■ b. In paragraph (b)(2) by removing the term ''issued'' and adding the term ''received'' in its place; and

■ c. Adding paragraph (e).

The addition reads as follows:

§ 405.1110 Council reviews on its own motion.

* * * * *

(e) *Referral timeframe.* For purposes of this section, the date of receipt of the ALJ's or attorney adjudicator's decision or dismissal is presumed to be 5 calendar days after the date of the notice of the decision or dismissal, unless there is evidence to the contrary.

§ 405.1112 [Amended]

■ 19. Section 405.1112 is amended in paragraph (a)—

■ a. By removing the phrase ''health insurance claim''; and

■ b. By removing the phrase ''and signature''.

§ 405.1114 [Amended]

■ 20. Section 405.1114 is amended in paragraph (c)(1) by removing the phrase ''limitation of liability'' and adding the phrase ''limitation on liability'' in its place.

PART 423—VOLUNTARY MEDICARE PRESCRIPTION DRUG BENEFIT

■ 21. The authority citation for part 423 is revised to read as follows:

Authority: 42 U.S.C. 1302, 1306, 1395w–101 through 1395w–152, and 1395hh.

§ 423.562 [Amended]

■ 22. Section 423.562 is amended—
■ a. In paragraph (b)(4)(iv) by removing the reference ''§ 423.1970'' and adding the reference ''§ 423.2006'' in its place;
■ b. In paragraph (b)(4)(v) by removing the reference ''§ 423.1974'' and adding the reference ''§ 423.2100'' in its place; and
■ c. In paragraph (b)(4)(vi) by removing the reference ''§ 423.1976'' and adding the reference ''§ 423.2006'' in its place.

§ 423.576 [Amended]

■ 23. Section 423.576 is amended by removing the references ''§ 423.580 through § 423.604'' and ''§ 423.1970 through § 423.1976'' and adding the references ''§§ 423.580 through 423.604'' and ''§§ 423.2000 through 423.2140'' in their places, respectively.

§ 423.602 [Amended]

■ 24. Section 423.602 is amended in paragraph (b)(2)by removing the reference ''§ 423.1970'' and adding the reference ''§ 423.2006'' in its place.

§ 423.604 [Amended]

■ 25. Section 423.604 is amended by removing the reference ''§ 423.1972'' and adding the reference ''§ 423.2014'' in its place.

§ 423.1970 [Removed and reserved]

■ 26. Section 423.1970 is removed and reserved.

§ 423.1972 [Removed and reserved]

■ 27. Section 423.1972 is removed and reserved.

§ 423.1974 [Removed and reserved]

■ 28. Section 423.1974 is removed and reserved.

§ 423.1976 [Removed and reserved]

■ 29. Section 423.1976 is removed and reserved.

§ 423.1984 [Amended]

■ 30. Section 423.1984 is amended—
■ a. In paragraph (c) by removing the reference ''§ 423.1970 through § 423.1972 and § 423.2000 through § 423.2063'' and adding the reference ''§§ 423.2000 through 423.2063'' in its place; and
■ b. In paragraph (d) by removing the reference ''§ 423.1974 and § 423.2100 through § 423.2130'' and adding the reference ''§§ 423.2100 through 423.2130'' in its place.

§ 423.1990 [Amended]

■ 31. Section 423.1990 is amended—
■ a. In paragraph (b)(3) by removing the phrase ''established annually by the Secretary'' and adding the phrase ''specified in § 423.2006'' in its place; and
■ b. In paragraph (d)(2)(ii) by removing the term ''MAC'' and adding the term ''Council'' in its place.

■ 32. Section 423.2002 is amended—
■ a. By revising paragraphs (a) introductory text and (a)(2);
■ b. In paragraph (b)(1) by removing the period at the end of the paragraph and adding a semicolon in its place; and
■ c. By revising paragraph (b)(3).

The revisions read as follows.

§ 423.2002 Right to an ALJ hearing.

(a) An enrollee who is dissatisfied with the IRE reconsideration determination has a right to a hearing before an ALJ if—

* * * * *

(2) The enrollee meets the amount in controversy requirements of § 423.2006.

(b) * * *

(3) The enrollee meets the amount in controversy requirements of § 423.2006.

* * * * *

§ 423.2004 [Amended]

■ 33. Section 423.2004 is amended in paragraph (a)(2) by removing the reference ''§ 423.1970'' and adding the reference ''§ 423.2006'' in its place.

■ 34. Section 423.2006 is added to read as follows:

§ 423.2006 Amount in controversy required for an ALJ hearing and judicial review.

(a) *ALJ review.* To be entitled to a hearing before an ALJ, an enrollee must meet the amount in controversy requirements of this section.

(1) For ALJ hearing requests, the required amount remaining in controversy must be $100, increased by the percentage increase in the medical care component of the Consumer Price Index for All Urban Consumers (U.S. city average) as measured from July 2003 to the July preceding the current year involved.

(2) If the figure in paragraph (a)(1) of this section is not a multiple of $10, it is rounded to the nearest multiple of $10. The Secretary will publish changes to the amount in controversy requirement in the **Federal Register** when necessary.

(b) *Judicial review.* To be entitled to judicial review, the enrollee must meet the amount in controversy requirements of this subpart at the time it requests judicial review. For review requests, the required amount remaining in controversy must be $1,000 or more, adjusted as specified in paragraphs (a)(1) and (2) of this section.

(c) *Calculating the amount remaining in controversy.* (1) If the basis for the appeal is the refusal by the Part D plan sponsor to provide drug benefits, the projected value of those benefits is used to compute the amount remaining in controversy. The projected value of a Part D drug or drugs must include any costs the enrollee could incur based on the number of refills prescribed for the drug(s) in dispute during the plan year.

(2) If the basis for the appeal is an at-risk determination made under a drug management program in accordance with § 423.153(f), the projected value of the drugs subject to the drug management program is used to compute the amount remaining in controversy. The projected value of the drugs subject to the drug management program shall include the value of any refills prescribed for the drug(s) in dispute during the plan year.

(d) *Aggregating appeals to meet the amount in controversy*—(1) *Enrollee.* Two or more appeals may be aggregated by an enrollee to meet the amount in controversy for an ALJ hearing if—

(i) The appeals have previously been reconsidered by an IRE;

(ii) The enrollee requests aggregation at the same time the requests for hearing are filed, and the request for aggregation and requests for hearing are filed within 60 calendar days after receipt of the notice of reconsideration for each of the reconsiderations being appealed, unless the deadline to file one or more of the requests for hearing has been extended in accordance with § 423.2014(d); and

(iii) The appeals the enrollee seeks to aggregate involve the delivery of prescription drugs to a single enrollee, as determined by an ALJ or attorney adjudicator. Only an ALJ may determine the appeals the enrollee seeks to aggregate do not involve the delivery of prescription drugs to a single enrollee.

(2) *Multiple enrollees.* Two or more appeals may be aggregated by multiple enrollees to meet the amount in controversy for an ALJ hearing if—

(i) The appeals have previously been reconsidered by an IRE;

(ii) The enrollees request aggregation at the same time the requests for hearing are filed, and the request for aggregation and requests for hearing are filed within 60 calendar days after receipt of the notice of reconsideration for each of the reconsiderations being appealed, unless the deadline to file one or more of the requests for hearing has been extended in accordance with § 423.2014(d); and

(iii) The appeals the enrollees seek to aggregate involve the same prescription drugs, as determined by an ALJ or attorney adjudicator. Only an ALJ may determine the appeals the enrollees seek

to aggregate do not involve the same prescription drugs.

§ 423.2010 [Amended]

■ 35. Section 423.2010 is amended—
■ a. In paragraph (b)(3)(ii) by removing the period at the end of the paragraph and adding a semicolon in its place; and
■ b. In paragraph (d)(1) by removing the phrase ''to the hearing''.

■ 36. Section 423.2014 is amended by revising paragraphs (a)(1)(i), (d) introductory text, and (e)(1) and (3) to read as follows:

§ 423.2014 Request for an ALJ hearing or a review of an IRE dismissal.

(a) * * *

(1) * * *

(i) The name, address, telephone number, and Medicare number of the enrollee.

* * * * *

(d) *When and where to file.* The request for an ALJ hearing after an IRE reconsideration or request for review of an IRE dismissal must be filed:

* * * * *

(e) * * *

(1) If the request for hearing or review is not filed within 60 calendar days of receipt of the written IRE's reconsideration or dismissal, an enrollee may request an extension for good cause.

* * * * *

(3) The request must be filed with the office specified in the notice of reconsideration or dismissal, must give the reasons why the request for a hearing or review was not filed within the stated time period, and must be filed with the request for hearing or request for review of an IRE dismissal, or upon notice that the request may be dismissed because it was not timely filed.

* * * * *

§ 423.2016 [Amended]

■ 37. Section 423.2016 is amended in paragraph (b)(1) by removing the term ''hearing'' and adding the term ''decision'' in its place.

■ 38. Section 423.2020 is amended by—
■ a. Revising paragraph (a);
■ b. Adding paragraph (e)(5); and
■ c. Revising paragraph (i)(5).

The revisions and addition read as follows:

§ 423.2020 Time and place for a hearing before an ALJ.

(a) *General.* The ALJ sets the time and place for the hearing, and may change the time and place, if necessary.

* * * * *

(e) * * *

(5) If the enrollee's objection to the place of the hearing includes a request for an in-person or video-teleconferencing hearing, the objection and request are considered in paragraph (i) of this section.

* * * * *

(i) * * *

(5) The ALJ may grant the request, with the concurrence of the Chief ALJ or designee if the request was for an in-person hearing, upon a finding of good cause and will reschedule the hearing for a time and place when the enrollee may appear in person or by video-teleconference before the ALJ. Good cause is not required for a request for video-teleconferencing hearing made by an unrepresented enrollee who filed the request for hearing and objects to an ALJ's offer to conduct a hearing by telephone.

* * * * *

§ 423.2032 [Amended]

■ 39. Section 423.2032 is amended in paragraph (c) by removing the phrase ''to pending appeal'' and adding the phrase ''to a pending appeal'' in its place.

■ 40. Section 423.2034 is amended by revising paragraph (a)(1) to read as follows:

§ 423.2034 Requesting information from the IRE.

(a) * * *

(1) Official copies of redeterminations and reconsiderations that were conducted on the appealed issues, and official copies of dismissals of a request for redetermination or reconsideration, can be provided only by CMS, the IRE, and/or the Part D plan sponsor. Prior to issuing a request for information to the IRE, OMHA will confirm whether an electronic copy of the missing redetermination, reconsideration, or dismissal is available in the official system of record, and if so will accept the electronic copy as an official copy.

* * * * *

§ 423.2036 [Amended]

■ 41. Section 423.2036 is amended—
■ a. In paragraph (d) by removing the reference ''§ 423.560'' and adding the phrase ''§ 423.560, to do so'' in its place; and
■ b. In paragraph (e) by removing the reference ''§ 423.2034(b)(2)'' and adding the reference ''§ 423.2056(e)'' in its place.

§ 423.2044 [Amended]

■ 42. Section 423.2044 is amended in paragraph (c) by removing the reference ''§ 423.1970'' and adding the reference ''§ 423.2006'' in its place.

§ 423.2052 [Amended]

■ 43. Section 423.2052 is amended—
■ a. In paragraph (a)(3) by removing the phrase ''or attorney adjudicator'';
■ b. In paragraph (a)(5) by removing the phrase ''The ALJ or attorney adjudicator dismisses'' and adding the phrase ''The ALJ dismisses'' in its place;
■ c. In paragraph (a)(6) by removing the phrase ''or attorney adjudicator''; and
■ d. In paragraph (e) by removing the phrase ''6 months'' and adding the phrase ''180 calendar days'' in its place.

■ 44. Section 423.2056 is amended by revising paragraphs (b), (d), (f), and (g) to read as follows:

§ 423.2056 Remands of requests for hearing and requests for review.

* * * * *

(b) *No redetermination.* If an ALJ or attorney adjudicator finds that the IRE issued a reconsideration and no redetermination was made with respect to the issue under appeal or the request for redetermination was dismissed, the reconsideration will be remanded to the IRE, or its successor, to readjudicate the request for reconsideration, unless the request for redetermination was forwarded to the IRE in accordance with § 423.590(c) or (e) without a redetermination having been conducted.

* * * * *

(d) *Remanding an IRE's dismissal of a request for reconsideration.* (1) Consistent with § 423.2004(b), an ALJ or attorney adjudicator will remand a case to the appropriate IRE if the ALJ or attorney adjudicator determines that an IRE's dismissal of a request for reconsideration was in error.

(2) If an official copy of the notice of dismissal or case file cannot be obtained from the IRE, an ALJ or attorney adjudicator may also remand a request for review of a dismissal in accordance with the procedures in paragraph (a) of this section.

* * * * *

(f) *Notice of a remand.* OMHA mails or otherwise transmits a written notice of the remand of the request for hearing or request for review to the enrollee at his or her last known address, and CMS, the IRE, and/or the Part D plan sponsor if a request to be a participant was granted by the ALJ or attorney adjudicator. The notice states that there is a right to request that the Chief ALJ or a designee review the remand, unless the remand was issued under paragraph (d)(1) of this section.

(g) *Review of remand.* Upon a request by the enrollee or CMS, the IRE, or the Part D plan sponsor filed within 30 calendar days of receiving a notice of remand, the Chief ALJ or designee will

review the remand, and if the remand is not authorized by this section, vacate the remand order. The determination on a request to review a remand order is binding and not subject to further review. The review of remand procedures provided for in this paragraph (g) are not available for and do not apply to remands that are issued in paragraph (d)(1) of this section.

■ 45. Section 423.2100 is amended by revising paragraph (a) to read as follows:

§ 423.2100 Medicare Appeals Council review: general.

(a) An enrollee who is dissatisfied with an ALJ's or attorney adjudicator's decision or dismissal may request that the Council review the ALJ's or attorney adjudicator's decision or dismissal.

* * * * *

■ 46. Section 423.2110 is amended—

■ a. In paragraph (a) introductory text by removing the phrase ''after the date'' and adding the phrase ''of receipt'' in its place;

■ b. In paragraph (b)(2) introductory text by removing the term ''issued'' and adding the term ''received'' in its place; and

■ c. Adding paragraph (e).

The addition reads as follows.

§ 423.2110 Council review on its own motion.

* * * * *

(e) *Referral timeframe.* For purposes of this section, the date of receipt of the ALJ's or attorney adjudicator's decision or dismissal is presumed to be 5 calendar days after the date of the notice of the decision or dismissal, unless there is evidence to the contrary.

§ 423.2112 [Amended]

■ 47. Section 423.2112 is amended in paragraph (a)(4)—

■ a. By removing the phrase ''health insurance claim''; and

■ b. By removing the phrase ''and signature''.

■ 48. Section 423.2136 is amended by revising paragraphs (a) and (b)(1) to read as follows.

§ 423.2136 Judicial review.

(a) *General rule*—(1) *Review of Council decision.* To the extent authorized by sections 1876(c)(5)(B) and 1860D–4(h) of the Act, an enrollee may obtain a court review of a Council decision if—

(i) It is a final decision of the Secretary; and

(ii) The amount in controversy meets the threshold requirements of § 423.2006.

(2) *Review of ALJ's or attorney adjudicator's decision.* To the extent authorized by sections 1876(c)(5)(B) and 1860D–4(h) of the Act, the enrollee may request judicial review of an ALJ's or attorney adjudicator's decision if—

(i) The Council denied the enrollee's request for review; and

(ii) The amount in controversy meets the threshold requirements of § 423.2006.

(b) * * *

(1) Any civil action described in paragraph (a) of this section must be filed in the District Court of the United States for the judicial district in which the enrollee resides.

* * * * *

Dated: March 19, 2019.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: April 2, 2019.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

[FR Doc. 2019–09114 Filed 5–3–19; 11:15 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 52 and 64

[CG Docket No. 17–59; Report No. 3125]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petitions for reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission's rulemaking proceeding by Michele A. Shuster, on behalf of Professional Association for Customer Engagement, and Alexi Maltas, on behalf of Competitive Carriers Association, CTIA and USTelecom—The Broadband Association.

DATES: Oppositions to the Petitions must be filed on or before May 22, 2019. Replies to an opposition must be filed on or before June 3, 2019.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Josh Zeldis, Consumer Policy Division, Consumer and Governmental Affairs Bureau (CGB), at (202) 418–0715, email: *Josh.Zeldis@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3125, released April 29, 2019. The full text of the Petitions is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554. They also may be accessed online via the Commission's Electronic Comment Filing System at: *http://apps.fcc.gov/ecfs/.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5.U.S.C. because no rules are being adopted by the Commission.

Subject: Advanced Methods to Target and Eliminate Unlawful Robocalls, FCC 18–177, published at 84 FR 11226, March 26, 2019, in CG Docket No. 17–59. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 2.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2019–09242 Filed 5–6–19; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90; FCC 19–32]

Connect America Fund

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) eliminates the rate floor and, following a one-year period of monitoring residential retail rates, eliminates the accompanying reporting obligations after July 1, 2020.

DATES: Effective June 6, 2019.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in WC Docket No. 10–90; FCC 19–32, adopted on April 12, 2019 and released on April 15, 2019. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW, Washington, DC 20554 or at the following internet address: *https://docs.fcc.gov/public/attachments/FCC-19-32A1.pdf.*

I. Introduction

1. In 2011, the Commission adopted a rule aimed at limiting universal service support received by rural carriers whose rates are below a set minimum rate. This requirement is known as the ''rate floor.'' If a carrier chooses to charge its customers less than the rate floor amount for voice service, the difference between the amount charged and the rate floor is deducted from the amount of support that carrier receives through the Universal Service Fund (Fund). Intended to guard against artificial subsidization of rural end user rates significantly below the national urban average, the practical effect of this rule has been to increase the telephone rates of rural subscribers, who are often older Americans on fixed incomes, lower-income Americans, and individuals living on Tribal lands. These Americans are some of those least able to afford the needless rate increases caused by the rate floor. In 2017, after several years of experience with it, the Commission froze increases in the rate floor for two years to give us an opportunity to ''revisit it to ensure our policies continue to further our statutory obligation to ensure '[q]uality services . . . available at just, reasonable, and affordable rates.' ''

2. After a thorough review of the record evidence, the Commission now eliminates the rate floor and, following a one-year period of monitoring residential retail rates, eliminates the accompanying reporting obligations after July 1, 2020. Doing so ends the de facto federal mandate to needlessly increase telephone service rates for many rural Americans above those carriers would otherwise assess, and avoids a further increase from $18 to $26.98 on July 1, 2019—an increase that would have reduced the affordability of telephone service for rural Americans, including the elderly, low-income individuals, veterans, and their families. As a result, the Commission ensures that rural consumers continue to receive quality services at just, reasonable, and affordable rates, while also ensuring that rural carriers continue to receive the predictable and sufficient universal service support needed to serve high-cost areas.

II. Discussion

3. The Commission finds that the rate floor, which leverages the Commission's universal service support to penalize lower prices for rural Americans who may least be able to afford such increases, is not justified as a matter of policy. To the extent the rate floor ever served a public purpose, the Commission finds that purpose long since carried out. The Commission agrees with the diverse coalition including stakeholders like the AARP, the National Consumer Law Center, the National Tribal Telecommunications Association, and small, medium, and large rural telephone companies that the rate floor is inconsistent with the direction of the Communications Act to advance universal service while ensuring that rates are just, reasonable, and affordable. Accordingly, and based on an extensive and near-unanimous record, the Commission eliminates the rate floor.

4. *First,* the Commission finds that the rate floor creates a perverse incentive for carriers to raise local rates, harming consumers in rural areas and making telephone service less affordable. No one disputes that the rate floor has increased rates for voice service in rural areas, despite the Commission's goal to ''preserve and advance universal availability of voice service.'' These price increases negatively affect rural consumers and ''could lead to some customers losing affordable access to basic service entirely.'' The Commission finds the rate floor raises rates for—and has a particularly deleterious effect on—older Americans on fixed incomes, subscribers in Tribal areas, low-income consumers, and seasonal customers making traditional voice service less affordable, often for consumers who need the service most. Indeed, the record suggests that low rates often served ''legitimate purposes [with] substantial public interest and safety benefits'' at stake, for example, emergency phones, seasonal lines, or basic service for elderly or low-income consumers. Low rates for such service ensure that phone service and access to 911 service is available in the event of an emergency for customers that may not be able to afford telephone service at higher rates. There may be other reasons that market rates in rural areas could be below the national average urban rate. For example, prices may be higher for local urban rates because ''urban customers have access to much more populous local calling areas than rural customers.'' In addition, local urban rates are not uniform, so many urban consumers are paying rates below the national urban rate average.

5. *Second,* the Commission finds that the rate floor places unnecessary regulatory burdens on state commissions and rural telephone companies. For example, rural carriers must ''expend limited internal resources to notify customers of impending rate increases and . . . seek permission from their state commission for such increases.'' Moreover, a rate floor requires burdensome proceedings for rural incumbent LECs and state commissions related to rate increases and other compliance measures such as customer notifications and reporting obligations. The record reflects that rate increases caused by the rate floor burden both carriers and state commissions ''where rate cases or other notices or applications are required to be prepared, filed and litigated,'' often on an expedited basis ''where urban rate survey completion and results are delayed . . . .'' In other words, the rate floor creates needless state and federal regulatory compliance costs—wasting resources that could be better put to improving quality of service and closing the digital divide.

6. *Third,* the Commission finds that the rate floor is a particularly ineffective means of conserving scarce federal funds. Unlike other mechanisms to control expenditures, such as the cost model for A–CAM carriers (which targets higher spending to higher-cost areas and limits spending available in lower cost areas) or the budget control mechanism for rate-of-return carriers (which limits total spending and creates incentives for carriers to control costs), the rate floor neither targets spending in an efficient manner nor creates incentives for carriers to control costs. Instead, it simply rewards carriers that artificially inflate prices, regardless of whether they invest efficiently or control their costs. And any purported savings from the rate floor have dissipated in recent years with the advent of the rate-of-return budget control mechanism—that's because savings from the rate floor are redistributed to other rate-of-return carriers through increased headroom in the budget, with no overall savings to the Fund.

7. *Fourth,* to the extent that the rate floor was trying to solve the problem of ''artificially low'' rates, the Commission finds that it has outlived its usefulness. As a preliminary matter, the record does not support the notion that rates for voice service are artificially low. But in any case, as a result of the rate floor, the monthly recurring rate has risen and is now $18 in many rural areas, and ''ultra-low voice service rates are becoming relatively rare.'' What is more, these rates are substantially higher than the Commission expected in 2011. At the time, the Commission anticipated that by July 2014 the rate floor would be ''close to the sum of $15.62 plus state regulated fees''—or $16.80 in inflation adjusted terms.

8. *Fifth,* changes to the Fund's support mechanisms for rural carriers since the

rate floor's adoption have largely eliminated any potential impact rates would have on the universal service support mechanisms. For example, the Commission has imposed concrete broadband buildout obligations on all legacy carriers, eliminated the support disparity between voice-only and broadband-only lines, and created incentives for legacy carriers to move from rate-of-return regulation to incentive regulation. Each of these changes reorients the Commission's high-cost system from one tied to carriers' historic costs and revenues from telephone services toward one where funding is tied to the fulfillment of certain broadband deployment obligations. And it is accordingly no surprise that the number of carriers potentially subject to the rate floor has rapidly diminished: Of the 940 study areas that were once potentially subject to the rate floor, only 654 are still subject to it.

9. In short, the Commission finds that the costs of either increased rates or reduced support (and therefore reduced deployment) ultimately borne by rural consumers outweigh any putative benefits to the Fund. The record in this proceeding overwhelmingly supports elimination of the rate floor rule; commenters agree that the rule imposes significant costs with little benefit. And the Commission agrees with one commenter that, in essence, ''the rate floor penalizes rural customers without any real benefit to the overall size of the fund.'' Accordingly, the Commission eliminates the rate floor rule and its accompanying reporting obligation.

10. The Commission disagrees with the only commenter that supports maintaining the rate floor. Although NCTA argues that eliminating the rate floor would skew competition and increase subsidies at the expense of consumers, the Commission finds the opposite to be true. Rural carriers receiving high-cost loop support can only recover their operating costs and investments where they face high per-line costs of providing service. Commission rules already require carriers to use subsidies to offset demonstrated high costs—not to subsidize below-market rates. Rather, the rate floor itself skews competition by artificially inflating the prices that certain carriers may charge—requiring a carrier to charge above-market rates in a town, for example, for fear of losing its support in the surrounding countryside. Without the rate floor, prices in competitive areas can freely adjust to competitive levels. And the rate floor is a double penalty for consumers since carriers can maintain their subsidies so long as they also charge consumers higher rates.

11. Finally, the Commission eliminates the reporting obligations associated with the rate floor after July 1, 2020, thereafter relieving carriers of the obligation to report residential local service rates. Although the Commission does not expect that carriers will begin charging artificially low rates as a result of the elimination of the rate floor, maintaining this reporting obligation for one year will allow the Commission to monitor any unexpected and significant changes in residential local services rates reported by carriers in their July 1, 2019 and 2020 annual filings.

III. Procedural Matters

A. Paperwork Reduction Act

12. This document eliminates a reporting requirement and contains no new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), it previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. The document, by eliminating a reporting requirement, reduces any burdens on small entities.

B. Congressional Review Act

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

14. *Regulatory Flexibility Act.*—The Regulatory Flexibility Act of 1980 (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' In the Report and Order, the Commission is eliminating a rule and its accompanying reporting obligation. Accordingly, the Commission certifies that the rule changes adopted herein will not have a significant economic impact on a substantial number of small entities. The Commission will send a copy of the Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Commission will send a copy of the Report and Order to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Report and Order (or summaries thereof) will also be published in the **Federal Register**.

IV. Ordering Clauses

15. Accordingly, *it is ordered*, pursuant to the authority contained in sections 201, 219, 220 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 201, 219, 220, 254, this Report and Order *is adopted.*

16. *It is furthered ordered* that Part 54, of the Commission's rules, 47 CFR parts 54, *is amended* as set forth in the following.

17. *It is further ordered* that the rules adopted in this document *will become effective* 30 days after the date of publication in the **Federal Register**.

List of Subjects in 47 CFR Part 54

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

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

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

PART 54—UNIVERSAL SERVICE

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

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

■ 2. Amend § 54.313 by revising paragraph (h) to read as follows:

§ 54.313 Annual reporting requirements for high-cost recipients.

* * * * *

(h) In their annual reporting due by July 1, 2019 and July 1, 2020, all incumbent local exchange carrier recipients of high-cost support must report all of their rates for residential local service for all portions of their service area, as well as state regulated fees, to the extent the sum of those rates and fees are below $18, and the number of lines for each rate specified. Carriers shall report lines and rates in effect as of June 1. For purposes of this subsection, state regulated fees shall be limited to state subscriber line charges, state universal service fees and mandatory extended area service charges.

* * * * *

§ 54.318 [Removed and Reserved].

■ 3. Remove and reserve § 54.318.

[FR Doc. 2019–09241 Filed 5–6–19; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Docket No. FWS–HQ–ES–2015–0008; 4500030113]

RIN 1018–BA81

Endangered and Threatened Wildlife and Plants; Removing Textual Descriptions of Critical Habitat Boundaries for Mammals, Birds, Amphibians, Fishes, Clams, Snails, Arachnids, Crustaceans, and Insects; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correcting amendment.

SUMMARY: We, the U.S. Fish and Wildlife Service, published a final rule in the **Federal Register** on April 27, 2018, to remove the textual descriptions of critical habitat boundaries from those designations for mammals, birds, amphibians, fishes, clams, snails, arachnids, crustaceans, and insects for which the maps have been determined to be sufficient to stand as the official delineation of critical habitat. Where we determined that the maps were not sufficient to stand as the official delineation of critical habitat, we revised the textual descriptions to include the following statement: ''The map provided is for informational purposes only.'' Inadvertently, we removed, rather than revised, a map note in the critical habitat designation for the Waccamaw silverside (*Menidia extensa*). The map note is necessary to clarify that the map in that entry is for informational purposes only. This document makes the necessary correction to the critical habitat designation for the Waccamaw silverside.

DATES: This correction is effective May 7, 2019.

FOR FURTHER INFORMATION CONTACT: Carey Galst, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–1954. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: On May 1, 2012, we published in the **Federal Register** (77 FR 25611) a final rule revising our regulations related to publishing textual descriptions of proposed and final critical habitat boundaries for codification in the Code of Federal Regulations (CFR) (2012 rule). Specifically, for critical habitat designations published after the effective date of the rule, the map(s), as clarified or refined by any textual language within the rule, constitutes the definition of the boundaries of a critical habitat. Each critical habitat area is shown on a map, with more-detailed information discussed in the preamble of the rulemaking documents published in the **Federal Register**. The map published in the CFR is generated from the coordinates and/or plot points corresponding to the location of the boundaries. These coordinates and/or plot points are included in the administrative record for the designation and are available to the public either online or at the Service field office responsible for the designation or both. In addition, if the Service concludes that additional tools or supporting information are appropriate and would help the public understand the official boundary map, we make the additional tools and supporting information available on our internet site and at the Service field office responsible for the critical habitat designation.

The preamble to the 2012 rule explained that, for critical habitat that had already been designated before the effective date of that rule, ''we also intend to remove the textual descriptions of final critical habitat boundaries set forth in the CFR in order to save the annual reprinting cost, but we must do so in separate rulemakings to ensure that removing the textual descriptions does not change the existing boundaries of those designations'' (77 FR 25618). We have now begun applying this approach by publishing a series of separate rulemakings that remove textual descriptions for any critical habitat designations promulgated prior to the effective date of the 2012 final rule if the maps are sufficient to stand as the official delineation of the boundaries. On April 27, 2018, we published the second such rulemaking—a final rule to remove the textual descriptions of critical habitat boundaries from those designations for mammals, birds, amphibians, fishes, clams, snails, arachnids, crustaceans, and insects for which the maps have been determined to be sufficient to stand as the official delineation of critical habitat (83 FR 18698) (2018 rule). That rule, which is codified at 50 CFR 17.94(b), set forth the conditions under which a map appearing in a critical habitat entry for any of those species is or is not considered the definition of the boundaries of a critical habitat. It did not alter the locations of any critical habitat boundaries.

In the 2018 rule, we mistakenly removed, rather than revised, a map note in the critical habitat designation for the Waccamaw silverside at 50 CFR 17.95(e). Under 50 CFR 17.94(b), the omission of the map note in the critical habitat designation for the Waccamaw silverside could mislead readers into thinking that the map in that entry stands as the official delineation of critical habitat, but it does not. Adding the revised map note to the Waccamaw silverside designation is necessary to clarify that the map in that entry is for informational purposes only. This document makes the necessary correction to the critical habitat designation for the Waccamaw silverside.

Administrative Procedure

As explained in the 2018 Rule and in the discussion above, neither the 2018 rule nor this amendment alters the locations of any critical habitat boundaries. However, there was an error in the 2018 Rule that could be perceived as altering the critical habitat boundary for the Waccamaw silverside, and this document is therefore necessary to correct that error and ensure that there is no change to that critical habitat boundary. Under these circumstances, we have determined, pursuant to 5 U.S.C. 551(4) and 553(b)(3)(B), that prior notice and opportunity for public comment are impractical and unnecessary. Public comment could not inform this process in any meaningful way. We have further determined that, under 5 U.S.C. 553(d)(3), the agency has good cause to make this correction effective upon publication, which is to comply with our regulations as soon as practicable.

List of Subjects in 50 CFR Part 17

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

For the reasons given in the preamble, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, with the following correcting amendment:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

■ 2. In § 17.95, in paragraph (e), amend the entry for ''Waccamaw Silverside (*Menidia extensa*)'' by adding a note above the map to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(e) *Fishes.*

* * * * *

Waccamaw Silverside (*Menidia extensa*)

* * * * *

Note: The map provided is for informational purposes only. Map follows:

* * * * *

Dated: April 8, 2019.

Margaret E. Everson,

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

[FR Doc. 2019–09356 Filed 5–6–19; 8:45 am]

BILLING CODE 4333–15–P

Proposed Rules

Federal Register
Vol. 84, No. 88
Tuesday, May 7, 2019

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0251; Product Identifier 2019–NM–057–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A320–251N and –271N airplanes; and A321–251N, –253N, –271N, and –272N airplanes. This proposed AD was prompted by a report that during a calibration check, some torqueing tools used on the final assembly line have been found out of tolerance. This proposed AD would require retorqueing each affected connection of sense and fire extinguishing lines within the pylon area to a correct torque value, as specified in a European Aviation Safety Agency (EASA) AD, which will be incorporated by reference. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 21, 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 the incorporation by reference (IBR) material described in the ''Related IBR material under 1 CFR part 51'' section in **SUPPLEMENTARY INFORMATION**, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material 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 in the AD docket on the internet at *http://www.regulations.gov.*

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–2019–0251; 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 (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

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–2019–0251; Product Identifier 2019–NM–057–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 based on those comments.

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

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0081, dated April 3, 2019 (''EASA AD 2019–0081'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A320–251N and –271N airplanes; and A321–251N, –253N, –271N, and –272N airplanes. The MCAI states:

> During periodic calibration check, some torqueing tools used on the final assembly line have been found out-of-tolerance. The subsequent investigation determined that connections of sense and fire extinguishing lines within the pylon area have been under-torqued on a group of aeroplanes.
>
> This condition, if not corrected, could lead to leaks or disconnections of those lines, possibly resulting in reduced engine control and/or reduced safety margin in case of engine fire.
>
> To address this potential unsafe condition, Airbus issued the applicable SB [service bulletin], providing instructions to restore the correct torque value of those affected connections.
>
> For the reason described above, this [EASA] AD requires re-torqueing to the correct value the affected connections.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0081 describes procedures for retorqueing each affected connection of sense and fire extinguishing lines within the pylon area to a correct torque value. This material 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, and it is publicly available through the EASA website.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified

of the unsafe condition described in the MCAI referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2019–0081, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, EASA AD 2019–0081 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with the provisions specified in EASA AD 2019–0081, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in EASA AD 2019–0081 that is required for compliance with EASA AD 2019–0081 will be available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0251 after the FAA final rule is published.

Costs of Compliance

We estimate that this proposed AD affects 15 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
10 work-hours × $85 per hour = $850	$0	$850	$12,750

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2019–0251; Product Identifier 2019–NM–057–AD.

(a) Comments Due Date

We must receive comments by June 21, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A320–251N and –271N airplanes; and A321–251N, –253N, –271N, and –272N airplanes; certificated in any category, as identified in European Aviation Safety Agency (EASA) AD 2019–0081, dated April 3, 2019 (''EASA AD 2019–0081'').

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Reason

This AD was prompted by a report that during a calibration check, some torqueing tools used on the final assembly line have been found out of tolerance. We are issuing this AD to address sense connections and fire extinguishing lines within the pylon area that have been under-torqued, which could lead to leaks or disconnections of those lines and possibly result in reduced engine control and reduced safety margin in case of engine fire.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0081.

(h) Exceptions to EASA AD 2019–0081

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0081 refers to its

effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0081 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2019–0081 that contains RC procedures and tests: Except as required by paragraphs (h)(1) and (h)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2019–0081, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this EASA AD 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. EASA AD 2019–0081 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0251.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

Issued in Des Moines, Washington, on April 25, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–09256 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0257; Product Identifier 2018–NM–175–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2018–20–06, which applies to certain Airbus SAS Model A300 F4–600R series airplanes. AD 2018–20–06 requires repetitive high frequency eddy current (HFEC) inspections of the aft lower deck cargo door (LDCD) frame forks; a one-time check of the LDCD clearances; and a one-time detailed visual inspection of hooks, eccentric bushes, and x-stops; and corrective actions if necessary. Since we issued AD 2018–20–06, we determined certain compliance times need to be revised, depending on frame fork configuration. This proposed AD would continue to require the actions of AD 2018–20–06 and would require new compliance times, depending on frame fork configuration. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 21, 2019.

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

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

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAW, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2019–0257; 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: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

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–2019–0257; Product Identifier 2018–NM–175–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

We issued AD 2018–20–06, Amendment 39–19440 (83 FR 49265, October 1, 2018) (''AD 2018–20–06''), for certain Airbus SAS Model A300 F4–

600R series airplanes. AD 2018–20–06 requires repetitive HFEC inspections of the aft LDCD frame forks; a one-time check of the LDCD clearances; and a one-time detailed visual inspection of hooks, eccentric bushes, and x-stops; and corrective actions if necessary. AD 2018–20–06 resulted from a report of two adjacent frame forks that were found cracked on the aft LDCD of two airplanes during scheduled maintenance, and the introduction of frame fork reinforcement or repair procedures that, when done, allow an extension of repetitive inspection intervals. We issued AD 2018–20–06 to address cracked or ruptured aft LDCD frames, which could allow loads to be transferred to the remaining structural elements. This condition could lead to the rupture of one or more vertical aft LDCD frames, which could result in reduced structural integrity of the aft LDCD.

Actions Since AD 2018–20–06 Was Issued

Since we issued AD 2018–20–06, we have determined that certain compliance times need to be reduced, depending on the frame fork configuration. In addition, certain compliance times are extended.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0266, dated December 11, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A300 F4–600R series airplanes. The MCAI states:

During scheduled maintenance at frames (FR) 61 and FR61A on the aft lower deck cargo door (LDCD) of two [Airbus SAS] A300–600F4 aeroplanes, two adjacent frame forks were found cracked. Subsequent analysis determined that, in case of cracked or ruptured aft cargo door frame(s), loads will be transferred to the remaining structural elements. However, these secondary load paths will be able to sustain the loads for a limited number of flight cycles (FC) only.

This condition, if not detected and corrected, could lead to the rupture of one or more vertical aft cargo door frame(s), resulting in reduced structural integrity of the aft cargo door.

To address this unsafe condition, Airbus issued Alert Operators Transmission (AOT) A52W011–15 to provide inspection instructions, and, consequently, EASA issued AD 2015–0152 to require repetitive inspections of the aft LDCD frame forks and, depending on findings, the accomplishment of applicable corrective action(s). Subsequently, Airbus published the modification SB [service bulletin] to provide frame fork reinforcement instructions, and the inspection SB to provide instructions to inspect the cargo door for cracks, as well as for frame fork replacement, including provisions for extended inspection intervals. EASA revised the AD accordingly.

Since EASA AD 2015–0152R1 [which corresponds to FAA AD 2018–20–06] was issued, further investigations results allowed Airbus to define new thresholds and inspection intervals according to the frame fork configuration. Consequently, the inspection SB was revised to include these new thresholds and intervals.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2015–0152R1, which is superseded, and introduces new thresholds and intervals, depending on frame fork configuration.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0257.

Related Service Information Under 1 CFR Part 51

This proposed AD would require Airbus Alert Operators Transmission A52W011–15, Revision 00, including Appendices 1, 2, 3, and 4, dated July 23, 2015, which the Director of the Federal Register approved for incorporation by reference as of January 26, 2017 (81 FR 93801, December 22, 2016).

This proposed AD would also require Airbus Service Bulletin A300–52–6085, Revision 01, dated May 2, 2018; and Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018; which the Director of the Federal Register approved for incorporation by reference as of November 5, 2018 (83 FR 49265, October 1, 2018).

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

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would retain the actions of AD 2018–20–06. This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 58 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2018–20–06	17 work-hours × $85 per hour = $1,445	$0	$1,445	$83,810

The new requirements of this proposed AD add no additional economic burden.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 65 work-hours × $85 per hour = $5,525	Up to $10,000	Up to $15,525.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866,
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
3. Will not affect intrastate aviation in Alaska, and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2018–20–06, Amendment 39–19440 (83 FR 49265, October 1, 2018), and adding the following new AD:

Airbus SAS: Docket No. FAA–2019–0257; Product Identifier 2018–NM–175–AD.

(a) Comments Due Date

We must receive comments by June 21, 2019.

(b) Affected ADs

This AD replaces 2018–20–06, Amendment 39–19440 (83 FR 49265, October 1, 2018) (''AD 2018–20–06'').

(c) Applicability

This AD applies to Airbus SAS Model A300 F4–605R and F4–622R airplanes, certificated in any category, on which Airbus modification 12046 has been embodied in production. Modification 12046 has been embodied in production on manufacturer serial numbers (MSNs) 0805 and above, except MSNs 0836, 0837, and 0838.

(d) Subject

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

(e) Reason

This AD was prompted by a report of two adjacent frame forks that were found cracked on the aft lower deck cargo door (LDCD) of two airplanes during scheduled maintenance, and a determination that certain compliance times need to be revised. We are issuing this AD to address cracked or ruptured aft LDCD frames, which could allow loads to be transferred to the remaining structural elements. This condition could lead to the rupture of one or more vertical aft LDCD frames, which could result in reduced structural integrity of the aft LDCD.

(f) Compliance

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

(g) New Affected Part Definition

For the purposes of this AD, an affected part is a frame fork having a part number identified in figure 1 to paragraph (g) of this AD.

Figure 1 to paragraph (g) of this AD – *Affected part (frame fork) part number*

F523-72301-200	F523-72302-200
F523-72303-200	F523-72304-200
F523-72305-200	F523-72306-200
F523-72307-200	F523-72308-200
F523-72309-200	F523-72310-200

(h) Retained Inspection Requirements and On-Condition Actions, With Revised Compliance Language

This paragraph restates the requirements of paragraph (g) of AD 2018–20–06, with revised compliance language. At the applicable time specified in paragraph (i) of this AD, or before exceeding the threshold defined in figure 2 to paragraph (h) of this AD, whichever occurs later: Do the actions specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD. Repeat the high frequency eddy current (HFEC) inspection specified in paragraph (h)(3) of this AD at all LDCD frame fork stations having affected parts thereafter at intervals not to exceed the applicable times specified in figure 2 to paragraph (h) of this AD.

(1) A one-time check of the aft LDCD clearances ''U'' and ''V'' between the latching hooks and the eccentric bush at frame (FR) 60 through FR64A, in accordance with the instructions of Airbus Alert Operators

Transmission A52W011–15, Revision 00, dated July 23, 2015; or the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018. If any value outside tolerance is found, adjust the latching hook before further flight, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015; or the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018.

(2) A one-time detailed inspection to detect signs of wear of the hooks, eccentric bushes, and x-stops, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015. If any wear is found, do all applicable corrective actions before further flight, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015.

(3) An HFEC inspection to detect cracking at all frame fork stations of the aft LDCD, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015; or the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018. If any crack is found, before further flight, replace the cracked frame fork, in accordance with the instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015; repair the cracked frame fork, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018; or modify (reinforce) the cracked frame fork, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–52–6085, Revision 01, dated May 2, 2018, except as required by paragraph (j) of this AD.

Figure 2 to paragraph (h) of this AD – *Initial and repetitive HFEC inspections*

Status of Affected Part(s)	Threshold	Interval
No frame forks have been replaced since first flight of the airplane in accordance with Airbus Alert Operators Transmission A52W011-15, or modified in accordance with Airbus Service Bulletin A300-52-6085 or with repair drawing R523-70413, or repaired per Airbus Service Bulletin A300-52-6086	Before exceeding 4,500 flight cycles since first flight of the airplane	600 flight cycles
Any frame fork replaced in accordance with Airbus Alert Operators Transmission A52W011-15, or modified in accordance with Airbus Service Bulletin A300-52-6085 or with repair drawing R523-70413, or repaired per Airbus Service Bulletin A300-52-6086	Within 600 flight cycles since the last inspection, or 30 days after the effective date of this AD, whichever occurs later	600 flight cycles
All 10 frame forks previously replaced in accordance with Airbus Alert Operators Transmission A52W011-15 or previously modified in accordance with Airbus Service Bulletin A300-52-6085 or with repair drawing R523-70413	Before exceeding 12,500 flight cycles after frame forks replaced or modified	1,000 flight cycles

(i) Retained Compliance Times, With No Changes

At the later of the times specified in paragraphs (i)(1) and (i)(2) of this AD, do the actions required by paragraph (h) of this AD.

(1) Before the accumulation of 4,500 total flight cycles.

(2) At the applicable time specified by paragraph (i)(2)(i) or (i)(2)(ii) of this AD.

(i) For airplanes that have accumulated 8,000 or more total flight cycles as of January 26, 2017 (the effective date of AD 2016–25–03, Amendment 39–18729 (81 FR 93801, December 22, 2016) (''AD 2016–25–03'')): Within 100 flight cycles after January 26, 2017.

(ii) For airplanes that have accumulated fewer than 8,000 total flight cycles as of January 26, 2017 (the effective date of AD 2016–25–03): Within 400 flight cycles after January 26, 2017.

(j) Service Information Exception

Where Airbus Service Bulletin A300–52–6085, Revision 01, dated May 2, 2018, specifies to contact Airbus for appropriate action: Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (n)(2) of this AD.

(k) No Terminating Action

Accomplishment of corrective actions on an airplane as required by paragraph (h)(1) or (h)(2) of this AD, or repair, modification, or replacement of a frame fork as required by paragraph (h)(3) of this AD, on the aft LDCD of an airplane does not constitute terminating action for the repetitive HFEC inspections required by paragraph (h)(3) of this AD for that airplane.

(l) No Reporting

Although the Accomplishment Instructions of Airbus Alert Operators Transmission A52W011–15, Revision 00, dated July 23, 2015; and Airbus Service Bulletin A300–52–6086, Revision 01, dated May 29, 2018; specify to submit certain information to the manufacturer, this AD does not include that requirement.

(m) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraphs (h)(1) and (h)(3) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–52–6086, Revision 00, dated December 25, 2016.

(2) This paragraph provides credit for actions required by paragraph (h)(3) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–52–6085, Revision 00, dated December 22, 2016.

(n) Other FAA AD Provisions

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

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(ii) AMOCs approved previously for AD 2018–20–06 are approved as AMOCs for the corresponding provisions of this AD.

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

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0266, dated December 11, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0257.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; internet *http://www.airbus.com*. You may view this 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 25, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–09264 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0258; Product Identifier 2018–NM–134–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 96–25–04, which applies to certain Airbus SAS Model A320 series airplanes. AD 96–25–04 requires repetitive inspections to detect chafing of the wire looms (bundles) in the wing and the horizontal stabilizer and in certain areas of the main landing gear (MLG) bays; repair or replacement, protection, and realignment, if necessary; installation of protective sleeves around the wire bundles; and realignment of bundles that are not guided centrally into the conduit end fittings. Since we issued AD 96–25–04, investigations identified issues with the previously installed protective sleeves. This proposed AD would partially retain the requirements of AD 96–25–04 and would require modification of the wing electrical installation, as specified in an European Aviation Safety Agency (EASA) AD, which will be incorporated by reference. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 21, 2019.

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

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

For the incorporation by reference (IBR) material described in the ''Related IBR material under 1 CFR part 51'' section in **SUPPLEMENTARY INFORMATION**, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material 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 in the AD docket on

the internet at *http://www.regulations.gov.*

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–2019–0258; 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 (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

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–2019–0258; Product Identifier 2018–NM–134–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 based on those comments.

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

Discussion

We issued AD 96–25–04, Amendment 39–9846 (61 FR 66881, December 19, 1996) (''AD 96–25–04''), for certain Airbus SAS Model A320 series airplanes. AD 96–25–04 requires inspections of the wire looms (bundles) in the wing and the horizontal stabilizer and in certain areas of the MLG bays; repair or replacement, protection, and realignment, if necessary; installation of protective sleeves around the wire bundles; and realignment of bundles that are not guided centrally into the conduit end fittings. AD 96–25–04 resulted from a report that electrical short-circuiting could occur in the wire bundles in the MLG bays. We issued AD 96–25–04 to address electrical short-circuiting due to chafing of the wire bundles in the wing, horizontal stabilizer, or MLG bay.

Actions Since AD 96–25–04 Was Issued

Since we issued AD 96–25–04, investigations identified issues with the previously installed protective sleeves. We have determined that a modification of the wing electrical installation, which includes a new protective sleeve, is necessary to address the identified unsafe condition.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0200, dated September 6, 2018 (''EASA AD 2018–0200'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A320–211, –212, and –231 airplanes. The MCAI states:

> Several cases of wire chafing were reported by operators, occurring in the trailing edge areas of zones 574 and 674 (both left-hand and right-hand wing) at the breakout of the electrical bundle from the conduit.
>
> This condition, if not detected and corrected, could lead to a short circuit, possibly resulting in a fire in the concerned areas. It was also determined that this failure mode can also affect other wires installed on the wing, horizontal stabilizer and in the main landing gear (MLG) bays.
>
> To address this unsafe condition, Airbus issued SB [service bulletin] A320–24–1044 to provide instructions for inspection of the wires to detect chafing or signs of overheating, and SB A320–24–1045 introducing protective sleeves on electrical cables to prevent chafing.
>
> Consequently, DGAC [Direction Générale de l'Aviation Civile] France issued AD 91–182–020(B) (later revised) [which corresponds to FAA AD 96–25–04] to require those repetitive inspections, or applicable repairs depending on findings, and to install protective sleeves as terminating action for the repetitive inspections.
>
> Since [DGAC France] AD 91–182–020(B) R2 was issued, subsequent investigations identified, in those areas (zones 574 and 674), issues with the protective sleeves previously installed in production, through mod 22109, or in service through SB A320–24–1045.
>
> Prompted by these findings, Airbus issued SB A320–92–1115, later revised, providing instructions for installation of a new protective sleeve on those cables localised in zones 574 and 674, and introduced in production (through mod 22626) new design electrical cables more resistant to chafing.
>
> For the reasons described above, this [EASA] AD partially retains the requirements of DGAC France AD 91–182–020(B) R2, which is superseded, and requires modification of the wing electrical installation [installation of new protective sleeves on the electrical cables, which includes an inspection of the cables and repair or replacement of damaged wires].

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 96–25–04, this proposed AD would retain certain requirements of AD 96–25–04. Those requirements are referenced in EASA AD 2018–0200, which, in turn, is referenced in paragraph (g) of this proposed AD.

Explanation of Change To Terminating Action Included in AD 96–25–04

Note 2 of AD 96–25–04 indicated that accomplishment of the actions specified in Airbus Service Bulletin A320–24–1045, Revision 2, dated April 12, 1992, terminates the repetitive inspections specified in paragraphs (c) and (d) of AD 96–25–04 (which correspond to paragraphs (1) and (2) of EASA AD 2018–0200). However, this terminating action is not included in EASA AD 2018–0200, which would be incorporated by reference in the FAA AD.

Related IBR Material Under 1 CFR Part 51

EASA AD 2018–0200 describes procedures for repetitive inspections to detect chafing, signs of overheating, and misalignment of the wire looms (bundles) in the wing and the horizontal stabilizer and in certain areas of the MLG bays; repair or replacement, protection, and realignment, if necessary; realignment of bundles that are not guided centrally into the conduit end fittings; and modification of the wing electrical installation. This material 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, and it is publicly available through the EASA website.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2018–0200 described previously, as incorporated by reference, except for any differences

identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, EASA AD 2018–0200 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with the provisions specified in EASA AD 2018–0200, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in EASA AD 2018–0200 that is required for compliance with EASA AD 2018–0200 will be available on the internet *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0258 after the FAA final rule is published.

Costs of Compliance

We estimate that this proposed AD affects 27 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 96–25–04	62 work-hours × $85 per hour = $5,270	$0	$5,270	$142,290
New proposed actions	25 work-hours × $85 per hour = $2,125	* $0	2,125	57, 375

* We have received no definitive data on the parts costs.

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 96–25–04, Amendment 39–9846 (61 FR 66881, December 19, 1996), and adding the following new AD:

Airbus SAS: Docket No. FAA–2019–0258; Product Identifier 2018–NM–134–AD.

(a) Comments Due Date

We must receive comments by June 21, 2019.

(b) Affected ADs

This AD replaces AD 96–25–04, Amendment 39–9846 (61 FR 66881, December 19, 1996) (''AD 96–25–04'').

(c) Applicability

This AD applies to Airbus SAS Model A320–211, –212, and –231 airplanes, certificated in any category, as identified in European Aviation Safety Agency (EASA) AD 2018–0200, dated September 6, 2018 (''EASA AD 2018–0200'').

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical power.

(e) Reason

This AD was prompted by a report that electrical short-circuiting could occur in the wire bundles in the wing, horizontal stabilizer or main landing gear (MLG) bays. This AD was also prompted by a determination that there were issues with protective sleeves previously installed as specified in AD 96–25–04. We are issuing this AD to address electrical short circuiting due to chafing of the wire bundles in the wing, horizontal stabilizer, or MLG bay, which could result in a fire.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2018–0200.

(h) Exceptions to EASA AD 2018–0200

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2018–0200 refers to its

effective date, this AD requires using the effective date of this AD.

(2) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2018–0200 refers to ''the effective date of DGAC France AD 91–182–020 at original issue'' or refers to ''the effective date of DGAC France AD 91–182–020 at Rev.2,'' this AD requires using January 27, 1997 (the effective date of AD 96–25–04).

(3) The ''Remarks'' section of EASA AD 2018–0200 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2018–0200 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2018–0200, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this EASA AD 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. EASA AD 2018–0200 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0258.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

Issued in Des Moines, Washington, on April 25, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–09265 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0253; Product Identifier 2019–NM–006–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2016–07–22, which applies to all Airbus SAS Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes), and Model A310 series airplanes. AD 2016–07–22 requires modifying the electrical routing installation at the right-hand (RH) and left-hand (LH) wings to achieve a minimum distance between wiring bundles and surrounding structures. Since we issued AD 2016–07–22, we received reports of missing installation information for certain airplanes. This proposed AD would retain the requirements of AD 2016–07–22 and, for certain airplanes, add a requirement to further modify the electrical installations in both wings, as specified in an European Aviation Safety Agency (EASA) AD, which will be incorporated by reference. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 21, 2019.

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

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

For the incorporation by reference (IBR) material described in the ''Related IBR material under 1 CFR part 51'' section in **SUPPLEMENTARY INFORMATION**, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material 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 in the AD docket on the internet at *http://www.regulations.gov.*

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–2019–0253; 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 (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

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–2019–0253; Product Identifier 2019–NM–006–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 based on those comments.

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

Discussion

We issued AD 2016–07–22, Amendment 39–18467 (81 FR 21236, April 11, 2016) (''AD 2016–07–22''), for all Model A300–600 series airplanes and Model A310 series airplanes. AD 2016–07–22 requires modifying the electrical routing installation at the RH and LH wings. AD 2016–07–22 resulted from reports of insufficient clearance for the electrical wiring bundles in the leading and trailing edges of the RH and LH wings. We issued AD 2016–07–22 to address insufficient clearance between wing structures and electrical wiring, which could lead to chafing damage and arcing, possibly resulting in an on-board fire.

Actions Since AD 2016–07–22 Was Issued

Since we issued AD 2016–07–22, we received reports of missing installation information for certain airplanes on which Airbus Service Bulletin A300–24–6103, Revision 03, dated July 3, 2015, was used.

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0014, dated January 29, 2019 (''EASA AD 2019–0014'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Model A300–600 series airplanes and Model A310 series airplanes. The MCAI states:

Following publication of Federal Aviation Administration SFAR 88 (Special Federal Aviation Regulation 88), EASA issued AD 2006–0076 requiring inspection and corrective action to improve the explosion risk protection system for the left hand (LH) and right hand (RH) wings on A300, A300–600, A300–600ST and A310 aeroplanes. For A300–600, A300–600ST and A310 aeroplanes, the required detailed visual inspections of electrical bundles located in the leading and trailing edges of the RH and LH wings and a review of the wing electrical installation on the final assembly line have shown that the wing electrical installation does not comply with the minimum distance inspection criteria to the surrounding structure in a few wing locations.

This condition, if not detected and corrected, could lead to damage on the electrical harnesses and on the surrounding structure.

To address this unsafe condition, Airbus developed an improvement of the wing electrical installation to prevent possible chafing and subsequent damage to the electrical harnesses and surrounding structure. Consequently, EASA issued AD 2014–0034 to require installation of new bracket assemblies to ensure the clearance between the wiring and the structure, and installation of protective split sleeves as mechanical protection to the electrical harnesses.

After EASA AD 2014–0034 was issued, during embodiment of Airbus SB [service bulletin] A300–24–6103 Revision 02 on an aeroplane, an installation problem was identified, which prompted Airbus to revise SB A300–24–9014 Revision 01, and SB A300–24–6103 Revision 02. In addition, SB Information Transmission (SBIT) 14–0044 Revision 01 was issued to recommend to postpone embodiment of these two SBs, and to wait for the availability of Airbus SB A300–24–9014 Revision 02 and SB A300–24–6103 Revision 03. Subsequently, EASA issued AD 2015–0176, retaining the requirements of EASA AD 2014–0034, which was superseded, and requiring in addition, for A300–600 and A300–600ST aeroplanes only, installation of new bracket assemblies in shroud box (LH and RH side) to ensure adequate clearance between wirings and flap track carriage (LH and RH side).

After EASA AD 2015–0176 was issued, some operators reported that Airbus SB A300–24–6103 Revision 03 could not been implemented, due to missing installation information. Airbus supported the affected operators by providing the necessary installation information, and issued Airbus SB A300–24–6103 at Revision 04 to provide adequate installation information. Consequently, EASA issued AD 2016–0172, retaining the requirement of EASA AD 2015–0176, which was superseded, and requiring additional work for certain A300–600 aeroplanes.

Since EASA AD 2016–0172 was issued, Airbus SB A300–24–6103 Revision 05 was issued to include two sets of additional work which were not clearly defined in Revision 04:

- Additional Work identified as A1 in the applicable SB is related to the installation of spacers to the guide Assembly for Group 1 and Group 3 aeroplanes (these spacers were removed at SB A300–24–6103 Revision 03).
- Additional Work identified as A2 in the applicable SB is related to the modification of the Clamp on the routing on Rib 1 on the passage way to the shroud box LH and RH sides, for Group 3 aeroplanes. SB A300–24–6103 Revision 04 instructed operators to contact Airbus for the clamps installation, and Revision 05 describes this additional work.

For the reason described above, this [EASA] AD retains the requirements of the EASA AD 2016–0172, which is superseded, and requires implementation of additional work on certain A300–600 aeroplanes.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2016–07–22, this proposed AD would retain all of the requirements of AD 2016–07–22. Those requirements are referenced in EASA AD 2019–0014, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0014 describes procedures for modifying the electrical installations in both wings (RH and LH). This material 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, and it is publicly available through the EASA website.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2019–0014 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, EASA AD 2019–0014 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with the provisions specified in EASA AD 2019–0014, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in EASA AD 2019–0014 that is required for compliance with EASA AD 2019–0014 will be available on the internet *http://*

www.regulations.gov by searching for and locating Docket No. FAA–2019–0253 after the FAA final rule is published.

Costs of Compliance

We estimate that this proposed AD affects 123 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2016–07–22.	56 work-hours × $85 per hour = $4,760.	Up to $18,000	Up to $22,760	Up to $2,799,480.
New proposed actions	Up to 38 work-hours × $85 per hour = $3,230.	Up to $29,547	Up to $32,777	Up to $4,031,571.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–07–22, Amendment 39–18467 (81 FR 21236, April 11, 2016) (''AD 2016–07–22''), and adding the following new AD:

Airbus SAS: Docket No. FAA–2019–0253; Product Identifier 2019–NM–006–AD.

(a) Comments Due Date

We must receive comments by June 21, 2019.

(b) Affected ADs

This AD replaces AD 2016–07–22, Amendment 39–18467 (81 FR 21236, April 11, 2016) (''AD 2016–07–22'').

(c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD, certificated in any category.

(1) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(2) Model A300 B4–605R and B4–622R airplanes.

(3) Model A300 F4–605R and F4–622R airplanes.

(4) Model A300 C4–605R Variant F airplanes.

(5) Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 24, Electrical power.

(e) Reason

This AD was prompted by reports of insufficient clearance for the electrical wiring bundles in the leading and trailing edges of the right-hand (RH) and left-hand (LH) wings. We are issuing this AD to address insufficient clearance between wing structures and electrical wiring, which could lead to chafing damage and arcing, possibly resulting in an on-board fire.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Aviation Safety Agency (EASA) AD 2019–0014, dated January 29, 2019 (''EASA AD 2019–0014'').

(h) Exceptions to EASA AD 2019–0014

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0014 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (1) of EASA AD 2019–0014 specifies a compliance time of ''Within 36 months after 19 February 2014,'' for this AD, the compliance time for that paragraph

is ''Within 30 months after May 16, 2016 (the effective date of AD 2016–07–22).''

(3) Where paragraph (3) of EASA AD 2019–0014 specifies a date of ''06 September 2016,'' for this AD, use ''May 16, 2016 (the effective date of AD 2016–07–22).''

(4) For Group 1 and 3 airplanes: This paragraph provides credit for actions required by paragraph (1) of EASA AD 2019–0014, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–24–6103, Revision 03, dated July 3, 2015, provided that the additional work specified in paragraphs (6) and (7) of EASA AD 2019–0014 is accomplished.

(5) The ''Remarks'' section of EASA AD 2019–0014 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: For any service information referenced in EASA AD 2019–0014 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2019–0014, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this EASA AD 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. EASA AD 2019–0014 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0253.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225.

Issued in Des Moines, Washington, on April 25, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–09266 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0255; Product Identifier 2019–NM–018–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus SAS Model A330–200 Freighter series airplanes. This proposed AD was prompted by reports of cracked flexible hoses of the oxygen crew and courier distribution system (OCCDS) on A330 freighter airplanes. This proposed AD would require repetitive detailed inspections, including functional testing, of the OCCDS and replacement of affected part(s) if necessary, as specified in an European Aviation Safety Agency (EASA) AD, which will be incorporated by reference. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 21, 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 the incorporation by reference (IBR) material described in the ''Related IBR material under 1 CFR part 51'' section in **SUPPLEMENTARY INFORMATION**, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material 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 in the AD docket on the internet at *http://www.regulations.gov.*

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–2019–0255; 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 (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229.

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–2019–0255; Product Identifier 2019–NM–018–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 based on those comments.

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

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0027, dated February 4, 2019 (''EASA AD 2019–0027'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A330–200 Freighter series airplanes. The MCAI states:

Several occurrences were reported of finding cracked flexible hoses [part number] P/N 32209-series of the OCCDS on A330 freighter aeroplanes. These flexible hoses are steel braided hoses with polyurethane (PUR) inner tubes and steel inner springs. On A330 freighter aeroplanes, these hoses are located in the courier area and are not pressurized during normal operation.

This condition, if not detected and corrected, could lead to oxygen leakage in the flexible hose of the OCCDS, which, in combination with in-flight depressurization, smoke in cockpit or smoke evacuation procedure, could possibly result in cockpit crew injury and reduced control of the aeroplane.

To address this potential unsafe condition, Airbus issued the SB [service bulletin] to provide inspection instructions.

For the reasons described above, this [EASA] AD requires repetitive detailed inspections (DET), including functional testing, of the OCCDS and, depending on findings, replacement of affected part(s).

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0027 describes procedures for repetitive inspections and replacement of OCCDS flexible hoses. This material 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, and it is publicly available through the EASA website.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2019–0027 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, EASA AD 2019–0027 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with the provisions specified in EASA AD 2019–0027, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in EASA AD 2019–0027 that is required for compliance with EASA AD 2019–0027 will be available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0255 after the FAA final rule is published.

Costs of Compliance

We estimate that this proposed AD affects 5 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
14 work-hours × $85 per hour = $1,190	$0	$1,190	$5,950

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2019–0255; Product Identifier 2019–NM–018–AD.

(a) Comments Due Date

We must receive comments by June 21, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A330–223F and -243F airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by reports of cracked flexible hoses of the oxygen crew and courier distribution system (OCCDS) on A330 freighter airplanes. We are issuing this AD to address cracked oxygen hoses. This condition, if not addressed, could lead to oxygen leakage in the flexible hose of the OCCDS, which, in combination with in-flight depressurization, smoke in the flight deck, or a smoke evacuation procedure, could result in crew injury and reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Aviation Safety Agency (EASA) AD 2019–0027, dated February 4, 2019 (''EASA AD 2019–0027'').

(h) Exceptions to EASA AD 2019–0027

(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0027 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0027 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2019–0027 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2019–0027, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu*; Internet *www.easa.europa.eu*. You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu*. You may view this EASA AD 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. EASA AD 2019–0027 may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0255.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229.

Issued in Des Moines, Washington, on April 25, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–09257 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52 and 81

[EPA–HQ–OAR–2018–0226; FRL–9993–32–Region 3]

National Ambient Air Quality Standards: Determinations of Attainment, Extensions of the Attainment Date, and Reclassification of Several Areas Classified as Moderate for the 2008 Ozone Standards; Supplemental Proposal; Baltimore, Maryland Area Exceptional Events

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period; availability of supplemental information.

SUMMARY: On November 14, 2018, the Environmental Protection Agency (EPA) proposed several actions related to the attainment date for 11 areas classified as ''Moderate'' for the 2008 ozone National Ambient Air Quality Standards (NAAQS), including proposing to determine that the Baltimore, Maryland nonattainment area (Baltimore Area) attained the standard by the July 20, 2018 attainment date. Under the statute, EPA must determine whether ozone nonattainment areas attained the NAAQS by the attainment date, and, within six months of the attainment date, publish a document in the **Federal Register** identifying each area that is determined as having failed to attain and identifying the reclassification. EPA is re-opening the comment period for the proposed rule published on November 14, 2018, but only with respect to EPA's proposed determination for the Baltimore Area, because EPA erroneously omitted documents related to the State of Maryland's exceptional events (EE) demonstration related to the 2016 Canadian wildfires, and in the proposal

did not mention EPA's concurrence on certain Maryland EE claims that impacted the air quality data that EPA relied on in its proposed determination that the Baltimore Area attained by its 2008 Moderate Area attainment date. This supplemental proposed rule corrects this omission and provides notice of the availability of the documents supporting EPA's analysis.

DATES: The comment date for the proposed rule published November 14, 2018, at 83 FR 56781, is reopened. Written comments must be received on or before May 22, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2018–0226 at *https://www.regulations.gov,* or via email to *spielberger.susan@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 814–2181, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2181. Ms. Pino can also be reached via electronic mail at *pino.maria@epa.gov.*

SUPPLEMENTARY INFORMATION: On November 14, 2018, EPA proposed, among other actions, to determine that the Baltimore Area attained the 2008 ozone NAAQS by the July 20, 2018 attainment date. *See* 83 FR 56781. This supplemental proposal does not address any other actions proposed in that rulemaking relating to ten other Moderate nonattainment areas for the 2008 ozone NAAQS. In this action, EPA is announcing the availability of documents related to Maryland's EE demonstration related to the 2016 Canadian wildfires and EPA's evaluation and concurrence on certain aspects of that demonstration, which can be found in the docket for this rulemaking and online at *www.regulations.gov.* The documents include Maryland's EE submittals, EPA's technical support documents (TSDs), and EPA's concurrence letter. This action will allow interested persons additional time to review those documents and prepare and submit comments. EPA notes that the supplemental comment period is 15 days due to the narrow scope of this supplemental proposal and the fact that the documents related to Maryland's EE demonstration were previously made available to the public in the docket for the 2015 ozone NAAQS designations.[1]

By letters and enclosures dated May 26, 2017 and October 20, 2017, the Maryland Department of the Environment (MDE) submitted EE demonstrations related to the May 25 and 26, 2016 Fort McMurray wildfire and the July 21 and 22, 2016 northwestern Canada wildfires. MDE determined that the Fort McMurray and northwestern Canada wildfires caused elevated ozone concentrations at 16 and 12 monitors, respectively, throughout Maryland. On December 26, 2017, EPA concurred on MDE's EE demonstration for numerous monitors, including three monitors in the Baltimore Area, which includes Baltimore City and the Counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard, all in Maryland. Pursuant to EPA's concurrence, EPA excluded the corresponding data affected by the wildfires from EPA's Air Quality System (AQS), the database in which air quality data is collected. Excluding this data affects the calculated design values at the affected monitors. Due to the exclusion of the EE data, the 2015–2017 design values of the Glen Burnie, Edgewood, and Furley monitors in the Baltimore area changed as shown in Table 1.[2]

TABLE 1—2015–2017 DESIGN VALUES BEFORE AND AFTER EE DATA EXCLUSION, IN PARTS PER BILLION (PPB)

Site name	County/city	Monitor ID	Initial 2015–2017 design value	2015–2017 Design value excluding EE data
Glen Burnie	Anne Arundel County	240031003	74	73
Edgewood	Harford County	240251001	76	75
Furley	Baltimore City	245100054	72	69

The design values shown in the column in Table 1 labelled ''2015–2017 Design Value Excluding EE Data'' are the design values upon which EPA relied in the Agency's November 14, 2018 proposal. EPA notes that the design values for the Glen Burnie and Furley monitors were below the level of the 2008 ozone NAAQS, which is set at 75 ppb, before the EE data was excluded. However, the design value at the Edgewood monitor (monitor 240251001) only attained the 2008 ozone NAAQS when the EE data that EPA determined was influenced by the Fort McMurray and northwestern Canada wildfires was excluded from AQS. EPA's concurrence on this data exclusion, which influenced EPA's proposed determination of attainment by the attainment date for the 2008 ozone NAAQS, is now available in the docket for this action at *www.regulations.gov.*

[1] The documents associated with Maryland's EE demonstration are found at document number EPA–HQ–OAR–2017–0548–0336, at *www.regulations.gov* in Docket ID No. EPA–HQ–OAR–2017–0548 for EPA's Air Quality Designations and Classifications for the 2015 Ozone Standards.

[2] This data is included in the docket for this rulemaking available online at *https://www.regulations.gov,* Docket ID: Docket ID: EPA–HQ–OAR–2018–0226.

List of Subjects

40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements and Volatile organic compounds.

40 CFR Part 81

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, and Volatile organic compounds.

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

Dated: April 25, 2019.

Cosmo Servidio,

Regional Administrator, Region III.

[FR Doc. 2019–09341 Filed 5–6–19; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Appendix C to Chapter 301 and Parts 304–2, 304–3, 304–5, and 304–6

[FTR Case 2019–301–2; Docket No. 2019–0006, Sequence 1]

RIN 3090–AK06

Federal Travel Regulation (FTR); Clarification of Payment in Kind for Speakers at Meetings and Similar Functions

AGENCY: Office of Government-wide Policy, U.S. General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The GSA is proposing to amend the FTR to change the definition of ''payment in kind''. As proposed, a waived or discounted registration fee provided by the non-Federal sponsor of a meeting or similar function would not be a payment in kind to the agency for the day(s) an employee speaks, participates in a panel, or presents at the event. This proposed rule also makes miscellaneous related corrections.

DATES: Interested parties should submit written comments to the Regulatory Secretariat at one of the addresses shown below on or before July 8, 2019 to be considered in the formation of the final rule.

ADDRESSES: Submit comments identified by FTR Case 2019–301–2 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FTR Case 2019–301–2.'' Select the link ''Comment Now'' that corresponds with ''FTR Case 2019–301–2'' and follow the instructions provided on the screen. Please include your name, company name (if any), and ''FTR Case 2019–301–2'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), Attn: Ms. Lois Mandell, 1800 F Street NW, Washington, DC 20405.
- *Instructions:* Please submit comments only and cite FTR Case 2019–301–2 in all correspondence related to this case. 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: For clarification of content, contact Ms. Jill Denning, Program Analyst, Office of Government-wide Policy, at 202–208–7642. Contact the Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, 202–501–4755, for information pertaining to status or publication schedules. Please cite FTR Case 2019–301–2.

SUPPLEMENTARY INFORMATION:

A. Background

GSA published a similar proposed rule in the **Federal Register** at 81 FR 53979 on August 15, 2016, and withdrew the proposed rule on October 13, 2017 at 82 FR 47663. This revised proposed rule notes that under 31 U.S.C. 1353, as implemented in FTR Chapter 304 (41 CFR Chapter 304), agencies may accept payment of travel expenses from a non-Federal source for employees to attend meetings and similar functions. Currently, the FTR makes no distinction between employees who participate by speaking, serving on a panel, or delivering a presentation, and other attendees at a meeting or similar function.

Because employees participate as a speaker, panelist, or presenter at these types of events to further the mission of their agency as a necessary and customary part of their work activities, GSA proposes to redefine the travel purpose codes found in Appendix C of Chapter 301, which agencies use for travel reporting purposes. GSA also proposes to amend Chapter 304 so that a waived or discounted registration fee for the day(s) an employee participates as a speaker, panelist, or presenter is not a payment in kind. These waived and discounted registration fees will not need to be reported to the U.S. Office of Government Ethics (OGE). Other types of travel expenses paid by a non-Federal source, such as transportation, lodging, meals, and attendance on non-speaking days, or other associated event or similar function-related activities, must continue to be reviewed and reported in accordance with Chapter 304.

GSA acknowledges that OGE's Standard of Conduct regulations at 5 CFR 2635.203(b)(8) and (g) permit employees, in their personal capacities, to accept free attendance, including meals, at an event provided by the event sponsor, on the day(s) the employee is presenting information on behalf of the agency. However, GSA's implementation of 31 U.S.C. 1353 applies a more restrictive acceptance of non-Federal source payments where acceptance lies with the Government, not the employee. In particular, 31 U.S.C. 1353 applies to payments from non-Federal sources for ''travel, subsistence, and related expenses'' for employees traveling on official business away from their designated post of duty and requires that meals be considered a ''payment in kind'', accepted only with agency approval, and subject to a pro rata reduction to their per diem entitlement. Specifically, the language of 31 U.S.C. 1353, when read in conjunction with 5 U.S.C. 5701 and 5702 (prescribing an entitlement for payment of subsistence expenses and defining ''subsistence'' to include meals) defines ''payment'' to include meals provided in kind by a non-Federal source. GSA's implementation of 31 U.S.C. 1353 in regulation therefore must include meals in the definition of ''payment in kind.''

Accordingly, this proposed rule instructs employees whose agencies have authorized the acceptance of meal(s) under 31 U.S.C. 1353, to deduct meal(s) from their meals and incidental expenses per diem on their travel voucher using the deduction amounts listed for the locality at *https://www.gsa.gov/mie* unless they are unable to consume the meal(s) due to an exception provided in FTR § 301–11.18. This practice should prove efficient to agencies compared to current practice in which agency officials request a breakout of the costs of each meal provided in kind from the non-Federal source.

Readers of the original proposed rule will note that GSA initially proposed that agencies could accept a registration fee waiver for the duration of a multi-day meeting or similar function, even if the employee is only a speaker, panelist, or presenter on one day. While GSA recognizes that permitting agencies to waive the registration fee for the duration of a multi-day meeting or similar function might have provided additional efficiency for agency authorizing officials, such proposal is inconsistent with 5 CFR 2635.203(b)(8) of the OGE standards of ethical conduct regulations.

Finally, the amendment updates website links in the definitions portion of Chapter 304, updates a CFR reference at the note accompanying § 304–3.19(d), and adds a sentence to an explanatory note to the aforementioned subsection noting the difference between employee acceptance of gifts in their personal capacity per OGE standards of ethical conduct versus employees on official travel obtaining agency authorization to accept payments on the agency's behalf per 31 U.S.C. 1353.

B. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule is a significant regulatory action, and therefore, was subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

C. Executive Order 13771

This proposed rule is not expected to be subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because this proposed rule is expected to be related to agency organization, management, or personnel.

D. Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This proposed rule is also exempt from Administrative Procedure Act per 5 U.S.C. 553 (a)(2), because it applies to agency management or personnel.

E. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the Federal Travel Regulation do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

F. Small Business Regulatory Enforcement Fairness Act

This proposed rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Appendix C to Part 301, Parts 304–2, 304–3, 304–5, and 304–6

Government employees, travel and transportation expenses.

Dated: April 30, 2019.

Jessica Salmoiraghi,

Associate Administrator, Office of Government-wide Policy.

For the reasons set forth in the preamble, under 5 U.S.C. 5701–5709, and 31 U.S.C. 1353, GSA proposes to amend 41 CFR Appendix C to Chapter 301, and parts 304–2, 304–3, 304–5, and 304–6 as set forth below:

PART 301—TEMPORARY DUTY (TDY) TRAVEL ALLOWANCES

■ 1. The authority citation for 41 CFR part 301 continues to read as follows:

Authority: 5 U.S.C. 5707.

Appendix C of Chapter 301 [Amended]

■ 2. In Appendix C of Chapter 301, amend the table titled ''Standard Data Elements for Federal Travel [Traveler Identification]'' by:

■ a. Revising the entry for Travel Purpose Identifier, ''Mission (Operational)''; and

■ b. Revising the entry for Travel Purpose Identifier, ''Conference-Other Than Training''.

The revisions read as follows:

APPENDIX C TO CHAPTER 301—STANDARD DATA ELEMENTS FOR FEDERAL TRAVEL

[Traveler identification]

Group name	Data elements	Description
* *	* *	* * *
Travel Purpose Identifier	Mission (Operational)	Travel to a particular site in order to perform operational or managerial activities. Travel to a conference to serve as a speaker, panelist, or provide information in one's official capacity. Travel to attend a meeting to discuss general agency operations, review status reports, or discuss topics of general interest. *Examples:* Employee's day-to-day operational or managerial activities, as defined by the agency, to include, but not be limited to: Hearings, site visit, information meeting, inspections, audits, investigations, and examinations.
* *	* *	* * *
	Conference—Other Than Training	Travel performed in connection with a prearranged meeting, retreat, convention, seminar, or symposium for consultation or exchange of information or discussion. Agencies have to distinguish between conference and training attendance and use the appropriate identifier (see Training below). *Examples:* To engage in a planned program as a host, planner, or others designated to oversee the conference or attendance with no formal role, or as an exhibitor.
* *	* *	* * *

PART 304–2—DEFINITIONS

■ 3. The authority citation for 41 CFR 304–2 continues to read as follows:

Authority: 5 U.S.C. 5707; 31 U.S.C. 1353.

■ 4. Amend § 304–2.1 by—

■ a. Removing from the introductory text of the definition ''Meeting(s) or similar functions (meeting)'', ''(*i.e.,* a function that is essential to an agency's mission)''.

■ b. Revising the second sentence of the definition ''Payment in kind''; and

■ c. Revising the last two sentences of the definition ''Travel, subsistence, and related expenses (travel expenses)''.

The revisions read as follows:

§ 304–2.1 What definitions apply to this chapter?

* * * * *

Payment in kind * * * Payment in kind also includes waiver or discount of any fees that a non-Federal source collects from meeting attendees (*e.g.,* registration fees), but does not include waivers or discounts of an employee's fees on the day(s) they are participating in the meeting or similar function as a speaker, panelist, or presenter.''

Travel, subsistence, and related expenses (travel expenses) * * * The Foreign Affairs Manual is available for download from the internet at *FAM.state.gov.* The Joint Travel Regulations are available for download at *http://www.defensetravel.dod.mil/site/travelreg.cfm.*

PART 304–3—EMPLOYEE RESPONSIBILITY

■ 5. The authority citation for 41 CFR 304–3 continues to read as follows:

Authority: 5 U.S.C. 5707; 31 U.S.C. 1353.

■ 6. Add § 304–3.10 to read as follows:

§ 304–3.10 Is my agency's acceptance of a waived or discounted registration fee from a non-Federal sponsor of a meeting or similar function considered a payment in kind for the day(s) I am participating as a speaker, panelist, or presenter at the event?

No. Your agency's acceptance of a waived or discounted registration fee from the non-Federal sponsor of the event is not a payment in kind for the day(s) you are participating as a speaker, panelist, or presenter. However, your agency's acceptance of a waived or discounted registration fee is a payment in kind for the days you only attend the event (*i.e.,* on the day(s) you are not participating as a speaker, panelist, or presenter).

Note to § 304–3.10: Lodging, transportation, meals, event tickets, or other similar items of value provided by a non-Federal source are a payment in kind. If these types of expenses are included in a registration fee that is waived or discounted on the day(s) you are participating as a speaker, panelist, or presenter, you may accept them only with your agency's approval in accordance with this chapter. Specifically, if the registration fee includes meal(s), the meal(s) are a payment in kind. You may accept the meal(s) only if authorized to do so by your agency. If your agency authorizes acceptance of meal(s), you must also deduct the meal(s) from your M&IE per diem on your travel voucher using the deduction amounts listed for the locality at *https://www.gsa.gov/mie* unless you are unable to consume the meal(s) due to an exception provided in § 301–11.18.

■ 7. Amend § 304–3.19(d) by revising the third sentence to read as follows:

§ 304–3.19 Are there other situations when I may accept payment from a non-Federal source for my travel expenses?

* * * (**Note:** You may also be able to accept attendance at, but not other travel expenses to, a widely attended gathering under 5 CFR 2635.204(g) when the gathering is not a meeting, as defined in this part, and you are not attending in your official capacity. Unless authorized to do so by your agency, you may not accept travel, subsistence, or related expenses, including meals, offered by a non-Federal source for participation as a speaker, panelist, or presenter at a meeting or similar function that takes place away from your permanent duty station. Such expenses are considered payments in kind and must be accepted, if at all, in accordance with this part.)

PART 304–5—AGENCY RESPONSIBILITIES

■ 8. The authority citation for 41 CFR 304–5 continues to read as follows:

Authority: 5 U.S.C. 5707; 31 U.S.C. 1353.

■ 9. Add § 304–5.7 to read as follows:

§ 304–5.7 How do we review offers of payments in kind from the non-Federal sponsor or organizer of a meeting or similar function for items such as meals, transportation, and lodging when they are included in a waived or discounted registration fee?

(a) If the non-Federal sponsor or organizer of a meeting or similar function offers to waive or discount the registration fee of an employee who is only attending the event, you are not required to separately authorize acceptance of any items included in the registration fee. If applicable, acceptance of the registration fee must be reported to OGE in accordance with FTR Part 304–6.

(b) When a waived or discounted registration fee is not a payment in kind pursuant to § 304–3.10, the employee may only accept items that you authorize separately. If applicable, the value of any payments in kind so accepted should be reported to OGE in accordance with FTR Part 304–6. In particular, if a registration fee is waived or discounted on the day(s) an employee is participating as a speaker, panelist, or presenter, and the registration fee includes meal(s), the employee may accept meal(s) as a payment in kind only if you review the offer and authorize acceptance. Review the reporting guidelines at § 304–6.4 to see if the aggregated meal amounts (if more than one meal, or meals of both an employee and spouse) will need to be reported to OGE.

PART 304–6—PAYMENT GUIDELINES

■ 10. The authority citation for 41 CFR 304–6 continues to read as follows:

Authority: 5 U.S.C. 5707; 31 U.S.C. 1353.

■ 11. Amend § 304–6.6 by revising paragraphs (a) and (c) to read as follows:

§ 304–6.6 How do we determine the value of payments in kind that are to be reported on Standard Form (SF) 326?

* * * * *

(a) For conference, training, or similar fees waived, discounted, or paid for by a non-Federal source on behalf of a meeting attendee, you must report the amount charged to other attendees. However, a waiver or discount of the registration fee by the non-Federal sponsor of the event for the day(s) the employee participated in the meeting or similar function as a speaker, panelist, or presenter is not a payment in kind and does not need to be reported.

* * * * *

(c) For meals, you must use the M&IE deduction chart for CONUS and OCONUS located at *www.gsa.gov/mie* and report the appropriate amount for each meal based on the temporary duty locality.

* * * * *

[FR Doc. 2019–09144 Filed 5–6–19; 8:45 am]

BILLING CODE 6820–14–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 19–118, RM–11838; DA 19–316]

Television Broadcasting Services; Buffalo, New York

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by Nexstar Broadcasting, Inc., licensee of television station WNLO(TV), channel 32, Buffalo, New York (WNLO), and WUTV Licensee, LLC (WUTV Licensee), licensee of television station WUTV(TV), channel 36, Buffalo, New York. The Joint Petitioners propose the substitution of channel 32 for channel 36 as WNLO's DTV allotment; and the substitution of channel 36 for channel 32 as WUTV's allotment. The Joint Petitioners also request a waiver of the Media Bureau's current freeze on the filing and processing of petition for digital channel substitutions and minor modification applications for changes to existing television service areas that would increase a full power television noise limited contour. The Joint Petitioners seek to exchange the channels of WNLO and WUTV so that after the swap, WNLO would operate on channel 36 and WUTV would operate on channel 32. WUTV would continue to operate form its existing pre-auction location and WNLO would move the Nexstar shared facilities in the site previously vacated by WIVB–TV (Buffalo, New York (CBS) (WIVB). The channel substitution serves the public interest because it would allow for a more efficient allocation of UHF television channels and resolve significant over-the-air reception problems in WIVB's prior service area.

DATES: Comments must be filed on or before May 22, 2019; and reply comments on or before June 3, 2019.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Nexstar Broadcasting, Inc., c/o Elizabeth Ryder, 345 E John Carpenter Freeway, Suite 700, Irving, Texas 75062 and WUTV Licensee, LLC, c/o Paul A. Cicelski, Esq., Lerman Senter PLLC, 2001 L Street NW, Suite 400, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Varsha Mangal, *Varsha.Mangal@fcc.gov,* or Joyce Bernstein, *Joyce.Bernstein@fcc.gov,* of the Media Bureau, Video Division.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 19–118, DA 19–316, RM–11838, adopted April 23, 2019, and released April 23, 2019. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW, Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an email to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts (other than *ex parte* presentations exempt under 47 CFR 1.1204(a)) are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1208 for rules governing restricted proceedings.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.419.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Barbara Kreisman,

Chief, Video Division, Media Bureau.

Proposed Rules

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.622 Digital television table of allotments.

■ 2. In the table for § 73.622(i), revise the entry for Buffalo to read as follows:

* * * * *

(i) *Post-Transition Table of DTV Allotments.*

* * * * *

Community	Channel No.
NEW YORK	
* * * * *	
Buffalo	14, 32, 33, 36, 38, 39, *43, 49.
* * * * *	

[FR Doc. 2019–08870 Filed 5–6–19; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 84, No. 88

Tuesday, May 7, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 2, 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 June 6, 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: Importation of Swine Hides, Bird Trophies, and Deer Hides.

OMB Control Number: 0579–0307.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of Public Law 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002. The Animal and Plant Health Inspection Service (APHIS) protects the health of the U.S. livestock and poultry population. Title 9 of the Code of Federal Regulations, parts 91 through 99, governs the importation of animals, birds, and poultry; certain animal and poultry products; and animal germplasm. These regulations place certain restrictions on the importation of hides and bird trophies to prevent an incursion of foreign animal diseases into the United States.

Need and Use of the Information: APHIS will collect information from forms, certificates, and written statements, to ensure that bird trophies and certain animal hides pose a negligible risk of introducing certain contagious, infectious, or communicable animal diseases into the United States. If this information is not collected, it would significantly hinder APHIS's ability to ensure that these commodities pose a minimal risk of introducing foreign animal diseases into the United States.

Description of Respondents: Foreign Government; Business or other for-profit.

Number of Respondents: 264.

Frequency of Responses: Reporting; On occasion.

Total Burden Hours: 248.

Animal and Plant Health Inspection Service

Title: Permanent, Privately Owned Horse Quarantine Facilities.

OMB Control Number: 0579–0313.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The AHPA is contained in Title X, Subtitle E, Section 10401–19 of Public Law 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Animal and Plant Health Inspection Service (APHIS) regulations in subpart C of part 93, on the importation of horses include requirements for the approval and establishment of permanent, privately owned horse quarantine facilities that are operated under APHIS supervision. These regulations necessitate the use of several information collection activities when applicants apply for approval to establish and operate permanent, privately owned quarantine facilities for horses.

Need and Use of the Information: APHIS will collect the following information: (1) Environment Certification, (2) Application for Facility Approval, (3) Service Agreements, (4) Letter Challenging Withdrawal for Facility Approval, (5) Letter Notifying APHIS of Facility Closure, (6) Compliance Agreement, (7) Security Instructions, (8) Alarm Notification, (9) Security Breach, (10) List of Personnel, (11) Signed Statements, (12) Daily Log, and (13) Request for Variance. Without the information APHIS would be unable to approve permanent, privately owned horse quarantine facilities.

Description of Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 6.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 20.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2019–09275 Filed 5–6–19; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Alimentarius Commission

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S Codex Office is sponsoring a public meeting on June 21, 2019. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 42nd Session of the of the Codex Alimentarius Commission (CAC), in Geneva, Switzerland, on July 8–12, 2019. The U.S. Manager for Codex Alimentarius and the Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 42nd Session of the CAC and to address items on the agenda.

DATES: The public meeting is scheduled for June 21, 2019, from 1:00–4:00 p.m. EDT.

ADDRESSES: The public meeting will take place at the United States Department of Agriculture (USDA), Jamie L. Whitten Building, 1400 Independence Avenue SW, Room 107–A, Washington, DC 20250. Documents related to the 42nd Session of the CAC will be accessible via the internet at the following address:*http://www.fao.org/fao-who-codexalimentarius/meetings/en/.* Mary Frances Lowe, U.S. Delegate to the 42nd Session of the CAC, invites U.S. interested parties to submit their comments electronically to the following email address: *uscodex@osec.usda.gov.*

Call-In-Number: If you wish to participate in the public meeting for the 42nd Session of the CAC by conference call, please use the call-in-number: 1–888–844–9904 and participant code 5126092#.

Registration: Attendees may register to attend the public meeting by emailing *uscodex@osec.usda.gov* by June 18, 2019. Early registration is encouraged because it will expedite entry into the building. The meeting will take place in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through the security screening systems. Attendees who are not able to attend the meeting in person, but who wish to participate, may do so by phone, as discussed above.

For further information about the 42nd Session of the CAC, contact U.S. Codex Office, 1400 Independence Avenue SW, Room 4861, South Agriculture Building, Washington, DC 20250, Telephone:(202) 205–7760, Fax: (202) 720–3157, Email: *uscodex@osec.usda.gov.*

For further information about the public meeting Contact: U.S. Codex Office, 1400 Independence Avenue SW, Room 4861, South Agriculture Building, Washington, DC 20250. Phone 202 720 7760, Fax: (202) 720–3157, Email: *uscodex@osec.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade; promotes coordination of all food standards work undertaken by international governmental and nongovernmental organizations; determines priorities, initiates, and guides the preparation of draft standards; finalizes the standards elaborated and publishes them in a Codex Alimentarius (food code) either as regional or worldwide standards, wherever this is practicable; and amends published standards, as appropriate, in the light of new developments.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 42nd Session of the CAC will be discussed during the public meeting:

- Report by the Chairperson on the 76th and 77th Sessions of the Executive Committee
- Amendments to the Procedural Manual
- Final Adoption of Codex Texts
- Adoption of Codex Texts at Step 5
- Revocation of Codex Texts
- Proposals for New Work
- Discontinuation of Work
- Amendments to the Codex Standards and Related Texts
- Matters arising from the Reports of the Commission, the Executive Committee, and the Subsidiary Bodies
- Codex Strategic Plan 2020–2025
- *Codex Budgetary and Financial Matters:* Progress Report 2018–2019
- *Codex Budgetary and Financial Matters:* Proposal 2020–2021
- *FAO/WHO Scientific Support to Codex:* Activities, Budgetary, and Financial Matters
- Matters Arising from FAO and WHO
- Report of the Side Event on FAO and WHO Capacity Development Activities
- Report of the Side Event on the Codex Trust Fund (CTF2)
- Election of the Chairperson and Vice-Chairpersons and Members of the Executive Committee Elected on Geographical Basis
- Designation of Countries Responsible for Appointing the Chairpersons of Codex Subsidiary Bodies
- Other Business

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before the meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the June 21, 2019, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 42nd Session of the CAC (see **ADDRESSES**). Written comments should state that they relate to activities of the 42nd Session of the CAC.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: *http://www.usda.gov/codex/,* a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscription themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email.

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington DC, on April 19, 2019.

Mary Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2019–09276 Filed 5–6–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Employment and Training Performance Measurement, Monitoring and Reporting Requirements

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is an extension, without change, of a currently approved collection for annual outcome data for the Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) programs, as mandated by Section 16(h)(5) of the Food and Nutrition Act (FNA) and as amended by section 4022 of the Agricultural Act of 2014.

DATES: Written comments must be received on or before July 8, 2019.

ADDRESSES: Comments may be sent to: Moira Johnston, Director, SNAP, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 806, Alexandria, VA 22302. Comments may also be submitted via email to *moira.johnston@usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Moira Johnston at 703–305–2515.

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

Title: SNAP E&T Performance Measure, Monitoring, and Reporting Requirements.

Form Number: Not applicable.

OMB Number: 0584–0614.

Expiration Date: 9/30/2019.

Type of Request: Extension, without change, of a currently approved collection.

Abstract: Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.7(c)(17) requires State agencies to submit annual outcome reports to monitor the effectiveness of SNAP Employment and Training (E&T) programs. State agencies must maintain records in order to support data reported in the annual outcome reports.

The information collected on the annual outcome report includes: (1) The number and percentage of E&T participants who retain employment 2 quarters and 4 quarters after completing E&T; (2) the median wages for participants with earnings 2 quarters after completion of E&T; (3) the number and percentage of participants that completed a training, education, work experience or on-the-job training component; (4) certain unique characteristics of SNAP E&T participants; and (5) additional reporting requirements for State agencies that pledge to serve all at-risk Able-bodied Adults without Dependents (ABAWDs). State agencies are also required to identify appropriate outcome reporting measures for each proposed component that is intended to serve a threshold number of participants of at least 100 a year. The reporting measures for these components are identified in State agencies' E&T plans and the outcome data will be reported to the Food and Nutrition Service (FNS) in State agencies' annual outcome reports. State agencies are required to report outcome data annually.

With this information, FNS will be able to identify more, and less, successful E&T practices and work with State agencies to improve their E&T programs. This process is critical to building a more effective E&T operation nationally that will help move more individuals into the workforce.

State agencies use a combination of methods to collect the outcome data, including existing automated data systems, new data collection, sampling methods, and some direct contact with SNAP E&T participants. FNS estimates that the ongoing additional time burden will average no more than about 231 hours annually per State (about one and a half staff-months) on average (12,233 hours per year for all States).

The breakdown of the 231 hours is itemized in the table below. FNS believes this estimate may be somewhat high since more States have moved to collecting data through automated data systems which requires less time than data collected through direct contact with SNAP E&T participants.

Affected Public: State, Local and Tribal Government. Respondent groups identified include State agencies administering the SNAP E&T program in 50 States, the District of Columbia, Guam, and the U.S. Virgin Islands.

Estimated Number of Respondents: The total estimated number of respondents is 53 State agencies, including the agencies responsible for SNAP administration in 50 States, the District of Columbia, Guam and the U.S. Virgin Islands.

Estimated Number of Responses per Respondent: The 53 State agencies are required to submit data on the outcome report annualy. State agencies will be required to maintain data to support 1 report per year.

Estimated Total Annual Responses: 53.

Estimated Time per Response: The estimated time of response, including recordkeeping and reporting is 32.796 hours per response.

Estimated Total Annual Burden on Respondents: 12,233 hours.

See the table below for estimated total annual burden for each type of respondent.

ESTIMATED ONGOING REPORTING AND RECORDKEEPING BURDEN HOURS

Regulation section	Description of activity	Number of respondents	Annual report/ record filed	Total annual responses	Average burden hours per response	Total burden hours
272.1(f) Recordkeeping.	.....	53	1	53	1	53
273.7(c)(17)(i) Reporting.	E&T participants who have earnings in the second quarter after completion of E&T.	53	1	53	40	2,120
273.7(c)(17)(ii) Reporting.	E&T participants who have earnings in the fourth quarter after completion of E&T.	53	1	53	40	2,120
273.7(c)(17)(iii) Reporting.	Median quarterly earnings	53	1	53	40	2,120
273.7(c)(17)(iv) Reporting.	E&T participants that completed a training, educational, work experience or an on-the-job training component within 6 months after completion of participation in E&T.	45	1	45	80	3,600
273.7(c)(17)(v) & (vi) Reporting.	Characteristics of E&T participants, some broken out by 4 above measures.	53	1	53	20	1,060
273.7(c)(17)(vii) Reporting.	Measures in a State agencies' E&T plan for components that are designed to serve at least 100 E&T participants a year.	53	1	53	20	1,060
273.7(c)(17)(viii) Reporting.	Information about ABAWDs from State agencies that have committed to offering them participation in a qualifying activity.	10	1	10	10	100
Total Reporting.	.....	53	7	320	38	12,180
Total Recordkeeping.	.....	53	1	53	1	53
Total	.....	53	7.03774	373	32.7962	12,233

Dated: April 26, 2019.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2019–09254 Filed 5–6–19; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Klamath National Forest; California; Pumice Vegetation Management Project

AGENCY: Forest Service, USDA.

ACTION: Withdrawal of notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Klamath National Forest is withdrawing its Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Pumice Vegetation Management Project. The original NOI was published in the **Federal Register** on November 9, 2011. No significant issues were identified during this scoping period or any other opportunity to comment. Upon further evaluation, no potential significant impacts to the human environment are associated with the project. As a result, the Forest is withdrawing its intent to prepare an EIS and is now preparing an Environmental Assessment (EA). All comments previously received regarding this project will be retained and considered in the development of the EA. If it is determined that the project may have significant impacts, the EIS process will be reinitiated and a NOI will be published.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice and requests to be added to the project mailing list should be directed to Travis Coughlin via mail at Goosenest Ranger District, 37805 Highway 97, Macdoel, CA 96058; via telephone at 530–398–5790; or via email at *tcoughlin02@fs.fed.us.* Individuals who have previously submitted comments on this project will remain on the project mailing list and do not need to contact the Forest.

Dated: April 11, 2019.

Allen Rowley,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2019–09310 Filed 5–6–19; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utility Service

Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Utilities Service (RUS) invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested.

DATES: Comments on this notice must be received by July 8, 2019.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Rural Development Innovation Center—Regulatory Team 2, USDA, 1400 Independence Avenue SW, STOP 1522, South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492. Email *Thomas.dickson@usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: Equipment Contract (395) for Telecommunications and Broadband Programs.

OMB Control Number: 0572–0149.

Type of Request: Extension of a currently approved information collection package.

Abstract: The RUS manages the Telecommunications loan program and Rural Broadband Access, to provide loans and loan guarantees to fund the cost of construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural communities. RUS has established the use of certain standardized forms for materials, equipment, and construction of electric and telecommunications systems. The use of standard forms, construction contracts, and procurement procedures help to assure that appropriate standards and specifications are maintained by the borrower in order to not adversely affect RUS's loan security and ensure that loan and loan guarantee funds are effectively used for the intended purpose(s).

Estimate of Burden: Public reporting for this collection of information is estimated to average .52 hour per response.

Respondents: Business or other for profit, not-for-profit institutions.

Estimated Number of Respondents: 51.

Estimated Number of Responses per Respondent: 6.1.

Estimated Total Annual Burden on Respondents: 161.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Rural Business-Cooperative Service, including whether the information will have practical utility; (b) the accuracy of Rural Business-Cooperative Service's estimate of the burden to collect the required information, including the validity of the strategy used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments on the paperwork burden may be sent to: Thomas P. Dickson, Rural Development Innovation Center—Regulatory Team 2, USDA, 1400 Independence Avenue SW, STOP 1522, South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492. Email *Thomas.dickson@usda.gov*. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Copies of this information collection can be obtained from Diane M. Berger, Rural Development Innovation Center—Regulatory Team, (715) 619–3124.

Chad Rupe,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2019–09339 Filed 5–6–19; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wyoming Advisory Committee

AGENCY: U.S. Commission on Civil Rights

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the meeting of the Wyoming Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (MDT) Thursday, May 23, 2019. The purpose of this meeting is for the Committee to begin planning for their hearing on hate crimes.

DATES: Thursday, May 23, 2019 at 1:00 p.m. MDT.

Location: 17th and Central Executive Suites, 1623 Central Avenue, Cheyenne, WY 82001.

Public Call Information: Dial: 800–667–5617, Conference ID: 5901228.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) 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: 800–667–5617, conference ID number: 5901228. 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 meetings at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzliAAA*.

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

Agenda

I. Welcome and Roll Call

II. Approval of minutes from March 18, 2019 meeting

III. Venue location

IV. Stakeholders to invite to provide testimony

V. Next Steps

VI. Public Comment

VII. Adjournment

Dated: May 2, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–09270 Filed 5–6–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Development of an Experimental Ocean Economy Satellite Account (To Define and Measure the Economic Impact of Ocean and Great Lakes Related Activities)

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Advance notice of development of a satellite account to define and measure the ocean economy; request for comments.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is soliciting comments from the public on the development of a new set of national statistics that would provide information on the economic activity generated by ocean related transactions in the United States.

DATES: Comments must be received no later than 60 days after publication of this notice.

ADDRESSES: You may submit comments via email to *OceanEconomy@noaa.gov.* Comments sent by any other method or after the comment period may not be considered. All comments are a part of the public record.

FOR FURTHER INFORMATION CONTACT: Kate Quigley, Economist, Office for Coastal Management, National Oceanic and Atmospheric Administration, Department of Commerce, 2234 S Hobson Ave., North Charleston, South Carolina 29405; phone: (843) 740–1155 or via email at *Kate.Quigley@noaa.gov.*

A summary document of the activities to be measured by the OESA and the estimated ocean-related portions of these activities can be viewed and downloaded on the internet at *https://coast.noaa.gov/data/digitalcoast/pdf/oesa.pdf.*

SUPPLEMENTARY INFORMATION: The Bureau of Economic Analysis (BEA) and the National Oceanic and Atmospheric Administration (NOAA) are developing the Experimental Ocean Economy Satellite Account (OESA). This satellite account will provide a more detailed measurement of the role of the oceans and Great Lakes (herein referred to as ''ocean'') in contributing to the annual output of goods and services in the United States. NOAA's mission is to understand and predict changes in climate, weather, oceans, and coasts, to share that knowledge and information with others, and to conserve and manage coastal and marine ecosystems and resources. BEA produces and maintains the national income and product accounts.

The Experimental OESA provides a first-of-its-kind look at the U.S. ocean economy. While BEA's current gross domestic product (GDP) statistics already embed economic activity associated with the ocean, the Experimental OESA separately identifies and highlights these activities in a way that is not possible with current statistics. Ultimately, creation of the OESA provides detailed data that will deepen the public's understanding of the economic impact of the ocean on the U.S. economy. The Experimental OESA also informs decision-makers and improves governance and long-term management of ocean and coastal areas. The first major step is to define the range of activities encompassed by the ocean economy, identify data useful for quantifying those activities, and determine the calculations used to estimate the portion of the activities that are ocean related.

NOAA developed a draft list of activities to be measured by the OESA. A summary document (*coast.noaa.gov/data/digitalcoast/pdf/oesa.pdf*) has outlined detailed information about these activities and the data and calculations used to estimate the ocean related portion of that activity.

After NOAA finalizes these activities, data and calculations, NOAA and BEA will create prototype national-level economic activities that could include measures of gross output, value added, compensation of employees, and employment in the ocean economy (see BEA's website for definitions). The accuracy of these national level estimates will depend on the robustness of the data and methods used to inform decisions about which economic activities should be included in the accounts. Comments and data sources submitted in response to this notice will be used to improve the accuracy of these estimates.

NOAA invites comments from the public, private industry, state and local governments, non-profit organizations, and other interested parties. In particular, we are interested in feedback regarding the following:

1. What ocean related activities and items should be considered for measurement in the OESA?

2. What types of statistics would potential users of the OESA like to see presented in the account in addition to output, value added, employment, and compensation?

3. What data sets (please provide links and sources) could supplement NOAA and BEA's core statistics to help determine the ocean-related and non ocean-related shares of economic activity in the OESA?

4. What data sets (please provide links and sources) could be used to disaggregate national data to the state and local level?

Dated: April 29, 2019.

Keelin Kuipers,

Acting Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration.

[FR Doc. 2019–09268 Filed 5–6–19; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XH008

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of availability; request for comments.

SUMMARY: Notice is hereby given that the Oregon Department of Fish and Wildlife (ODFW) has provided a Fishery Management and Evaluation Plan (FMEP), and the Nez Perce Tribe has provided a Tribal Resource Management Plan (TRMP), pursuant to the protective regulations promulgated for Pacific salmon and steelhead under the Endangered Species Act (ESA). The FMEP and TRMP specify the implementation of fisheries targeting steelhead in the Snake River Basin. This document serves to notify the public of the availability of the FMEP, and a Proposed Evaluation and Pending Determination (PEPD) on the Nez Perce Tribe's TRMP, for comment prior to a decision by NMFS whether to approve the proposed fisheries.

DATES: Comments must be received at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific time on June 6, 2019. Comments received after this date may not be accepted.

ADDRESSES: Written comments on the application should be addressed to the NMFS Sustainable Fisheries Division, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232. Comments may be submitted by email. The mailbox address for providing email comments is *Snake.River.Steelhead.Fisheries@noaa.gov.* Include in the subject line of

the email comment the following identifier: Comments on Snake River Steelhead Fisheries.

FOR FURTHER INFORMATION CONTACT: Charlene Hurst, at phone number: (503) 230–5409, or via email: *Charlene.n.hurst@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened, naturally produced and artificially propagated Snake River Spring/Summer and Snake River Fall.

Steelhead (*O. mykiss*): Threatened, naturally produced and artificially propagated Snake River Basin.

Sockeye salmon (*O. nerka*): Endangered, naturally produced and artificially propagated Snake River.

Background

The ODFW FMEP describes fisheries targeting adult adipose-fin-clipped, hatchery-origin steelhead within the Snake River Basin waters in the State of Oregon and in boundary waters with Washington and Idaho. The plan was submitted to NMFS under limit 4 of the ESA 4(d) Rule for salmon and steelhead. These fisheries were designed to support fishing opportunities while minimizing potential risks to ESA-listed species. The FMEP describes timing, location, harvest impact limits, licensing, and gear requirements, and requires that all fish caught with an intact adipose fin be released unharmed. A variety of monitoring and evaluation is included in the FMEP.

The Nez Perce Tribe TRMP describes fisheries targeting adult steelhead within the Snake River Basin. The plan was provided to NMFS under the ESA Tribal 4(d) Rule. The TRMP describes timing, location, harvest impact limits, and gear. A variety of monitoring and evaluation is included in the TRMP.

As specified in the July 10, 2000, ESA 4(d) rule for salmon and steelhead (65 FR 42422) and updated June 28, 2005 (70 FR 37160), NMFS may approve an FMEP if it meets criteria set forth in 50 CFR 223.203(b)(4)(i)(A) through (I). Prior to approving an FMEP, NMFS must publish notification announcing the availability of the FMEP for public review and comment.

For Tribal plans, prior to making a final determination on the plan, NMFS must take comments on its pending determination as to whether or not implementation of the plan will appreciably reduce the likelihood of survival and recovery of the listed salmonids (50 CFR 223.204(b)(3)). While the provisions of Limit 4 of the 4(d) rule do not strictly apply in review of a Tribal plan, they contain appropriate considerations for NMFS as it reviews tribal harvest plans, and NMFS relies on them to guide its review here.

Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. Limit 4 of the updated 4(d) rule (50 CFR 223.203(b)(4)) further provides that the prohibitions of paragraph (a) of the updated 4(d) rule (50 CFR 223.203(a)) do not apply to fisheries provided that an FMEP has been approved by NMFS to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005).

The ESA Tribal 4(d) Rule (65 FR 42481, July 10, 2000) states that the ESA section 9 take prohibitions will not apply to Tribal Plans that will not appreciably reduce the likelihood of survival and recovery for the listed species.

Dated: May 1, 2019.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–09262 Filed 5–6–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG772

Determination of Overfishing or an Overfished Condition

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

ACTION: Notice.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has found that the following stocks are subject to overfishing, overfished, or approaching an overfished condition. Atlantic herring and Georges Bank winter flounder are now approaching an overfished condition. South Atlantic blueline tilefish, Gulf of Mexico lane snapper, and Eastern Pacific Ocean yellowfin tuna are now subject to overfishing. Atlantic bigeye tuna is now overfished and remains subject to overfishing, Atlantic blue marlin and Pacific bluefin tuna remain both subject to overfishing and overfished. St. Matthew Island blue king crab is now overfished. NMFS, on behalf of the Secretary, notifies the appropriate regional fishery management council (Council) whenever it determines that overfishing is occurring, a stock is in an overfished condition, or a stock is approaching an overfished condition.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, (301) 427–8568.

SUPPLEMENTARY INFORMATION: Pursuant to section 304(e)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2), NMFS, on behalf of the Secretary, must notify Councils, and publish in the **Federal Register**, whenever it determines that a stock or stock complex is subject to overfishing, overfished, or approaching an overfished condition.

NMFS has determined that Atlantic herring and Georges Bank winter flounder are approaching an overfished condition. The most recent assessment for Atlantic herring, finalized in 2018, indicates that the stock is approaching an overfished condition because the spawning stock biomass (SSB) is projected to be less than one half the amount of SSB needed to produce the maximum sustainable yield (MSY) ($\frac{1}{2}SSB_{MSY}$) in 2018. The most recent assessment for Georges Bank winter flounder, finalized in 2017, indicates that the stock is approaching an overfished condition because the SSB is projected to be less than $\frac{1}{2}SSB_{MSY}$. This stock is projected to become overfished primarily due to below average recruitment. NMFS has informed the New England Fishery Management Council (New England Council) that, should either stock become overfished, based on realized catch, the New England Council must take steps under MSA sections 304(e)(3) and (4) to rebuild the stock.

NMFS has determined that South Atlantic blueline tilefish and Gulf of Mexico lane snapper are now subject to overfishing. The blueline tilefish determination is based on landings data from 2017. Landings data support a determination that this stock is subject to overfishing because 2017 landings were greater than the overfishing level (OFL). The Gulf of Mexico lane snapper determination is based on landings data from 2017. Landings data support a

determination that this stock is subject to overfishing because 2017 landings were greater than the OFL. NMFS has notified the South Atlantic and the Gulf of Mexico Fishery Management Councils that they must take action to end overfishing on these stocks.

NMFS has further determined that the Eastern Pacific Ocean yellowfin tuna is now subject to overfishing. This determination is based on a 2018 assessment by the Inter-American Tropical Tuna Commission (IATTC) scientific staff, using data through 2017. Based on domestic status determination criteria, this stock is subject to overfishing because the fishing mortality rate (F) proxy is greater than the maximum fishing mortality threshold (MFMT). NMFS has determined that section 304(i) of the Magnuson-Stevens Act applies because the overfishing of Eastern Pacific yellowfin tuna stocks is due largely to excessive international fishing pressure and because it has not been determined that the management measures adopted by the IATTC in 2018 will end overfishing. NMFS has informed the Pacific Fishery Management Council of its obligations for domestic and international management under Magnuson-Stevens Act sections 304(i) to address domestic and international impacts.

NMFS has also determined that Atlantic bigeye tuna is now overfished and remains subject to overfishing. This determination is based on a 2018 assessment, using data through 2017. Based on the domestic status determination criteria for overfishing and overfished, the stock is overfished because SSB is calculated to be less than the MSST. The results indicate the stock is subject to overfishing because the F in 2017, compared to F at MSY, or F_{MSY}, is greater than 1.0. NMFS continues to work with the International Commission for the Conservation of Atlantic Tunas (ICCAT) to develop and implement an international rebuilding program for this stock.

NMFS has determined that both Atlantic blue marlin and Pacific bluefin tuna remain subject to overfishing and overfished. The Atlantic blue marlin determination is based on a 2018 assessment, using data through 2016. Based on the domestic status determination criteria for overfishing and overfished, this stock remains subject to overfishing because F_{2016} compared to F_{MSY} is greater than 1.0, and overfished because SSB is less than MSST. NMFS continues to work with ICCAT to develop and implement an effective international rebuilding program for Atlantic blue marlin. The Pacific bluefin tuna determination is based on a 2018 assessment conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean, using data through 2016. Based on domestic status determination criteria, this stock remains subject to overfishing because $F_{2015–2016}$ is greater than MFMT, and overfished because the SSB_{2016} is less than MSST. The Pacific Fishery Council has taken action to end domestic overfishing on this stock.

Finally, NMFS has determined that St. Matthew Island blue king crab is now overfished. This determination is based on a 2018 assessment, using survey data through 2018. The assessment supports a determination of overfished because the annual mature male biomass (MMB_{2018}) estimate is less than the MSST for this stock. NMFS has notified the North Pacific Fishery Management Council that it must develop a rebuilding plan for this fishery.

Dated: May 1, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019–09234 Filed 5–6–19; 8:45 am]

BILLING CODE P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, May 8, 2019, 10:00 a.m.–11:00 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, MD.

STATUS: Commission Meeting—Open to the Public.

MATTER TO BE CONSIDERED: Briefing Matter: Fiscal Year 2019 Mid-Year Review.

A live webcast of the Meeting can be viewed at *https://www.cpsc.gov/live.*

CONTACT PERSON FOR MORE INFORMATION: Alberta Mills, Office of the Secretariat, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: May 1, 2019.

Alberta E. Mills,

Secretary.

[FR Doc. 2019–09392 Filed 5–3–19; 11:15 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Service Criminal History Check Recordkeeping Requirement; Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled National Service Criminal History Check Recordkeeping Requirement for review and approval in accordance with the Paperwork Reduction Act.

DATES: Comments may be submitted, identified by the title of the information collection activity, by June 6, 2019.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) By fax to: 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) By email to: *smar@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling CNCS, Aaron Olszewski, at 202–606–6709 or email to *aolszewski@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may use the CNCS live text chat *www.nationalservice.gov/contact-us.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and

• Propose 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

A 60-day Notice requesting public comment was published in the **Federal Register** on November 21, 2018 at Vol. 83, Page 58764. This comment period ended January 22, 2019. No public comments were received from this Notice.

Title of Collection: National Service Criminal History Check Recordkeeping Requirement.

OMB Control Number: 3045–0145.

Type of Review: Renewal.

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

Total Estimated Number of Annual Responses: 112,357.

Total Estimated Number of Annual Burden Hours: 28,089.

Abstract: CNCS seeks to renew the current information without changes. CNCS also seeks to continue using the current information collection until the renewal is approved by OMB. The current application is due to expire on May 31, 2019.

Dated: March 19, 2019.

Aaron Olszewski,

Associate General Counsel.

[FR Doc. 2019–09250 Filed 5–6–19; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[AFD–1117]

Notice of Intent To Grant a Partially Exclusive Patent License

AGENCY: Department of Defense, Department of the Air Force.

ACTION: Notice of intent.

SUMMARY: Pursuant to the Bayh-Dole Act and implementing regulations, the Department of the Air Force hereby gives notice of its intent to grant a partially exclusive (exclusive with respect to the field of chromium-doped zinc-nitro-antimony-gallium-tellurium infrared phosphors) patent license agreement to Battle Sight Technologies, LLC, a corporation of the State of Ohio, having a place of business at 714 E. Monument Ave. Suite 120, Dayton, OH 45402.

DATES: Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

ADDRESSES: Submit written objections to the Air Force Materiel Command Law Office, Timothy Barlow, AFMCLO/JAZ, 2240 B Street, Room 260, Wright-Patterson AFB, OH 45433- 7109; Phone: (937) 904–5760; Facsimile: (937) 255–3733; or Email: *afmclo.jaz.tech@us.af.mil*. Include Docket No. AFD–1117 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Air Force Materiel Command Law Office, Timothy Barlow, AFMCLO/JAZ, 2240 B Street, Rm. 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; Email: *afmclo.jaz.tech@us.af.mil*.

SUPPLEMENTARY INFORMATION: The Department of the Air Force intends to grant the partially exclusive patent license agreement for the invention described in:

—U.S. Patent Application Serial No. 12/862,869, filed 25 August 2010, corresponding to U.S. Patent No. 7,976,727 issued on 12 July 2011.

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

Carlinda N. Lotson,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2019–08810 Filed 5–6–19; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for the Emergency Beddown of the F–22 Formal Training Unit and Associated T–38 Aircraft From Tyndall Air Force Base to Eglin Air Force Base, Florida Special Environmental Assessment

ACTION: Notice of availability of a Record of Decision.

SUMMARY: On April 25, 2019, the United States Air Force signed a Record of Decision (ROD) on the Emergency Beddown of the F–22 Formal Training Unit and Associated T–38 Aircraft from Tyndall Air Force Base to Eglin Air Force Base, Florida, Special Environmental Assessment.

ADDRESSES: For questions regarding this ROD please contact: Mr. Mike Spaits, Eglin AFB Public Affairs Office, 96 TW/PA, 101 West D Avenue, Room 238, Eglin AFB, FL 32542–5499; telephone: (850) 882–2836; or email: *spaitsm@eglin.af.mil.*

SUPPLEMENTARY INFORMATION: The ROD contains the Air Force's finding that the temporary beddown and continuing operations of 31 F–22 Formal Training Unit (FTU) aircraft and 17 T–38 Talon adversary air support aircraft at Eglin AFB, Florida, is necessary to control the impacts of the emergency created by Hurricane Michael in early October 2018. It also reflects the Air Force's decision to continue the interim beddown and recurring operations of the F–22 FTU and its adversary air support at Eglin AFB, as analyzed in the three timeline-based scenarios of the Proposed Action in the April 2019 Final Special EA, in whole or in part, until it becomes superseded by the full implementation of the decision to be made in the ROD on the Final EIS for its permanent beddown. Additionally, it announces the Air Force's decision to reduce the rate of closed-pattern operations per sortie for both F–22s and T–38s throughout the period of construction-related closure of Runway 12/30.

The decision was based on matters discussed in the F–22 FTU and Associated T–38 Aircraft from Tyndall Air Force Base to Eglin Air Force Base, Florida Special Environmental Assessment (EA), contributions from the public and regulatory agencies, and other relevant factors. Public Notification was published in the Northwest Florida Daily News on February 28, 2019, announcing the availability of the Draft Special EA for a 30-day public review and comment period. The final Special EA and signed ROD are available at the following web page: *https://www.leidoseemg.com/eglinf22sea/final_documents.aspx.*

Authority: This Notice of Availability is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the National Environmental Policy Act of 1969 (42 U.S.C.. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR parts 989.21(b) and 989.24(b)(7)).

Carlinda N. Lotson,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2019–09317 Filed 5–6–19; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Addendum to the 26 June 2014 Record of Decision for the Final Environemntal Impact Statement F–35 Beddown at Eglin Air Force Base, Florida

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of availability.

SUMMARY: On April 19, 2019, the United States Air Force signed an Addendum to the 26 June 2014 Record of Decision for the Final F–35 Beddown Supplemental Environmental Impact Statement (SEIS). This Addendum to the 26 June 2014 Record of Decision (AROD) documents the Air Force's decision regarding temporarily shifting the primary runway to Runway 01/19 (RW 01/19) and allowing short-term increases in previously limited operations for construction-related closure of Runway 12/30 (RW 12/30).

ADDRESSES: For questions rearding this AROD please contact: Mr. Mike Spaits, Eglin AFB Public Affairs Office, 96 TW/PA, 101 West D Avenue, Room 238, Eglin AFB, FL 32542–5499; telephone: (850) 882–2836; or email: *spaitsm@eglin.af.mil.*

SUPPLEMENTARY INFORMATION: This AROD augments the ROD signed on 26 June 2014, for an approximately forty-five day period of RW 12/30 closure for necessary construction planned for April 19, 2019 to June 3, 2019.

The Final SEIS was made available to the public on February 28, 2014 through a NOA in the **Federal Register** (Volume 79, Number 40, Page 11428) with a wait period that ended on March 31, 2014. The 26 June 2014 SEIS ROD was made available to the public, through a NOA in the **Federal Register** (Volume 79, Number 131, Page 38857), on July 9, 2014.

Authority: This NOA is published pursuant to the relevant subsection of the regulations (40 CFR part 1506.6(b)2)) implementing the provisions of the NEPA of 1969 (42 U.S.C. 4321, *et seq.*) and the relevant subsections of the Air Force's Environmental Impact Analysis Process (EIAP) (32 CFR parts 989.21(b) and 989.24(b)(7)).

Carlinda N. Lotson,

Air Force Federal Register Liaison Officer.

[FR Doc. 2019–09312 Filed 5–6–19; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Regents, Uniformed Services University of the Health Sciences; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Board of Regents, Uniformed Services University of the Health Sciences (USU) will take place.

DATES: Friday, May 17, 2019 open to the public from 8:00 a.m. to 11:15 a.m. The closed session will occur from approximately 11:20 a.m. to 11:50 a.m.

ADDRESSES: Uniformed Services University, 4301 Jones Bridge Road, Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: Joshua Barricklow, Designated Federal Officer, (301) 295–9805 (Voice), *joshua.barricklow@usuhs.edu* (Email). Mailing address is 4301 Jones Bridge Road, D3001, Bethesda, Maryland 20814. Website: *https://www.usuhs.edu/vpe/bor.*

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the Board of Regents, Uniformed Services University of the Health Sciences was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the meeting on May 17, 2019 of the Board of Regents, Uniformed Services University of the Health Sciences. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to provide advice and recommendations to the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness, on academic and administrative matters critical to the full accreditation and successful operation of USU. These actions are necessary for USU to pursue its mission, which is to educate, train and comprehensively prepare uniformed services health professionals, officers, scientists and leaders to support the Military and Public Health Systems, the National Security and National Defense Strategies of the United States, and the readiness of our Uniformed Services.

Agenda: The actions scheduled to occur include the review of the electronic vote from January 25, 2019 (recommendations regarding the awarding of undergraduate and graduate degrees, recommendations regarding the approval of faculty appointments and promotions, recommendations regarding award nominations, and recommendations regarding new undergraduate programs and instructional sites); the electronic vote from March 13, 2019 (honorary degree recommendation); the electronic vote from April 8, 2019 (recommendations regarding the approval of faculty appointments); and the electronic vote from April 23, 2019 (Distinguished Service Award nomination recommendations). The USU President will provide a report on recent actions affecting academic and operational aspects of USU. Member reports will include an Academics Summary consisting of reports from the Senior Vice President of the Southern Region, Senior Vice President of the Western Region, Director of the Armed Forces Radiobiology Research Institute, and the President of the USU Faculty Senate. Member Reports will also include a Finance and Administration Summary consisting of reports from the Vice President for Finance and Administration, Vice President for Information & Education Technology, and the Commanding Officer of the USU Brigade.

Additional reports will be provided by the Dean of the F. Edward Hébert School of Medicine, Dean of the Daniel K. Inouye Graduate School of Nursing, Executive Dean of the Postgraduate Dental College, Dean of the College of Allied Health Sciences, USU Registrar, and President of the USU Alumni Association. A closed session will be held, after the open session, to discuss active investigations and personnel actions.

Meeting Accessibility: Pursuant to Federal statutes and regulations (5 U.S.C., Appendix, 5 U.S.C. 552b, and 41 CFR 102–3.140 through 102–3.165) and the availability of space, the meeting is open to the public from 8:00 a.m. to 11:15 a.m. Seating is on a first-come basis. Members of the public wishing to attend the meeting should contact Mr. Barricklow, no later than five business days prior to the meeting, at the address and phone number noted in the **FOR**

FURTHER INFORMATION CONTACT section. Pursuant to 5 U.S.C. 552b(c)(2, 5–7), the DoD has determined that the portion of the meeting from 11:20 a.m. to 11:50 a.m. shall be closed to the public. The Under Secretary of Defense (Personnel and Readiness), in consultation with the Department of Defense Office of General Counsel, has determined in writing that this portion of the Board's meeting will be closed as the discussion will disclose sensitive personnel information, will include matters that relate solely to the internal personnel rules and practices of the agency, will involve allegations of a person having committed a crime or censuring an individual, and may disclose investigatory records compiled for law enforcement purposes.

Written Statements: Pursuant to section 10(a)(3) of the Federal Advisory Committee Act of 1972 and 41 CFR 102–3.140, the public or interested organizations may submit written comments to the Board about its approved agenda pertaining to this meeting or at any time regarding the Board's mission. Individuals submitting a written statement must submit their statement to Mr. Barricklow at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Written statements that do not pertain to a scheduled meeting of the Board may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at the planned meeting, then these statements must be received at least five calendar days prior to the meeting, otherwise, the comments may not be provided to or considered by the Board until a later date. The Designated Federal Officer will compile all timely submissions with the Board's Chair and ensure such submissions are provided to Board Members before the meeting.

Dated: May 2, 2019.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2019–09342 Filed 5–6–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2019–ICCD–0020]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NCES System Clearance for Cognitive, Pilot, and Field Test Studies 2019–2022

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before June 6, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2019–ICCD–0020. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9089, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–245–7377.

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

Title of Collection: NCES System Clearance for Cognitive, Pilot, and Field Test Studies 2019–2022.

OMB Control Number: 1850–0803.

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

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 600,000.

Total Estimated Number of Annual Burden Hours: 240,000.

Abstract: This is a request for a 3-year renewal of the generic clearance to allow the National Center for Education Statistics (NCES) to continue to develop, test, and improve its survey and assessment instruments and methodologies. The procedures utilized to this effect include but are not limited to experiments with levels of incentives for various types of survey operations, focus groups, cognitive laboratory activities, pilot testing, exploratory interviews, experiments with questionnaire design, and usability testing of electronic data collection instruments.

Dated: May 1, 2019.

Stephanie Valentine,

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

[FR Doc. 2019–09246 Filed 5–6–19; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Office of Environmental Management, Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, May 29, 2019, 1:00 p.m.–5:15 p.m.

ADDRESSES: Ohkay Conference Center, Highway 68, 1 Mile North of Española, Ohkay Owingeh, New Mexico 87566.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *Menice.Santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Call to Order
- Welcome and Introductions
- Approval of Agenda
- Old Business
  - Report from NNMCAB Chair
  - Report on EM SSAB Chairs' Meeting
  - Other Items
- New Business
- Presentation on Core Team Approach for the Chromium Pilot
- Break
- Public Comment Period
- Update on Ad Hoc Committee on Consent Order and Discussion on Draft Recommendation
- Update from New Mexico Environment Department
- Update from EM-Los Alamos Field Office
- Update from NNMCAB Deputy Designated Federal Officer and Executive Director
- Wrap-Up Comments from NNMCAB Members
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the internet at: *https://energy.gov/em/nnmcab/meeting-materials.*

Signed in Washington, DC, on May 2, 2019.

Antionette M. Watkins,

Acting Deputy Committee Management Officer.

[FR Doc. 2019–09333 Filed 5–6–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension With Changes

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice and request for OMB review and comment.

SUMMARY: EIA submitted an information collection request for extension as required by the Paperwork Reduction Act of 1995. The information collection requests a three-year extension with changes to its Petroleum Marketing Program, OMB Control Number 1905–0174. The Petroleum Marketing Program collects and publishes data on the nature, structure, and efficiency of petroleum markets at national, regional, and state levels. EIA uses this information to monitor volumes and prices for crude oil and petroleum products.

DATES: Comments on this information collection must be received no later than June 6, 2019. If you anticipate any difficulties in submitting your comments by the deadline, contact the DOE Desk Officer at (202) 395–4718.

ADDRESSES: Written comments should be sent to

DOE Desk Officer: Brandon DeBruhl, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503, *Brandon_F_DeBruhl@omb.eop.gov.* And send a copy to

Ms. Tammy Heppner, U.S. Department of Energy, U.S. Energy Information Administration, EI–25, 1000 Independence Avenue SW, Washington, DC 20585, *tammy.heppner@eia.gov.*

FOR FURTHER INFORMATION CONTACT: Tammy Heppner (202) 586–4748, email: *tammy.heppner@eia.gov.* The forms and instructions are available on EIA's website at *http://www.eia.gov/survey/notice/marketing2019.php.*

SUPPLEMENTARY INFORMATION:

This information collection request contains

(1) *OMB No.:* 1905–0174.

(2) *Information Collection Request Title:* Petroleum Marketing Program. The surveys included in this information collection request are:

- Form EIA–14, *Refiners' Monthly Cost Report*
- Form EIA–182, *Domestic Crude Oil First Purchase Report*
- Form EIA–782A, *Refiners'/Gas Plant Operators' Monthly Petroleum Product Sales Report*
- Form EIA–782C, *Monthly Report of Prime Supplier Sales of Petroleum Products Sold For Local Consumption*
- Form EIA–821, *Annual Fuel Oil and Kerosene Sales Report*
- Form EIA–856, *Monthly Foreign Crude Oil Acquisition Report*
- Form EIA–863, *Petroleum Product Sales Identification Survey*
- Form EIA–877, *Winter Heating Fuels Telephone Survey*
- Form EIA–878, *Motor Gasoline Price Survey*
- Form EIA–888, *On-Highway Diesel Fuel Price Survey*

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* The purpose of the Petroleum Marketing Program is to provide data pertaining to the nature, structure, and operating efficiency of petroleum markets. The surveys in this petroleum program collect volumetric and price information needed to determine supply and demand for crude oil and refined petroleum products.

These data are published by EIA on its website, *http://www.eia.gov,* as well as in publications such as the *Monthly Energy Review* (*http://www.eia.gov/totalenergy/data/monthly/*), *Annual Energy Review* (*http://www.eia.gov/totalenergy/data/annual/*), *Petroleum Marketing Monthly* (*http://www.eia.gov/oil_gas/petroleum/data_publications/petroleum_marketing_monthly/pmm.html*), *Weekly Petroleum Status Report* (*http://www.eia.gov/oil_gas/petroleum/data_publications/weekly_petroleum_status_report/wpsr.html*), *and the International Energy Outlook* (*http://www.eia.gov/forecasts/ieo/*);

(4a) *Changes to Information Collection:* EIA will protect the information collected on Form EIA–877, *Winter Heating Fuels Telephone Survey* under the Confidential Information Protection and Statistical Efficiency Act of 2018 (CIPSEA). CIPSEA provides legal authority to protect the identifiability of information submitted under a pledge of confidentiality and restricts the use of the information only for statistical purposes. It provides strong protection that the reported information will be held in confidence and used only for statistical purposes. By limiting the use to statistical purposes, the Form EIA–877 survey data will not be used for any nonstatistical purpose such as administrative, regulatory, or law enforcement or for any other nonstatistical purpose. EIA will use the following confidentiality pledge to protect information reported on Form EIA–877:

''The information you provide on Form EIA–877 will be used for statistical purposes only and is confidential by law. Per the Federal Cybersecurity Enhancement Act of 2015, Federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. Every EIA employee, as well as every agent, is subject to a jail term, a fine, or both if he or she makes public any identifiable information you reported.''

(5) *Annual Estimated Number of Respondents:* 22,822;

(6) *Annual Estimated Number of Total Responses:* 175,084;

(7) *Annual Estimated Number of Burden Hours:* 63,325;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $4,687,317. The cost of the burden hours is estimated to be $4,687,317 (63,325 burden hours times $74.02 per hour). EIA estimates that there are no additional costs to respondents associated with the surveys other than the costs associated with the burden hours.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S.C. 772(b) and the DOE Organization Act of 1977, Pub. L. 95–91, codified at 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on April 30, 2019.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U. S. Energy Information Administration.

[FR Doc. 2019–09343 Filed 5–6–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–193–000]

Columbia Gulf Transmission, LLC; Notice of Application

Take notice that on April 18, 2019, Columbia Gulf Transmission, LLC (Columbia Gulf), 700 Louisiana Street, Suite 700, Houston, Texas 77002, filed in the above referenced docket an application pursuant to section 7(c) and section 7(b) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting abandoning authority, authorizing the replacement of: (i) Approximately 1,350 feet (ft.) of existing 30-inch-diameter pipeline of Mainline 100; (ii) approximately 1,300 ft. of existing 30-inch-diameter pipeline of Mainline 200, referred to as the Mainline 100 and Mainline 200 Replacement Project. All as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Dave Hammel, U.S. Legal, Columbia Gulf Transmission, LLC, 700 Louisiana St, Houston, TX 77002–2700, by telephone at (832) 320–5861.

Columbia Gulf requests pre-determination of rolled-in treatment of rates and surcharges in accordance with the Commission's Policy Statement in Docket No. PL99–3–000. The estimated cost of the project will be $18,919,720.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, and will be notified of any meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the

Commission and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: May 22, 2019.

Dated: May 1, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09292 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2829–011]

Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests; City of Loveland

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. *Application Type:* License Amendment.

b. *Project No:* 2829–011.

c. *Date Filed:* April 17, 2019.

d. *Applicant:* City of Loveland, Colorado.

e. *Name of Project:* Loveland Hydroelectric Project.

f. *Location:* Big Thompson River, in Larimer County, Colorado.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Kimberly Fentress, Project Manager, City of Loveland, Colorado, 200 North Wilson Street, Building 1, Loveland, CO 80537; phone (970) 962–3587.

i. *FERC Contact:* David Rudisail at (202) 502–6376, or *david.rudisail@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* May 30, 2019.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2829–011. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The City of Loveland has requested to amend its license to remove above ground penstock and other appurtenances as a phase of decommissioning the project and surrendering the license. The penstock proposed for removal is located on lands owned by the City of Loveland and the U.S. Forest Service.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: April 30, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09298 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–460–003.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Additional Information in ER19–460—Order No. 841 Compliance Filing to be effective N/A.

Filed Date: 5/1/19.

Accession Number: 20190501–5208.

Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1376–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2019–05–01_SA 3272 100 Mvar Switched Cap Bank at Montezuma 345 kV Sub MPFCA to be effective 3/20/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5269.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1739–000.
Applicants: Dominion Energy South Carolina, Inc.
Description: § 205(d) Rate Filing: Cost Based Power Sales Tariff Name Change to be effective 3/30/2010.
Filed Date: 5/1/19.
Accession Number: 20190501–5002.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1740–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: TFA for Port of Stockton Tap-Line Reconductoring Project (TO SA 117) to be effective 5/2/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5004.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1741–000.
Applicants: Dominion Energy South Carolina, Inc.
Description: § 205(d) Rate Filing: NMST Tariff Name Change to be effective 3/30/2010.
Filed Date: 5/1/19.
Accession Number: 20190501–5006.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1742–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: SCE Recollation of TO Tariff Filing 1 of 3 to be effective 5/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5008.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1743–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: SCE Recollation of TO Tariff Filing 3 of 3 to be effective 5/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5009.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1744–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: SCE Recollation of WDAT Filing 1 of 9 to be effective 5/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5010.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1746–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1139R6 Southwestern Public Service Company to be effective 4/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5020.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1747–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: SCE Recollation of WDAT Filing 6 of 9 to be effective 5/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5102.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1748–000.
Applicants: Duke Energy Commercial Enterprises, Inc.
Description: Tariff Cancellation: Duke Energy Commerical Enterprises MBR Tariff Cancellation to be effective 7/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5167.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1749–000.
Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: DEF-Gulf Power Interconnection Agmt (RS No. 232) Cert. of Concurrence Filing to be effective 1/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5184.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1750–000.
Applicants: Dominion Energy South Carolina, Inc.
Description: § 205(d) Rate Filing: Name Change to OATT and Correction to Attachment H to be effective 4/29/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5237.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1751–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: SCE Recollation of WDAT Filing 2 of 9 to be effective 5/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5259.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1752–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: SCE Recollation of WDAT Filing 3 of 9 to be effective 5/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5300.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1753–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: SCE Recollation of WDAT Filing 4 of 9 to be effective 5/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5292.
Comments Due: 5 p.m. ET 5/22/19.

Docket Numbers: ER19–1754–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2019–05–01_Ameren-Norris Electric Wholesale Connection and Umbrella Construction to be effective 5/1/2019.
Filed Date: 5/1/19.
Accession Number: 20190501–5314.
Comments Due: 5 p.m. ET 5/22/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–28–000.
Applicants: Entergy New Orleans, LLC.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities, *et al.* of Entergy New Orleans, LLC.
Filed Date: 4/30/19.
Accession Number: 20190430–5531.
Comments Due: 5 p.m. ET 5/21/19.

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: May 1, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09286 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC19–15–000]

Commission Information Collection Activities (Ferc–730); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–730 (Report of Transmission Investment Activity) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. On February 25, 2019, the Commission published a Notice in the **Federal Register** in Docket No. IC19–15–000 requesting public comments. The Commission received no public comments and is noting that in the related submittal to OMB.

DATES: Comments on the collection of information are due June 6, 2019.

ADDRESSES: Comments filed with OMB, identified by OMB Control No. 1902–0239, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer.

A copy of the comments should also be sent to the Commission, in Docket No. IC19–15–000, by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–730, Report of Transmission Investment Activity.

OMB Control No.: 1902–0239.

Type of Request: Three-year extension of the FERC–730 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the FERC–730 information collection to determine the effectiveness of its rules and to provide it with an accurate assessment of the state of transmission investment by public utilities. This annual report includes projections, information that details the level and status of transmission investment, and the reason for delay (if any). The report must conform to the format prescribed in Order No. 679, Appendix A.[1] Filers are strongly encouraged to submit the FERC–730 electronically via eFiling. FERC–730 is filed by public utilities that have been granted incentive rate treatment for specific electric transmission projects. Actual and planned transmission investments, and related project data for the most recent calendar year and the subsequent five years, must be reported annually beginning with the calendar year that the Commission granted the incentive rates.

Congress enacted section 1241 of the Energy Policy Act of 2005 (EPAct 2005), adding section 219 to the Federal Power Act (FPA), to promote the operation, maintenance and enhancement of electric transmission infrastructure.[2] Congress aimed to benefit consumers by ensuring reliability and/or reducing the cost of delivered power through reducing transmission congestion. In response to EPAct 2005, the Commission amended its regulations to allow for these incentive-based, (including performance-based), rate treatments.

The Commission amended its regulations in 18 CFR 35.35 to identify the incentive ratemaking treatments allowed under FPA section 219. Incentives are required to be tailored to the type of transmission investments being made, and each applicant must demonstrate that its proposal meets the requirements of FPA section 219.

Type of Respondents: Public utilities that have been granted incentive based rate treatment for specific transmission projects under provisions of 18 CFR 35.35

Estimate of Annual Burden:[3] The Commission estimates[4] the total Public Reporting Burden and cost for this information collection as follows:

FERC–730—REPORT OF TRANSMISSION INVESTMENT ACTIVITY

	Number of respondents (1)	Number of responses per respondent (2)	Total number of responses (1) × (2) = (3)	Average burden hours & average cost per response ($)[4] (4)	Total annual burden hours & total annual cost ($) (3) × (4) = (5)
FERC–730	63	1	63	30 hrs.; $2,370	1,890 hrs.; $149,310.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

[1] Issued on 12/22/2006 in Docket No. RM06–4–001 (Promoting Transmission Investment through Pricing Reform).

[2] Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594, 315 and 1283 (2005).

[3] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

[4] The estimates for cost per response are derived using the formula: Average Burden Hours per Response * 79.00 per hour = Average Cost per Response. The hourly cost figure comes from the FERC average salary plus benefits of $164,820 per year (or $79.00/hour). These estimates were updated in May 2018. This figure is being used because the staff thinks industry is similarly situated in terms of average hourly cost.

Dated: April 30, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09296 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1738–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: PSEG Fossil Sewaren Urban Renewal LLC

This is a supplemental notice in the above-referenced proceeding of PSEG Fossil Sewaren Urban Renewal 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 21, 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: May 1, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09278 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–191–000]

Notice of Application; Texas Eastern Transmission, LP

Take notice that on April 18, 2019, Texas Eastern Transmission, LP (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed in Docket No. CP19–191–000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations for authorization to construct its proposed Bernville Compressor Units Replacement Project (Project). The Project consists of replacing two existing compressor units and related facilities, with two new, more efficient compressor units at its Bernville Compressor Station located in Berks County, Pennsylvania. Texas Eastern asserts that the Project will allow this portion of its system to comply with future air emission reduction requirements in Pennsylvania.

Specifically, Texas Eastern is requesting authorization to replace two existing General Electric Company Frame 5 centrifugal natural gas-fired turbines consisting of one 22,000 horsepower (hp) unit installed in 1958, and one 19,800 hp unit installed in 1968, with a total station certificated horsepower of 41,800 hp. Texas Eastern proposes to replace these two existing units with one new 26,000 hp Solar Turbine, Inc. (Solar) Titan 250 natural gas-fired turbine and one new 18,100 hp Solar Titan 130 natural gas-fired turbine. Texas Eastern states that it will install software controls on the 26,000 hp Solar Titan 250 turbine to limit the horsepower on that turbine to 23,700 hp, so that the total designed horsepower and delivery capacity at the Bernville Compressor Station will remain substantially the same. Texas Eastern estimates the cost of the Project to be $125,443,261, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Lisa A. Connolly, Director, Rates and Certificates, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251–1642, by telephone at (713) 627–4102, by facsimile at (713) 627–5947, or by email at *lisa.connolly@enbridge.com.*

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18

CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made with the Commission and must provide a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to ''show good cause why the time limitation should be waived,'' and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[2] 18 CFR 385.214(d)(1).

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on May 21, 2019.

Dated: April 30, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09295 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13212–005—Alaska]

Kenai Hydro, LLC; Notice of Availability of the Final Environmental Impact Statement for the Proposed Grant Lake Hydroelectric Project

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for license for the proposed Grant Lake Hydroelectric Project (FERC No. 13212) and has prepared a final environmental impact statement (EIS) for the proposed project. The project would be located on Grant Lake and Grant Creek, near the community of Moose Pass, in Kenai Peninsula Borough, Alaska, and occupy 1,688.7 acres of federal lands within the Chugach National Forest, administered by U.S. Department of Agriculture, Forest Service (Forest Service).

The final EIS contains staff's evaluations of the applicant's proposal and the alternatives for licensing the proposed Grant Lake Hydroelectric. The final EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Commission staff.

A copy of the final EIS is available for review in the Commission's Public Reference Branch, Room 2A, located at 888 First Street, NE, Washington, DC 20426. The final EIS also may be viewed on the Commission's website at *http://www.ferc.gov* under 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).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, please contact Kenneth Hogan at (202) 502–8434 or at *kenneth.hogan@ferc.gov.*

Dated: May 1, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09289 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP19–1157–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Columbia Gas 860005 May 1 Releases to be effective 5/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5027.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1158–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: § 4(d) Rate Filing: MNUS GT&C Section 20 Cleanup Filing to be effective 5/29/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5147.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1159–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated rate—Amended Spotlight 911548 to be effective 5/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5185.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1160–000.
Applicants: CNE Gas Supply, LLC, et al.
Description: Joint Petition for Temporary Waivers of Capacity Release Policies, et al. of CNE Gas Supply, LLC, et al. under RP19–1160.
Filed Date: 4/29/19.

Accession Number: 20190429–5209.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1161–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements—CenterPoint Energy Resources Corp. to be effective 5/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5216.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1162–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement—WSGP Gas Producing to be effective 5/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5223.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1163–000.
Applicants: ANR Pipeline Company.
Description: Compliance filing Operational Purchases & Sales Report 2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5042.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1164–000.
Applicants: ANR Pipeline Company.
Description: § 4(d) Rate Filing: Cashout Surcharge 2019 to be effective 6/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5054.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1165–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—May 2019 to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5073.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1166–000.
Applicants: Dominion Energy Transmission, Inc.
Description: § 4(d) Rate Filing: DETI—April 30, 2019 Nonconforming Service Agreements to be effective 6/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5076.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1167–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate—Wacker Release to Infinite Energy 661914 to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5078.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1168–000.
Applicants: Ruby Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Update Filing Quarterly EPC and FLU to be effective 6/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5079.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1169–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: Neg Rate 2019–04–30 E2W (7) to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5091.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1170–000.
Applicants: Cheyenne Plains Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: EPC and Fuel Update Filing to be effective 6/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5093.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1171–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Compliance filing Compliance Tariff Filing to Docket No. CP16–478–000 (Entergy Louisiana 48769) to be effective 6/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5102.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1172–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Aethon 37657, 50488 to Scona 51000, 50999, 51001, 51002) to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5108.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1173–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Southern 49811 to Emera 51015) to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5115.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1174–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 to various shippers eff 5–1–2019) to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5120.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1175–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: § 4(d) Rate Filing: Update to Quarterly FLU Percentages to be effective 6/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5126.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1176–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20190430 Imbalance Trade Tariff to be effective 6/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5194.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1177–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2019 May Negotiated Rates to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5273.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1178–000.
Applicants: Florida Southeast Connection, LLC.
Description: Compliance filing 2019 FSC TUP/SBA Filing-May 1, 2019 to be effective N/A.
Filed Date: 4/30/19.
Accession Number: 20190430–5278.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1179–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20190430 Negotiated Rates to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5323.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1180–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rate—Morgan Stanley PAL deal 640039 to be effective 4/30/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5334.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1181–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: Neg Rate 2019–04–30 Encana and ConocoPhillips to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5407.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1182–000.
Applicants: Tallgrass Interstate Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Neg Rate 2019–04–30 Cima Energy to be effective 5/1/2019.
Filed Date: 4/30/19.

Accession Number: 20190430–5415.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–1183–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Conoco Resdes May 19) to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5445.
Comments Due: 5 p.m. ET 5/13/19.

Docket Numbers: RP19–206–004.
Applicants: Mississippi Canyon Gas Pipeline, L.L.C.
Description: Compliance filing MCGP Stipulation and Agreement to be effective 12/31/9998.
Filed Date: 4/30/19.
Accession Number: 20190430–5083.
Comments Due: 5 p.m. ET 5/13/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified 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: May 1, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09281 Filed 5–6–19; 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: ER10–2535–009.
Applicants: Mendota Hills, LLC.
Description: Notice of Non-Material Change in Status of Mendota Hills, LLC.
Filed Date: 4/26/19.
Accession Number: 20190426–5256.
Comments Due: 5 p.m. ET 5/17/19.

Docket Numbers: ER18–1775–002.
Applicants: 64KT 8me LLC.
Description: Notice of Non-Material Change In Status of 64KT 8me LLC.
Filed Date: 4/26/19.
Accession Number: 20190426–5239.
Comments Due: 5 p.m. ET 5/17/19.

Docket Numbers: ER19–718–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Compliance filing: DEC Compliance Filing Revised Tariff Records per April 2, 2019 Order to be effective 1/1/2018.
Filed Date: 4/29/19.
Accession Number: 20190429–5133.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1012–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Response to Deficiency Letter Issued 3/29/19 re: Price Responsive Demand Update to be effective 4/9/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5134.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1691–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2019–04–29_SA 1958 Ameren-Mt. Carmel WDS Agreement to be effective 7/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5006.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1692–000.
Applicants: Duke Energy Progress, LLC.
Description: Tariff Cancellation: DEP-Notice of Termination (RS Nos. 174, 175, 176, 177, & 178) to be effective 6/30/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5012.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1693–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, SA No. 5374; Queue No. AE1–027 to be effective 3/29/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5052.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1694–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to the OATT and OA re: Definition of On-Site Generator to be effective 7/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5053.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1696–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Attachment O Section III.5 Revisions to be effective 6/28/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5087.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1697–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of WMPA/ISA No. 5041; Queue No. AC2–089 to be effective 5/21/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5090.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1698–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, SA No. 5375; Queue No. AE1–028 to be effective 3/29/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5123.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1699–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: 1st Quarter 2019 Revisions to OA, Schedule 12 and RAA, Schedule 17 to be effective 3/31/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5153.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1700–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2019–04–29_SA 2003 Ameren-Newton WDS Agreement to be effective 7/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5154.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1701–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2019–04–29_SA 2001 Ameren-PPI WDS Agreement to be effective 7/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5155.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1702–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, SA No. 5376; Queue No. AE1–098 to be effective 3/29/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5158.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1703–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2019–04–29_SA 2006 Ameren-SWEC WDS Agreement to be effective 7/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5162.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1704–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2019–04–29_SA 2010 Ameren-SIPC WDS Agreement to be effective 7/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5169.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1705–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2019–04–29_SA 1970 Ameren-Wabash Valley WDS Agreement to be effective 7/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5173.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1706–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2019–04–29_SA 1975 Ameren-Norris WDS Agreement to be effective 7/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5186.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1707–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2019–04–29_SA 3066 Ameren-RECC WDS Agreement to be effective 7/1/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5187.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1708–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, SA No. 5377; Queue No. AE1–099 to be effective 3/29/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5200.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1709–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 4511; Queue No. AB1–127 to be effective 7/13/2016.
Filed Date: 4/29/19.
Accession Number: 20190429–5201.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1710–000.
Applicants: AEP Ohio Transmission Company, Inc., Ohio Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: AEP Ohio submits an ILDSA, Service Agreement No. 1675 and City of Jackson FA to be effective 4/29/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5239.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1711–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISAs, SA Nos. 2836 & 2837 re: FES to Vermillion Power (consent) to be effective 6/1/2011.
Filed Date: 4/29/19.
Accession Number: 20190429–5247.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1712–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, SA No. 5360; Queue No. Z1–116 to be effective 3/28/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5259.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1713–000.
Applicants: Capitol District Energy Center Cogeneration Associates.
Description: § 205(d) Rate Filing: Notification of Change in Status and Category Change to be effective 4/30/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5262.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1714–000.
Applicants: Pawtucket Power Associates Limited Partnership.
Description: § 205(d) Rate Filing: Notification of Change in Status and Category Change to be effective 4/30/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5268.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1715–000.
Applicants: Pittsfield Generating Company, L.P.
Description: § 205(d) Rate Filing: Notification of Change in Status and Category Change to be effective 4/30/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5277.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1716–000.
Applicants: Morgan Stanley Energy Structuring, L.L.C
Description: § 205(d) Rate Filing: Name change filing Normal 2019 to be effective 4/30/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5282.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1717–000.
Applicants: Forked River Power LLC.
Description: § 205(d) Rate Filing: Notification of Change in Status and Category Change to be effective 4/30/2019.
Filed Date: 4/29/19.
Accession Number: 20190429–5285.
Comments Due: 5 p.m. ET 5/20/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–26–000.
Applicants: MidAmerican Energy Company.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of MidAmerican Energy Company.
Filed Date: 4/26/19.
Accession Number: 20190426–5245.
Comments Due: 5 p.m. ET 5/17/19.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF19–1121–000.
Applicants: Freeport LNG Development, L.P.
Description: Form 556 of Freeport LNG Development, L.P.
Filed Date: 4/25/19.
Accession Number: 20190425–5249.
Comments Due: None-Applicable.

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 29, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–09261 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL18–22–001; EL19–26–001]

Notice of Petition for Partial Waiver; Wabash Valley Power Association, Inc.

Take notice that on April 30, 2019, pursuant to section 292.402 of the Federal Energy Regulatory Commission's (Commission) Rules and Regulations,[1] Wabash Valley Power Association, Inc., on behalf of itself and Participating Members,[2] filed a notice of change in Implementation Plan and requests continued partial waivers under sections 292.303(a) and 292.303(b) of the Commission's regulations [3] implementing section 210 of the Public Utility Regulatory Policies Act of 1978, as amended,[4] all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comments: 5:00 p.m. Eastern Time on May 21, 2019.

Dated: May 1, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09279 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 292.402.

[2] The Participating Members include: Boone REMC, Carroll White County REMC, Citizens Electric Corporation, Corn Belt Energy, EnerStar Electric Cooperative, Fulton County REMC, Heartland REMC, Jay County REMC, Kosciusko REMC, LaGrange County REMC, Marshall County REMC, Miami-Cass REMC, M.J.M. Electric Cooperative, Newton County REMC, Noble REMC, Parke County REMC, Steuben County REMC, and Warren County REMC.

[3] 18 CFR 292.303(a) and (b).

[4] 16 U.S.C. 824a–3.

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: ER19–1541–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Second Supplement to April 9, 2019 Pre-Arranged/Pre-Agreed (Stipulation and Offer of Settlement) Filing, et al. of the Midcontinent Independent System Operator, Inc., et al.
Filed Date: 4/30/19.
Accession Number: 20190430–5489.
Comments Due: 5 p.m. ET 5/6/19.

Docket Numbers: ER19–1656–001.
Applicants: Wilkinson Solar LLC.
Description: Tariff Amendment: Supplement to Application for Market-Based Rate Authorization to be effective 6/24/2019.
Filed Date: 4/24/19.
Accession Number: 20190424–5077.
Comments Due: 5 p.m. ET 5/15/19.

Docket Numbers: ER19–1695–000.
Applicants: California Transmission Project Corp.
Description: Request for One-Time Limited Waiver, et al. of California Transmission Project Corp.
Filed Date: 4/29/19.
Accession Number: 20190429–5056.
Comments Due: 5 p.m. ET 5/20/19.

Docket Numbers: ER19–1733–000.
Applicants: Sierra Pacific Power Company.
Description: § 205(d) Rate Filing: Service Agreement No. 18–00023 SPPC/Patua to be effective 4/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5402.
Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1734–000.
Applicants: The Potomac Edison Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Potomac submits a CA, Service Agreement No. 5275 with Town of Williamsport to be effective 6/29/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5416.
Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1735–000.
Applicants: Sierra Pacific Power Company.
Description: § 205(d) Rate Filing: Service Agreement No. 16–00063 SPPC/Patua to be effective 4/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5419.
Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1736–000.
Applicants: Tampa Electric Company.
Description: § 205(d) Rate Filing: Emergency Interchange Service Schedule A&B–2019 (Bundled) to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5440.
Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1737–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: Kuser Membership Filing to be effective 5/1/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5446.
Comments Due: 5 p.m. ET 5/21/19.

Docket Numbers: ER19–1738–000.
Applicants: PSEG Fossil Sewaren Urban Renewal LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 6/30/2019.
Filed Date: 4/30/19.
Accession Number: 20190430–5447.
Comments Due: 5 p.m. ET 5/21/19.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES19–27–000.
Applicants: Ameren Transmission Company of Illinois.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of Ameren Transmission Company of Illinois.
Filed Date: 4/30/19.
Accession Number: 20190430–5490.
Comments Due: 5 p.m. ET 5/21/19.

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: May 1, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09291 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14966–000]

Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications; Grid Balance Hydropower, LLC

On February 25, 2019, Grid Balance Hydropower, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Packer-Banks Pumped Storage Project to be located in Carbon County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new 9,500-foot-long, 80- to 120-foot-high roller-compacted concrete and/or rock-filled dam or dike forming an upper reservoir having a surface area of 120 acres and a total storage capacity of approximately 9,300 acre-feet at a normal maximum water surface elevation between approximately 1,960 and 1,860 feet above mean sea level (msl); (2) a lower reservoir with three different options: Option A (site 1) or B (site 2) would include a new 9,500-foot-long, 85- to 95-foot-high roller-compacted concrete and/or rock-filled dam or dike forming a lower reservoir having a surface area of 120 acres and a total storage capacity of approximately 9,300 acre-feet at a normal maximum water surface elevation between approximately 1,250 and 1,350 feet msl. Option C (site 3) would include a below grade mine pit with a surface area of 200 acres and a total storage capacity of approximately 10,000 acre-feet at a normal maximum water surface elevation between approximately 1,250 and 1,350 feet msl; (3) a 5,500-foot-long tunnel and/or penstock connecting the upper and lower reservoirs; (4) a powerhouse containing four turbine-generator units with a total rated capacity of 400 megawatts; (5) a transmission line connecting to an existing 230-kilovolt transmission line traversing the site; and (6) appurtenant facilities. Initial fill and make-up water for the project would come from a nearby abandoned mine drainage source. The proposed project would have an annual generation of 1,680,000 megawatt-hours.

Applicant Contact: Paul A. DiRenzo, Jr., Grid Balance Hydropower, LLC, 214 Norwegian Woods Drive, Pottsville, PA 17901; phone: 570–617–7810.

FERC Contact: Monir Chowdhury; phone: (202) 502–6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–14966–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14966) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 1, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09294 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC19–22–000]

Commission Information Collection Activities; (FERC Form Nos. 1, 1–F, and 3–Q); Comment Request; Extensions

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collections and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collections, FERC Form Nos. 1 (Annual Report of Major Electric Utilities, Licensees, and Others), 1–F (Annual Report for Nonmajor Public Utilities and Licensees), and 3–Q (Quarterly Financial Report of Electric Utilities, Licensees, and Natural Gas Companies).

DATES: Comments on the collections of information are due July 8, 2019.

ADDRESSES: You may submit comments (identified by Docket No. IC19–22–000) by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading

comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extensions of the FERC Form Nos. 1, 1–F, and 3–Q with no changes to the current reporting requirements.[1]

FERC Form No. 1, Annual Report of Major Electric Utilities, Licensees, and Others

OMB Control No.: 1902–0021.

Abstract: The FERC Form No. 1 is a comprehensive financial and operating report submitted annually for electric rate regulation, market oversight analysis, and financial audits by Major electric utilities, licensees and others. Major is defined as having in each of the last three consecutive calendar years, sales or transmission services that exceed one of the following: (1) One million megawatt-hours of total sales; (2) 100 megawatt-hours of sales for resale; (3) 500 megawatt-hours of power exchanges delivered; or (4) 500 megawatt-hours of wheeling for others (deliveries plus losses).[2]

The FERC Form No.1 is designed to collect financial and operational information and is made available to the public. The FERC Form No.1 includes a basic set of financial statements:

- Comparative Balance Sheet,
- Statement of Income,
- Statement of Retained Earnings,
- Statement of Cash Flows,
- Statements of Accumulated Comprehensive Income,
- Comprehensive Income, and Hedging Activities, and
- Notes to Financial Statements.

Supporting schedules contain:

- Supplementary information and outlines of corporate structure and governance,
- Information on formula rates, and
- Description of important changes during the year.

Other schedules provide:

- Information on revenues and the related quantities of electric sales and electricity transmitted,
- Account balances for all electric operation and maintenance expenses,
- Selected plant cost data, and
- Other statistical information.

Type of Respondent: Major electric utilities

Estimate of Annual Burden[3]*:* The Commission estimates the annual burden and cost[4] for FERC Form No. 1 as follows:

FERC FORM NO. 1

Number of respondents (1)	Number of responses per respondent (2)	Total number of responses (1) × (2) = (3)	Average burden hours and average cost per response ($) (4)	Total annual burden hours and total annual cost ($) (3) × (4) = (5)	Cost per respondent ($) (5) ÷ (1) = (6)
207	1	207	1,168 hrs.; $92,272	241,776 hrs.; $19,100,304	$92,272

FERC Form No. 1–F, Annual Report for Nonmajor Public Utilities and Licensees

OMB Control No.: 1902–0029.

Abstract: The FERC Form No. 1–F is a financial and operating report submitted annually for electric rate regulation, market oversight analysis, and financial audits by Nonmajor electric utilities and licensees. Nonmajor is defined as utilities and licensees that are not classified as Major, and having total sales in each of the last three consecutive years of 10,000 megawatt-hours or more.[5]

The FERC Form No.1–F is designed to collect financial and operational information and is made available to the public. The FERC Form No.1–F includes a basic set of financial statements:

- Comparative Balance Sheet,
- Statement of Retained Earnings,
- Statement of Cash Flows,
- Statement of Comprehensive Income and Hedging Activities, and
- Notes to Financial Statements.

Supporting schedules contain:

- Supplementary information and include revenues and the related quantities of electric sales and electricity transmitted,
- Account balances for all electric operation and maintenance expenses,
- Selected plant cost data; and
- Other statistical information.

Type of Respondent: Nonmajor electric utilities

Estimate of Annual Burden: The estimated annual burden and cost follow. (The estimated hourly cost used for the FERC Form No. 1–F is $79 (for wages plus benefits) and is described above, under the FERC Form No. 1.):

FERC FORM NO. 1–F

Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours and cost per response (4)	Total annual burden hours and total annual cost ($) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
5	1	5	122 hrs.; $9,638	610 hrs.; $48,190	$9,638

[1] FERC Form Nos. 1, 1–F, and 3–Q (electric and natural gas) are part of the ''Forms Refresh'' effort, which is a separate activity and not addressed here. *See Revisions to the Filing Process for Commission Forms,* 166 FERC ¶ 61,027 (2019) (started in Docket No. AD15–11 and ongoing in Docket No. RM19–12). (OMB issued its decisions on the proposed changes in the Forms Refresh Notice of Proposed Rulemaking in Docket No. RM19–12 on March 14, 2019.)

[2] As detailed in 18 CFR 101 (Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provision of the Federal Power Act, General Instructions) and 18 CFR 141.1.

[3] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 Code of Federal Regulations 1320.3.

[4] The Commission staff believes the FERC FTE (full-time equivalent) average cost for wages plus benefits is representative of the corresponding cost for the industry respondents. The FERC 2018 average salary plus benefits for one FERC FTE is $164,820/year (or $79.00/hour).

[5] As detailed in 18 CFR 101 (Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provision of the Federal Power Act, General Instructions) and 18 CFR 141.2.

FERC Form No. 3–Q, Quarterly Financial Report of Electric Utilities, Licensees, and Natural Gas Companies

OMB Control No.: 1902–0205.

Abstract: The FERC Form No. 3–Q is a quarterly financial and operating report for rate regulation, market oversight analysis, and financial audits which supplements the (a) FERC Form Nos. 1 and 1–F, for the electric industry, or the (b) FERC Form No. 2 (Annual Report for Major Natural Gas Companies; OMB Control No. 1902–0028) and FERC Form No. 2–A (Annual Report for Nonmajor Natural Gas Companies; OMB Control No. 1902–0030), for the natural gas industry. The FERC Form No. 3–Q is submitted for all Major and Nonmajor electric utilities, licensees, and natural gas companies.[6]

FERC Form No. 3–Q includes a basic set of financial statements:

- Comparative Balance Sheet,
- Statement of Income and Statement of Retained Earnings,
- Statement of Cash Flows,
- Statement of Comprehensive Income and Hedging Activities, and
- Supporting schedules containing supplementary information.

Electric respondents report:

- Revenues and the related quantities of electric sales and electricity transmitted,
- Account balances for all electric operation and maintenance expenses,
- Selected plant cost data; and
- Other statistical information.

Natural gas respondents include:

- Monthly and quarterly quantities of gas transported and associated revenues,
- Storage, terminaling and processing services,
- Natural gas customer accounts and details of service, and
- Operational expenses, depreciation, depletion and amortization of gas plant.

Type of Respondent: Major and nonmajor electric utilities, licensees, and natural gas companies.

Estimate of Annual Burden: The estimated annual burden and cost (as rounded) follow. (The estimated hourly cost used for the FERC Form No. 3–Q is $79 (for wages plus benefits) and is described above, under the FERC Form No. 1.):

FERC FORM NO. 3–Q

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours and cost per response (4)	Total annual burden hours and total annual cost (3) * (4) = (5)	Annual cost per respondent ($) (5) ÷ (1)
FERC 3–Q (electric)	212	3	636	168 hrs.; $13,272	106,848 hrs.; $8,440,992	$39,816
FERC 3–Q (natural gas)	165	3	495	167 hrs.; $13,193	82,665 hrs.; $6,530,535	$39,579
Total for FERC 3–Q			1,131		189,513 hrs.; $14,971,527.	

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 30, 2019.

Kimberly D. Bose,

Secretary.

[FR Doc. 2019–09297 Filed 5–6–19; 8:45 am]

BILLING CODE 6717–01–P

[6] 18 CFR 260.1(b) states that for natural gas companies as defined by the Natural Gas Act, Major pertains to a company whose combined gas transported or stored for a fee exceed 50 million Dth in each of the three previous calendar years. 18 CFR 260.2(b) states that for natural gas companies as defined by the Natural Gas Act, Non-Major pertains to a company not meeting the filing threshold for FERC Form No. 2, but having total gas sales or volume transactions exceeding 200,000 Dth in each of the three previous calendar years.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1774]

Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program.'' This guidance document provides an overview of the mechanisms available to applicants through which they can request feedback from or a meeting with FDA regarding potential or planned medical device investigational device exemption (IDE) applications, premarket approval applications (PMAs), humanitarian device exemption (HDE) applications, evaluation of automatic class III designations (De Novo requests), premarket notification (510(k)) submissions, Clinical Laboratory Improvement Amendments (CLIA) Waiver by Applications, Dual 510(k) and CLIA Waiver by Application Submissions, Accessory Classification Requests, and certain investigational new drug (IND) applications and biologics license applications (BLAs).

DATES: The announcement of the guidance is published in the **Federal Register** on May 7, 2019.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your

comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–1774 for ''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies 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.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program'' to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Joshua Nipper, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1650, Silver Spring, MD 20993–0002, 301–796–6524; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

The pre-IDE program was established in 1995 to provide applicants a mechanism to obtain FDA feedback on future IDE applications prior to their submission. Over time, the pre-IDE program evolved to include feedback on PMA applications, HDE applications, De Novo requests, and 510(k) submissions, as well as to address whether a clinical study requires submission of an IDE.

To capture this evolution, the Secretary of Health and Human Services' 2012 Commitment Letter to Congress regarding the Medical Device User Fee Amendments of 2012 (MDUFA III) included FDA's commitment to institute a structured process for managing these interactions, referring to them as ''Pre-Submissions.'' The Pre-Submission Guidance, published February 18, 2014, implemented the broader Q-Submission (Q-Sub) Program, which includes Pre-Submissions (Pre-Subs), as well as additional opportunities to engage with FDA.

As part of the Medical Device User Fee Amendments of 2017 (MDUFA IV), industry and the Agency agreed to refine the Q-Sub Program with changes related to the scheduling of Pre-Sub meetings and a new performance goal on the timing of FDA feedback on Pre-Subs. This guidance reflects those changes and clarifies other elements of the Q-Sub program.

This guidance document provides an overview of the mechanisms available to submitters through which they can request feedback from or a meeting with FDA regarding potential or planned medical device IDE applications, PMAs, HDE applications, De Novo requests, 510(k) Submissions, CLIA Waiver by Application, Dual 510(k) and CLIA Waiver by Application Submissions, Accessory Classification Requests, and certain INDs and BLAs submitted to the Center for Biologics Evaluation and Research. FDA considered comments received on the draft guidance, which was announced in the **Federal Register** of June 7, 2018 (83 FR 26482). FDA revised the guidance as appropriate in response to the comments. This guidance supersedes the document entitled ''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff,'' issued on September 29, 2017.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance

practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* This guidance document is also available at *https://www.regulations.gov* or *https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm.* Persons unable to download an electronic copy of ''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1677 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the following table:

21 CFR Part or guidance	Topic	OMB control No.
''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff''.	Q-submissions	0910–0756
''De Novo Classification Process (Evaluation of Automatic Class III Designation)''.	De Novo Requests	0910–0844
''Recommendations: Clinical Laboratory Improvement Amendments of 1988 (CLIA) Waiver Applications for Manufacturers of In Vitro Diagnostic Devices''.	CLIA Waivers	0910–0598
''Medical Device Accessories—Describing Accessories and Classification Pathways''.	Accessories	0910–0823
312	Investigational New Drug Application	0910–0014
601	Biologics License Application	0910–0338
807, subpart E	Premarket Notification	0910–0120
812	Investigational Device Exemption	0910–0078
814, subparts A through E	Premarket Approval	0910–0231
814, subpart H	Humanitarian Use Device; Humanitarian Device Exemption.	0910–0332

Dated: May 1, 2019.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2019–09338 Filed 5–6–19; 8:45 am]

BILLING CODE 4164–01–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: Biobehavioral and Behavioral Processes Integrated Review Group; Language and Communication Study Section.

Date: June 3, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, Rockville, MD 20852.

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7770, Bethesda, MD 20892, (301) 455–1761, *kellya2@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Adult Psychopathology and Disorders of Aging Study Section.

Date: June 3–4, 2019.

Time: 8:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marines' Memorial Club & Hotel, 609 Sutter Street, San Francisco, CA 94102.

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, BBBP IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 500–5829, *sechu@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Bacterial Pathogenesis Study Section.

Date: June 3–4, 2019.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Marci Scidmore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 301–435–1149, *marci.scidmore@nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative Physiology of Obesity and Diabetes Study Section.

Date: June 4–5, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Warwick Denver, 1776 Grant Street, Denver, CO 80203.

Contact Person: Raul Rojas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, Bethesda, MD 20892, (301) 451–6319, *rojasr@mail.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: May 2, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–09345 Filed 5–6–19; 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: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiological Basis of Mental Disorders and Addictions Study Section.

Date: May 29, 2019.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Biochemistry and Biophysics of Membranes Study Section.

Date: May 29–30, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Spero, 405 Taylor Street, San Francisco, CA 94102.

Contact Person: Nuria E. Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Cancer Etiology Study Section.

Date: May 31, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Hotel-Seattle, 1113 6th Avenue, Seattle, WA 98101.

Contact Person: Ola Mae Zack Howard, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 4192, MSC 7806, Bethesda, MD 20892, 301–451–4467, *howardz@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training in Veterinary and Comparative Medicine.

Date: June 4, 2019.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lystranne Alysia Maynard Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–4809, *lystranne.maynard-smith@nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Clinical and Integrative Diabetes and Obesity 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: Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA 94102.

Contact Person: Hui Chen, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1044, *chenhui@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Motivated Behavior Study Section.

Date: June 6–7, 2019.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marines' Memorial Club & Hotel, 609 Sutter Street, San Francisco, CA 94102.

Contact Person: Jasenka Borzan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892–7814, 301–435–1260, *borzanj@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: May 2, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–09346 Filed 5–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; RFA AA19–005 Medications Development for the Treatment of Alcohol Use Disorder.

Date: May 22, 2019.

Time: 2:00 p.m. to 3:30 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 2114, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700 B Rockledge Drive, Room 2114, Bethesda, MD 20892, (301) 451–2067, *srinivar@mail.nih.gov.*

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; Member Conflict Review.

Date: June 7, 2019.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700 B Rockledge Drive, Room 2116, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Beata Buzas, Ph.D., Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700 B Rockledge Drive, Room 2116, Bethesda, MD 20892, 301–443–0800, *bbuzas@mail.nih.gov.*

(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: May 2, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–09349 Filed 5–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel ImmuneChip: Engineering Microphysiological Tissue Platforms (U01) SEP.

Date: July 16, 2019.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John K Hayes, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging, and Bioengineering, National Institutes of Health, Two Democracy Boulevard, Suite 959, 6707 Democracy Blvd., Bethesda, MD 20892, 301–451–3398, *hayesj@mail.nih.gov.*

Dated: May 2, 2019

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–09351 Filed 5–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; Notice of Meeting

Notice is hereby given of a change in the meeting of the Task Force on Research Specific to Pregnant Women and Lactating Women; which was published in the **Federal Register** on April 29, 2019, 84 FR 18059.

Notice: This meeting will be held via teleconference only and is open to the public.

Dated: May 2, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–09353 Filed 5–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, June 7, 2019, 11:00 a.m. to June 7, 4:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on April 25, 2019, 84 FR 17415.

The meeting will be held as a virtual meeting and the committee name should be Center for Scientific Review Special Emphasis Panel, Member Conflict: Neuroscience and Bioengineering.

The meeting is closed to the public.

Dated: May 2, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–09348 Filed 5–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Review Committee.

Date: May 30–31, 2019.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Nakia C. Brown, Ph.D., Scientific Review Officer, 6701 Democracy Blvd., Rm. 816, Bethesda, MD 20892, 301–827–4905, *brownnac@mail.nih.gov.*

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee.

Date: June 18–19, 2019.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Helen Lin, Ph.D., Scientific Review Officer, NIH/NIAMS/RB, 6701 Democracy Blvd., Suite 800, Plaza One, Bethesda, MD 20817, 301–594–4952, *linh1@mail.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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: May 2, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–09350 Filed 5–6–19; 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; Small Business: Cardiovascular and Surgical Devices.
Date: June 3, 2019.
Time: 7:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Alexandrian, 480 King Street, Alexandria, VA 22314.
Contact Person: Jan Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, Bethesda, MD 20892, 301.402.9607, *Jan.Li@nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Glia Study Section.
Date: June 6–7, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.
Contact Person: Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–537–9986, *macarthurlh@csr.nih.gov*.

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Mechanisms of Cancer Therapeutics—1 Study Section.
Date: June 6–7, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.
Contact Person: Lambratu Rahman Sesay, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–905–8294, *rahman-sesay@csr.nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Kidney Molecular Biology and Genitourinary Organ Development.
Date: June 6, 2019.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: DoubleTree by Hilton Chicago Magnificent Mile, 300 E. Ohio Street, Chicago, IL 60611.
Contact Person: Ganesan Ramesh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–827–5467, *ganesan.ramesh@nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Synapses, Cytoskeleton and Trafficking Study Section.
Date: June 6–7, 2019.
Time: 8:00 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Bahia Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.
Contact Person: Christine A. Piggee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7850, Bethesda, MD 20892, 301–435–0657, *christine.piggee@nih.gov*.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.
Date: June 6–7, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn, Pentagon City, 550 Army Navy Drive, Arlington, VA 22202.
Contact Person: Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–451–0996, *ybi@csr.nih.gov*.

Name of Committee: Immunology Integrated Review Group; Innate Immunity and Inflammation Study Section.
Date: June 6–7, 2019.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.
Contact Person: Tina McIntyre, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–594–6375, *mcintyrt@csr.nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry A Study Section.
Date: June 6–7, 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: Anita Szajek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–827–6276, *anita.szajek@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: May 2, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–09347 Filed 5–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Neurological Disorders and Stroke Council, which was published in the **Federal Register** on April 22, 2019, 261819.

Added closed session for the HEAL MDWG on May 17, 2019. The meeting will now be partially closed to the public. The meeting will be closed from 11:00 a.m. to 12:00 p.m. and from 4:00 p.m. to 5:00 p.m. on May 17, 2019.

Dated: May 2, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–09352 Filed 5–6–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2019–0011]

Homeland Security Advisory Council

AGENCY: The Office of Partnership and Engagement (OPE),The Department of Homeland Security (DHS).

ACTION: Notice of partially closed Federal Advisory Committee meeting.

SUMMARY: The Homeland Security Advisory Council (''HSAC'' or ''Council'') will meet in person on Tuesday, May 21, 2019. Members of the public may participate in person. The meeting will be partially closed to the public.

DATES: The Council will meet May 21, 2019, from 8:30 a.m. to 3:30 p.m. EDT. The meeting will be open to the public from 1:00 p.m. to 3:30 p.m. EDT. Please note the meeting may close early if the Council has completed its business. The meeting will be closed to the public from 8:45 a.m. to 12:50 p.m. EDT.

ADDRESSES: The public meeting will be held at the Woodrow Wilson International Center for Scholars (''Wilson Center''), located at 1300 Pennsylvania Avenue NW, Washington, DC 20004. All visitors will be processed through the lobby of the Wilson Center. For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact Mike Miron at *HSAC@hq.dhs.gov* or (202) 447–3135 as soon as possible. Written public comments prior to the meeting must be received by 5:00 p.m. EDT on Friday, May 17, 2018, and must be identified by Docket No. DHS–2019–0011. Written public comments after the meeting must be identified by Docket No. DHS–2019–0011 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: HSAC@hq.dhs.gov.* Include Docket No. DHS–2019–0011 in the subject line of the message.
- *Fax:* (202) 282–9207. Include Mike Miron and the Docket No. DHS–2019–0011 in the subject line of the message.
- *Mail:* Mike Miron, Deputy Executive Director of Homeland Security Advisory Council, Office of Partnership and Engagement, Mailstop 0385, Department of Homeland Security, 2707 Martin Luther King Jr Ave. SE, Washington, DC 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and ''DHS–2019–0011,'' the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read comments received by the Council, go to *http://www.regulations.gov,* search ''DHS–2019–0011,'' ''Open Docket Folder'' and provide your comments.

FOR FURTHER INFORMATION CONTACT: Mike Miron at *HSAC@hq.dhs.gov* or at (202) 447–3135.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under Section 10(a) of the Federal Advisory Committee Act (FACA), Public Law 92–463 (5 U.S.C. Appendix), which requires each FACA committee meeting to be open to the public.

The Council provides organizationally independent, strategic, timely, specific, actionable advice, and recommendations to the Secretary of Homeland Security on matters related to homeland security. The Council is comprised of leaders of local law enforcement, first responders, Federal, State, and local government, the private sector, and academia.

The Council will meet in an open session between 1:00 p.m. to 3:30 p.m. EDT. The Council will swear in new members, they will receive an update from the Families and Children Care Panel subcommittee, and review and deliberate on reports from the; State, Local, Tribal, and Territorial Cybersecurity; Emerging Technologies; and Countering Foreign Influence subcommittees. Following this, there will be a break for public commentary.

The Council will meet in a closed session from 8:45 a.m. to 12:50 p.m. EDT to receive sensitive operational information from senior officials on current counterterrorism threats, border security, aviation security, and cybersecurity.

Basis for Partial Closure: In accordance with Section 10(d) of FACA, the Secretary of Homeland Security has determined this meeting requires partial closure. The disclosure of the information relayed would be detrimental to the public interest for the following reasons:

The Council will receive closed session briefings at the For Official Use Only and Law Enforcement sensitive information from senior officials. These briefings will concern matters sensitive to homeland security within the meaning of 5 U.S.C. 552b(c)(7)(E) and 552b(c)(9)(B). The Council will receive operational counterterrorism updates on the current threat environment and security measures associated with countering such threats, including those related to aviation security programs, border security, immigration enforcement, and cybersecurity.

The session is closed under 5 U.S.C. 552b(c)(7)(E) because disclosure of that information could reveal investigative techniques and procedures not generally available to the public, allowing terrorists and those with interests against the United States to circumvent the law and thwart the Department's strategic initiatives. Specifically, there will be material presented during the briefings regarding the latest viable threats against the United States and how DHS and other Federal agencies plan to address those threats. Disclosure of this information could frustrate the successful implementation of protective measures designed to keep our country safe. In addition, the session is closed pursuant to 5 U.S.C. 552b(c)(9)(B) because disclosure of these techniques and procedures could frustrate the successful implementation of protective measures designed to keep our country safe.

Participation: Members of the public will have until 5:00 p.m. EDT on Friday, May 17, 2019, to register to attend the Council meeting on Tuesday, May 21, 2019. Due to limited availability of seating, admittance will be on a first-come first-serve basis. Participants interested in attending the meeting can contact Mike Miron at *HSAC@hq.dhs.gov* or (202) 447–3135. You are required to provide your full legal name, date of birth, and company/agency affiliation. The public may access the facility via public transportation or use the public parking garages located near the Fashion Centre at Pentagon City. Members of the public will meet at 12:30 p.m. EDT at the lobby of the Wilson Center. Late arrivals after 1:00 p.m. EDT will not be permitted access to the facility.

Facility Access: You are required to present a valid original government issued ID, to include a State Driver's License or Non-Driver's Identification Card, U.S. Government Common Access Card (CAC), Military Identification Card or Person Identification Verification Card; U.S. Passport, U.S. Border Crossing Card, Permanent Resident Card or Alien Registration Card; or Native American Tribal Document.

Dated: April 29, 2019.

Matthew Hayden,

Executive Director, Homeland Security Advisory Council, Department of Homeland Security.

[FR Doc. 2019–09318 Filed 5–6–19; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0068]

Chemical Security Assessment Tool (CSAT)

AGENCY: Infrastructure Security Division (ISD), Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 30-Day notice and request for comments; revision of information collection.

SUMMARY: DHS CISA ISD will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. CISA previously published this ICR, in the **Federal Register** on February 7, 2019, for a 60-day comment period. In this notice, CISA: (1) Responds to one commenter that submitted multiple comments in response to the 60-day

notice, (2) revises the burden associated with an instrument, and (3) solicits public comment concerning this ICR for an additional 30-days.

DATES: Comments are due by June 6, 2019.

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 OMB Desk Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.* All submissions must include the words ''Department of Homeland Security'' and the OMB Control Number 1670–0007—Chemical Security Assessment Tool.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Comments that include trade secrets, confidential commercial or financial information, Chemical-terrorism Vulnerability Information (CVI),[1] Sensitive Security Information (SSI),[2] or Protected Critical Infrastructure Information (PCII)[3] should not be submitted to the public docket. Comments containing trade secrets, confidential commercial or financial information, CVI, SSI, or PCII should be appropriately marked and packaged in accordance with applicable requirements and submitted by mail to the DHS/CISA/Infrastructure Security Division, CFATS Program Manager, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610. The Department will forward all comments received by the submission deadline to the OMB Desk Officer.

FOR FURTHER INFORMATION CONTACT: Craig Conklin, 703–235–5263, *cfats@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: The CFATS Program identifies and regulates the security of high-risk chemical facilities using a risk-based approach. Congress initially authorized the CFATS Program under Section 550 of the Department of Homeland Security Appropriations Act of 2007, Public Law 109–295 (2006). Congress reauthorized the CFATS Program for an additional five years and three months under the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 and the Chemical Facility Anti-Terrorism Standards Program Extension Act.[4] The Department implemented the CFATS Program through rulemaking and issued an Interim Final Rule (IFR) on April 9, 2007 and a final rule on November 20, 2007. See 72 FR 17688 and 72 FR 65396.

CISA[5] collects the core regulatory data necessary to implement CFATS through the Chemical Security Assessment Tool (CSAT) covered under this collection. For more information about CFATS and CSAT, please visit *www.dhs.gov/chemicalsecurity.* This information collection (OMB Control No. 1670–0007) will expire on July 31, 2019.[6]

1. Responses to Comments Submitted During 60-Day Comment Period

In response to the 60-day notice[7] that solicited comments, CISA received several comments from a single commenter related to the instrument, ''Identification of Facilities and Assets at Risk.''[8]

Comment: The commenter believed that CISA had not provided sufficient information in the 60-day notice to allow adequate comment about the instrument, ''Identification of Additional Facilities and Assets at Risk.'' The commenter referenced the existing instrument[9] and described the two sections within the instrument.

The first section of the current instrument is titled, ''Identification of Facilities'' and collects information on a voluntary basis when a facility ships and/or receives Chemicals of Interest (COI). The instrument collects: (1) Shipping and/or receiving procedures, (2) Invoices and receipts, and (3) Company names and locations that COI is shipped to and/or received from.

The second section is titled, ''Assets at Risk'' and collects information on a voluntary basis when the facility identifies a Supervisory Control and Data Acquisition (SCADA), Distributed Control System (DCS), Process Control Systems (PCS), or Industrial Control Systems (ICS). Specifically, the instrument collects information about: (1) Details on the system(s) that controls, monitors, and/or manages small to large production systems as well as how the system(s) operates; and (2) If it is standalone or connected to other systems or networks and document the specific brand and name of the system(s).

The commenter reviewed the current instrument and noticed that CISA's estimates about the number of respondents related to only the first section of the current instrument (*i.e.* Identification of Facilities). Specifically, in the 60-day notice, CISA stated:

> The current information collection estimated that each year 211 respondents would respond to this instrument. For this ICR, CISA estimates that the annual number of respondents will be 845, because CISA only requests this information from covered chemical facilities that undergo compliance inspections and ship chemicals of interest (COI). CISA completes approximately 1,920 compliance inspections per year. Of these, approximately 44 percent of the covered chemical facilities inspected ship COI. Therefore, CISA estimates 845 respondents for this instrument [= 1,920 facilities inspected × 44 percent of facilities ship COI].[10]

The commenter concluded that CISA, based on the description provided in the 60-day notice about how the number of respondents was derived, could be seeking to revise the instrument and remove the second section (*i.e.,* Assets at Risk).

Response: CISA is not seeking to remove the Assets at Risk portion of the instrument. As a result of the commenter's questions CISA realized that it had omitted accounting for the burden associated with the second section (*i.e.,* Assets at Risk) within the instrument. Therefore, CISA has revised

[1] For more information about CVI see 6 CFR 27.400 and the CVI Procedural Manual at *www.dhs.gov/publication/safeguarding-cvi-manual.*

[2] For more information about SSI see 49 CFR part 1520 and the SSI Program web page at *www.tsa.gov/for-industry/sensitive-security-information.*

[3] For more information about PCII see 6 CFR part 29 and the PCII Program web page at *www.dhs.gov/pcii-program.*

[4] The CFATS Act of 2014 codified the CFATS program into the Homeland Security Act of 2002. See 6 U.S.C. 621 *et seq.; see also* The Chemical Facility Anti-Terrorism Standards Program Extension Act. Public Law 116–2 (2019).

[5] Pursuant to the Cybersecurity and Infrastructure Security Agency Act of 2018, the National Protection and Program Directorate (NPPD) was re-designated as CISA. See 6 U.S.C. 652.

[6] The currently approved version of this information collection (OMB Control No. 1670–0007) can be viewed at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201604-1670-001.*

[7] The 60-day notice for this ICR was published on February 7, 2019 at 84 FR 2558. The notice may be viewed at *https://www.federalregister.gov/d/2019-01378.*

[8] The comment may be viewed at *https://www.regulations.gov/document?D=DHS-2018-0068-0002.*

[9] The instrument ''Identification of Additional Facilities and Assets at Risk'' in the currently approved information collection may be viewed at *https://www.reginfo.gov/public/do/DownloadDocument?objectID=66215302.*

[10] This quote is from the 60-day **Federal Register** Notice at 84 FR 2563 (Feb. 7, 2019).

its estimates for this instrument in Part 2 (Analysis) of this notice.

Comment: The commenter requested information on how many facilities provided responses to the first section (*i.e.,* Identification of Facilities) and the second section (*i.e.,* Assets at Risk) of the ''Identification of Additional Facilities and Assets at Risk'' instrument. The commenter also requested the criteria CISA used to select which facilities were requested information under the second section of the instrument.

Response: With respect to the first section of the instrument (*i.e.* Identification of Facilities), as discussed in the 60-day notice, CISA collects information under the first section of this instrument when conducting inspections at facilities that ship and/or receive COI. As described in the 60-day notice, CISA completes approximately 1,920 compliance inspections per year. Of these, approximately 44 percent of the covered chemical facilities inspected ship COI. Therefore, CISA estimates 845 facilities were asked to identify facilities.

With respect to the second section of the instrument (*i.e.,* Assets at Risk), if a covered chemical facility has identified a cyber-related system in their Security Vulnerability Assessment (SVA) or Site Security Plan (SSP) information, CISA may request the information covered under this instrument during interactions that occur during: (1) Compliance Assistance Visits, (2) Authorization Inspections, and (3) a Compliance Inspections.[11] Since October 2016 CISA has performed 6,453 of these interactions at such facilities and asked questions about assets at risk. The results of these interactions and number of times CISA asked questions about assets at risk are provided in the table below:[12]

	FY2017 (10/2016–09/2017)	FY2018 (10/2017–09/2018)	FY2019 (10/2018–02/2019)
Compliance Assistance Visits	824	1,444	388
Authorization Inspections	128	875	85
Compliance Inspections	[12] 1066	1009	634
Subtotal	2,018	3,328	1,107
Total			6,453

Comment: The commenter requested information about how many facilities voluntarily provided information to the first section (*i.e.,* Identification of Facilities) and the second section (*i.e.,* Assets at Risk) of the ''Identification of Additional Facilities and Assets at Risk'' instrument.

Response: With respect to the first section of the instrument (*i.e.* Identification of Facilities), approximately 15 facilities provided information that identified other facilities. With respect to the second section (*i.e.,* Assets at Risk), every facility provided information about their assets at risk.

Comment: The commenter requested information about whether any data provided in the ''Assets at Risk'' section of the instrument had not been previously provided in an approved facility's site security plan (SSP).

Response: CISA has found that the information generally collected under the section (Assets at Risk) is not information previously provided in an approved facility's SSP or ASP. The information collected through the second section of the instrument generally supplements the information provided by covered chemical facilities in their SSP or ASP. Information collected through this instrument is recorded in case files created by CISA employees outside of the SSP or ASP (*e.g.,* Compliance Inspection Reports).

Comment: The commenter requested information about the outcomes from the information collected under the first section (*i.e.* Identification of Facilities) of this instrument. Specifically: (1) How many of the facilities identified by CISA through information collected from the first section of this instrument had not previously completed a Top Screen submission; (2) Of those previously unidentified facilities, how many subsequently submitted Top-Screens; and (3) Of those previously unidentified facilities that submitted Top Screens, how many were subsequently identified as being at high-risk.

Response: CISA began routinely requesting information under the first section (*i.e.,* Identification of Facilities) of this instrument in 2018. Since then CISA approximately 15 facilities responded to the request for information, those that did respond provided valuable data. CISA received information on 172 facilities that had not previously submitted Top-Screens. CISA is currently working with those facilities to determine if they are required to submit a Top-Screen. As of February 2019, from the 172 facilities CISA has received 27 Top-Screens of which 18 were subsequently determined to be high-risk (*i.e.,* 66%). CISA believes that voluntarily supplied customer and suppliers lists are an excellent source of information to identify chemical facilities of interest and covered chemical facilities.

Comment: The commenter also asked why this instrument was not mentioned in the FY 2019 CFATS Outreach Implementation Plan.[13]

Response: CISA did not include this process, by which CISA could potentially identify facilities, because of the low response rate. CISA will consider including it in the next outreach plan.

[11] This information is not covered under the SSP because the information is not subsequently submitted through the CSAT SSP but rather documented by an inspector or other appropriate employee of CISA.

[12] The data element used to determine whether or not cyber questions were explicitly asked as a part of compliance questions CISA is whether the data from the SVA and SSP were auto-populated in Compliance Inspection reports. This process began during FY2016 and thus the estimate of 1066 is an undercount of the total questions asked during the FY.

[13] The FY19 CFATS Outreach Implementation Plan is required by the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (the CFATS Act of 2014), Public Law 113–254 (6 U.S.C. 621 *et seq.*). The CFATS Act of 2014 directed the Department of Homeland Security, among other provisions, to establish an outreach implementation plan in coordination with the heads of appropriate Federal and State agencies, relevant business associations, and public and private stakeholders' labor organizations in order to identify chemical facilities of interest (CFOI) that may be subject to regulations under CFATS and to make available compliance assistance materials and information on CFATS-related education and training. The FY19 CFATS Outreach Implementation Plan may be viewed at (*https://www.dhs.gov/publication/cfats-oip*).

2. Analysis

CISA continues to rely on the analysis and resulting burden estimates provided in the 60-day notice for the: (1) Top-Screen, (2) Security Vulnerability Assessment (SVA) and Alternative Security Plan (ASP) submitted in lieu of an SVA, (3) SSP and ASP submitted in lieu of an SSP, (4) CFATS Help Desk, and (5) CSAT User Registration. CISA has revised its analysis and resulting burden estimates for the instrument, ''Identification of Facilities and Assets at Risk.'' CISA's analysis is described in the next section.

CISA would also like to clarify the scope and purpose of one aspect of the CSAT User Registration instrument that does not revise its burden estimate. Specifically, that CISA uses the Authorizer role in CSAT to send official correspondence.

3. CISA'S Methodology in Estimating the Burden for Identification of Additional Facilities and Assets at Risk

Number of Respondents

The current information collection estimated that each year 211 respondents would respond to this instrument. In the 60-day notice, CISA estimated that the annual number of respondents to be 845. As a result of public comment CISA has revised its estimate in this notice from 845 to 3,426. This revised estimate is based upon the sum of 845 respondents for the first section of this instrument (see 60-day notice for the basis of this estimate) and 2,581 respondents for the second section of this instrument. CISA estimated 2,581 respondents for the second section by annualizing the number of interactions described earlier in this notice since October of 2016 (*i.e.,* 2,581 = [6,453 respondents over a 2.5 year time span/2.5 years]).

Estimated Time per Respondent

In the current information collection, the estimated time per respondent is 0.17 hours (10 minutes). CISA believes that this estimate is reasonable for either the first or the second section of the instrument. Therefore, in this ICR, CISA maintains this estimate.

Annual Burden Hours

The annual burden estimate is 571 hours [= 3,426 respondents × 1 response per respondent × 0.17 hours per respondent].

Total Annual Burden Cost

CISA assumes that SSOs will be responsible for providing this information. Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 571 hours by the average hourly compensation rate of SSOs. The total annual burden for the Identification of Additional Facilities and Assets at Risk is $45,505 [= 571 annual burden hours × $79.69 per hour].

Total Burden Cost (Capital/Startup)

In the current information collection, CISA estimated a one-time capital cost would be incurred by 3,000 respondents as a result of the CSAT 2.0 implementation. These capital costs were one-time costs for respondents and therefore have been removed from this information collection.

Total Recordkeeping Burden

There is no recordkeeping burden for this instrument.

Public Participation

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Analysis

Title of Collection: Chemical Security Assessment Tool.

OMB Control Number: 1670–0007.

Instrument: Top-Screen.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Annual Number of Respondents: 2,332 respondents (estimate).

Estimated Time per Respondent: 1.09 hours.

Total Annual Burden Hours: 2,553 hours.

Total Annual Burden Cost: $203,450.

Total Annual Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0

Instrument: Security Vulnerability Assessment and Alternative Security Program submitted in lieu of a Security Vulnerability Assessment.

Frequency: ''On occasion'' and ''Other.''

Affected Public: Business or other for-profit.

Annual Number of Respondents: 1,683 respondents (estimate).

Estimated Time per Respondent: 1.24 hours.

Total Annual Burden Hours: 2,083 hours.

Total Annual Burden Cost: $166,028.

Total Annual Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Instrument: Site Security Plan and Alternative Security Program submitted in lieu of a Site Security Plan.

Frequency: ''On occasion'' and ''Other.''

Affected Public: Business or other for-profit.

Annual Number of Respondents: 1,683 respondents (estimate).

Estimated Time per Respondent: 2.72 hours.

Total Annual Burden Hours: 4,582 hours.

Total Annual Burden Cost: $365,141.

Total Annual Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $516,825.

Instrument: CFATS Help Desk.

Frequency: ''On occasion'' and ''Other.''

Affected Public: Business or other for-profit.

Annual Number of Respondents: 15,000 respondents (estimate).

Estimated Time per Respondent: 0.17 hours.

Total Annual Burden Hours: 2,500 hours.

Total Annual Burden Cost: $199,233.

Total Annual Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Instrument: User Registration.

Frequency: ''On occasion'' and ''Other''

Affected Public: Business or other for-profit.

Annual Number of Respondents: 1,000 respondents (estimate).

Estimated Time per Respondent: 2.5 hours.

Total Annual Burden Hours: 2,500 hours.

Total Annual Burden Cost: $199,233.

Total Annual Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Instrument: Identification of Facilities and Assets at Risk.

Frequency: ''On occasion'' and ''Other.''

Affected Public: Business or other for-profit.

Annual Number of Respondents: 3,426 respondents (estimate).

Estimated Time per Respondent: 0.17 hours.

Total Annual Burden Hours: 571 hours.

Total Annual Burden Cost: $45,505.

Total Annual Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Scott Libby,

Deputy Chief Information Officer.

[FR Doc. 2019–09319 Filed 5–6–19; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–17]

30-Day Notice of Proposed Information Collection: Public Housing Operating Subsidy—Appeals

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: June 6, 2019.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 20, 2019 at 84 FR 5103.

A. Overview of Information Collection

Title of Information Collection: Public Housing Operating Subsidy—Appeals.

OMB Approval Number: 2577–0246.

Type of Request: Extension of a currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: Under the operating fund rule, PHAs that elect to file an appeal of their subsidy amounts are required to meet the appeal requirements set forth in subpart G of the rule. There are four grounds of appeal in 24 CFR 990.245 under which PHAs may appeal the amount of their subsidy. They are a streamlined appeal; an appeal for specific local conditions; an appeal for changing market conditions; and an appeal to substitute actual project cost data. To appeal the amount of subsidy on any one of these permitted bases, PHAs must submit a written appeal request to HUD.

Respondents: State, Local or Tribal Government.

Estimated Number of Respondents: 105.

Estimated Number of Responses: 105.

Frequency of Response: 1.

Average Hours per Response: 19.51.

Total Estimated Burdens: 2,048.55.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or there forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: *April 25, 2019.*

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2019–09358 Filed 5–6–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7011–N–18]

30-Day Notice of Proposed Information Collection: Public Housing Operating Fund Program: Operating Budget and Related Form

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: June 6, 2019.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 20, 2019 at 84 FR 5104.

A. Overview of Information Collection

Title of Information Collection: Public Housing Operating Subsidy—Appeals.

OMB Approval Number: 2577–0026.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–52574.

Description of the need for the information and proposed use: The operating budget and related form are submitted by PHAs for the low-income housing program. The operating budget provides a summary of proposed budget receipts and expenditures by major category, as well as blocks for indicating approval of budget receipts and expenditures by the PHA and HUD. The related form provides a record of PHA Board approval of how the amount shown on the operating budget were arrived at, as well as justification of certain specified amounts. The information is reviewed by HUD to determine if the plan of operation adopted by the PHA and amounts included therein are reasonable for the efficient and economical operation of the development(s), and the PHA is in compliance with HUD procedures to assure that sound management practices will be followed in the operation of the development. PHAs are still required to prepare their operating budgets and submit them to their Board for approval prior to their operating subsidy being approved by HUD. The operating budgets must be kept on file for review, if requested.

Respondents: State, Local or Tribal Government.

Estimated Number of Respondents: 3,041.

Estimated Number of Responses: 3,041.

Frequency of Response: 1.

Average Hours per Response: .17.

Total Estimated Burdens: 516.97.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 25, 2019.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2019–09359 Filed 5–6–19; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX19LR000F60100; OMB Control Number 1028–0060]

Agency Information Collection Activities; Mine, Development, and Mineral Exploration Supplement

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before July 8, 2019.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0060 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Shonta E. Osborne by email at *sosborne@usgs.gov,* or by telephone at 703–648–7960.

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 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 USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS 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 Mining and Minerals Policy Act of 1970 and the National Materials and Minerals Policy, Research and Development Act of 1980 mandate that the Secretary of the Interior collect, evaluate, and analyze information concerning mineral occurrence, production, and use for the domestic mineral industry and to inform Congress of important domestic mining and minerals industries developments. These responsibilities are delegated to the U.S. Geological Survey and are carried out, in part, through this information collection.

Title of Collection: Mine, Development, and Mineral Exploration Supplement.

OMB Control Number: 1028–0060.

Form Number: Various.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Business or Other-For-Profit Institutions: U.S. nonfuel minerals and exploration operations.

Total Estimated Number of Annual Respondents: 324.

Total Estimated Number of Annual Responses: 324.

Estimated Completion Time per Response: 45 minutes.

Total Estimated Number of Annual Burden Hours: 243.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: There are no ''non-hour cost'' burdens associated with this IC.

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 authorities for this action are the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 *et seq.*), and the National Mining and Minerals Policy Act of 1970 (30 U.S.C. 21(a)).

Michael J. Magyar,

Associate Director, National Minerals Information Center.

[FR Doc. 2019–09344 Filed 5–6–19; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A51010.999900]

Proclaiming Certain Lands as Reservation for the Confederated Tribes of the Chehalis Reservation, Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice informs the public that the Principal Deputy Assistant Secretary—Indian Affairs proclaimed approximately 212.15 acres, more or less, an addition to the reservation of the Confederated Tribes of the Chehalis Reservation, on April 17, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, telephone (202) 208–3615.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

A proclamation was issued according to the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 5110) for the lands described below. These lands were proclaimed to be part of the Confederated Tribes of the Chehalis Reservation in Grays Harbor County and Thurston County, Washington.

Confederated Tribes of the Chehalis Reservation, 5 Parcels in Grays Harbor and Thurston Counties, Washington, Legal Descriptions Containing 212.15 Acres, More or Less

Selles Parcel 157–T–1229

That portion of the Southwest Quarter of the Northeast Quarter, lying Westerly of Railroad right of way and Southerly of Gibson Creek;

ALSO, Government Lot 3;

EXCEPT Railroad right of way;

AND EXCEPT State Road No. 9;

ALSO, ALL that portion of the Northeast Quarter of the Southeast Quarter, lying Westerly of the Northern Pacific Railway right of way;

ALSO Government Lot 4;

EXCEPT THE South 445.5 feet thereof; AND that portion of the Southeast Quarter of the Southeast Quarter, lying Westerly of the Northern Pacific Railway right of way; EXCEPT Elma-Gate County Road;

ALL in Section 3, Township 16 North, Range 5 West of the Willamette Meridian;

Situate in Grays Harbor County, State of Washington.

Containing 84.82 acres, more or less.

Star/Jack 157–T–1234

Parcel No. 55702400200: Parcel B of Boundary Line Adjustment No. BLA–15–109432 TC, as recorded September 21, 2015 under Auditor's File No. 4466252. (1.06 acres)

Parcel No. 55702400300: Tract 3 of Short Subdivision SS–0481, filed for record March 5, 1977, under the Thurston County Auditor's File No. 990946 and recorded in Volume 4 of Short Plats, page 602. (0.76 acres)

All in Section 11 and 12, Township 15 North, Range 3 West, Willamette Meridian, Thurston County, Washington.

Containing 1.82 acres more or less.

Brown 157–T–1236

Parcel Numbers 160503210000 and 160503130010

Parcel A: All that portion of Government Lot 1 and of the Northwest Quarter of the Northeast Quarter of Section 3, Township 16 North, Range 5 West of the Willamette Meridian, lying Westerly of the right of way of the Northern Pacific Railway Company; ALSO: That portion of Government Lot 2 and that portion of the Southwest Quarter of the Northeast Quarter, lying Westerly of the Westerly margin of said right of way of the Northern Pacific Railway Company, which lies Northerly of the following described line: Beginning at the East Quarter corner of Section 3, Township 16 North, Range 5 West of the Willamette Meridian; Thence West 1812.1 feet; Thence North 440 feet; Thence North 81°45′ East 569 feet; Thence North 1°42′ East 508.2 feet to the true point of beginning of the line herein described; Thence West 2045 feet, more or less, to the Westerly line of said Government Lot 2, and the terminus of the said line; Situated in the County of Grays Harbor, State of Washington.

Parcel B: ALL that portion of the Southwest Quarter of the Northeast Quarter and of Government Lot 2 in Section 3, Township 16 North, Range 5 West of the Willamette Meridian lying Westerly of the right-of-way of the Northern Pacific Railway Company (now Burlington Northern, Inc.); EXCEPT that portion thereof lying Southerly of Gibson Creek; ALSO EXCEPT that portion lying North of the following described line: Beginning at the East Quarter corner of said Section 3; Thence West 1812.1 feet to the true point of beginning; Thence North 440 feet; Thence North 81°45′ East 569 feet to the West line of the Southeast Quarter of the Northeast Quarter of said Section 3; Thence North 1°42′ East, along said West line, 508.2 feet to the true point of beginning of said line; Thence West 2045 feet, more or less, to the terminus of said line;

Situate in the County of Grays Harbor, State of Washington.

Containing 88.46 acres, more or less.

Eagle 3 157–T–1237

Parcel A: Parcel A of Boundary Line Adjustment No. BLA–1457, as recorded December 3, 1993 under Auditor's File No. 9312030011.

EXCEPTING THEREFROM that portion conveyed to Thurston County by Deeds recorded February 10, 1998 under Auditor's File Nos. 3134732, 3134733 and 3134734.

ALSO EXCEPT those portions acquired by the State of Washington pursuant to Thurston County Superior Court Cause No. 10–2–00616–5. In Thurston County, Washington.

Parcel B: Tract B of Boundary Line Adjustment No. BLA–1457, as recorded December 3, 1993 Under Auditor's File No. 9312030011. In Thurston County, Washington.

Containing 5.70 acres, more or less.

Restover 157–T–1238

(Parcel A 12721210000) Parcel A of Boundary Line Adjustment No. BLA–000846TC, as recorded February 20, 2001 under Auditor's File No. 3336731 and 3336732; EXCEPTING THEREFROM that portion conveyed to Thurston County by deed recorded May

18, 2011 under Auditor's File No. 4211315; ALSO

(Parcel B 1272120200) Parcel B of Boundary Line Adjustment No. BLA–000846TC, as recorded February 20, 2001 under Auditor's File No. 3336731 and 3336732.

(Parcel C 12716340200) That part of the Southeast quarter of the Southwest quarter of Section 16, Township 17 North, Range 2 West, W.M., described as follows:

Beginning at a point on the South line of said Section 16, 1,970.8 feet East of its Southwest corner; running thence East along said South line 328.2 feet; thence North 1,320 feet, more or less, to the North line of said Southeast quarter of Southwest quarter; thence Westerly along said North line 328.5 feet, more or less; thence South 1,320 feet, more or less, to the point of beginning; EXCEPTING THEREFROM the South 30 feet for county road known as Lathrop Road; ALSO EXCEPTING that portion conveyed to Thurston County by deed recorded May 18, 2011 under Auditor's File No. 4211314.

Consisting of 31.35 acres, more or less.

In Thurston County, Washington.

The above-described lands contain a total of 212.15 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the lands described above, nor does it affect any valid existing easements for public roads, highways, public utilities, railroads, and pipelines, or any other valid easements or rights-of-way or reservations of record.

Dated: April 17, 2019.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2019–09329 Filed 5–6–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/ A0A501010.999900 253G]

Proclaiming Certain Lands as Reservation for the Confederated Tribes of the Chehalis Reservation, Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice informs the public that the Assistant Secretary—Indian Affairs proclaimed approximately 6.10 acres, more or less, an addition to the reservation of the Confederated Tribes of the Chehalis Reservation, Washington on April 17, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, telephone (505) 563–3132.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

A proclamation was issued according to the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 5110) for the lands described below. These lands were proclaimed to be part of the Confederated Tribes of the Chehalis Reservation, Washington Reservation in Thurston County, Washington.

Confederated Tribes of the Chehalis Reservation, Washington Reservation

One Parcel in Thurston County, Washington—Willamette Meridian

Legal Description Containing 6.10 Acres, More or Less

Eagle 4 Property, BIA Tribal Tract Number 157–T1243

Parcel No. 5570–20–00100: The North 175 feet of the East half of Tract 20 of Jackson Fruit Tracts, as recorded in Volume 8 of Plats, page 54, lying Northerly and Westerly of tract conveyed to State of Washington by deed dated October 14, 1958, and recorded under File No. 603747, EXCEPTING THEREFROM those portions conveyed to Thurston County by deeds recorded August 29, 1984 and February 10, 1998 under Auditor's File Nos. 8408290010 and 3134736.

Parcel Nos: 5570–20–00201, 5570–20–00200, 5570–20–00101: Lot 1 of Short Subdivision No. SS–0446, as recorded March 23, 1977 under Auditor's File No. 992514, EXCEPT that portion conveyed to Thurston County by Deed recorded February 10, 1998 under Auditor's File No. 3134743;

AND Lot 2 of Short Subdivision No. SS–0446, as recorded March 23, 1977 under Auditor's File No. 992514;

AND Lot 3 of Short Subdivision No. SS–0446, as recorded March 23, 1977 under Auditor's File No. 992514, TOGETHER WITH that portion of vacated street adjoining pursuant to Resolution No. 13379 recorded July 11, 2005 under Auditor's File No. 3747117.

Parcel No. 5570–20–00300: The West 200 feet of that part of Tract 20 of Jackson Fruit Tracts, as recorded in Volume 8 of Plats, page 54, lying Northerly of U.S. Highway 12 (formerly Primary State Highway No. 9) EXCEPTING THEREFROM those portions conveyed to Thurston County by instruments recorded under Auditor's File Nos. 847624, 8408290008, 8408290009 and 3134744.

The above-described lands contain a total of 6.10 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the lands described above, nor does it affect any valid existing easements for public roads, highways, public utilities, railroads and pipelines, or any other valid easements or rights-of-way or reservations of record.

Dated: April 17, 2019.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2019–09330 Filed 5–6–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/ A0A501010.999900.253G]

Proclaiming Certain Lands as Reservation for the Muckleshoot Indian Tribe of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of reservation proclamation.

SUMMARY: This notice informs the public that the Assistant Secretary—Indian Affairs proclaimed approximately 13.71 acres, more or less, an addition to the reservation of the Muckleshoot Indian Reservation on April 17, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, Telephone: (505) 563–3132.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

A proclamation was issued according to the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 5110 for the lands described below. The land was proclaimed to be the Muckleshoot Reservation for the Muckleshoot Indian Tribe, King County and State of Washington.

Muckleshoot Reservation of the Muckleshoot Indian Tribe, King County, Washington

Parcel A (Jensen #3): Lot 4, Green Acres South, according to the plat thereof, recorded in Volume 87 of Plats, page 85, in King County, Washington. Except Roads.

Parcel B (GMAC): The southeast quarter of the southeast quarter of the northwest quarter of Section 35, Township 21 North, Range 5 East, W.M., King County, Washington; Except the east 25 feet for road purposes conveyed to King County under Recording Number 284108.

The above described lands contain a total of 13.71 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the land described above, nor does it affect any valid existing easements for public roads, highways, public utilities, railroads, and pipelines or any other valid easements or rights-of-way or reservations of record.

Dated: April 17, 2019.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2019–09331 Filed 5–6–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[190A2100DD/AAKC001030/ A0A501010.999900 253G]

Notice of Deadline for Submitting Completed Applications To Begin Participation in the Tribal Self-Governance Program in Fiscal Year 2020 or Calendar Year 2020; Correction.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of application deadline; correction.

SUMMARY: The Bureau of Indian Affairs published a document in the **Federal Register** of February 21, 2019, establishing an Office of Self-Governance deadline for Indian Tribes/consortia to submit completed applications to begin participation in the Tribal self-governance program in fiscal year 2020 or calendar year 2020. The document contained an incorrect date.

DATES: Completed application packages must be received by the Director, Office of Self-Governance, by April 30, 2019.

ADDRESSES: Application packages for inclusion in the applicant pool should be sent to Ms. Sharee M. Freeman, Director, Office of Self-Governance, Department of the Interior, Mail Stop 2071-MIB, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth D. Reinfeld, Office of Self-Governance, Telephone (703) 390–6551.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of February 21, 2019, in FR Doc. 2019–02860, on page 5464, in the second column, correct the **DATES** caption to read:

DATES: Completed application packages must be received by the Director, Office of Self-Governance, by April 30, 2019.

Dated: April 12, 2019.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2019–09322 Filed 5–6–19; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT926000–L14400000.BJ0000–19X; MO#4500133333]

Notice of Proposed Filing of Plats of Survey; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed official filing.

SUMMARY: The plats of survey for the lands described in this notice are scheduled to be officially filed 30 calendar days after the date of this publication in the BLM Montana State Office, Billings, Montana. The surveys, which were executed at the request of the Director, Rocky Mountain Region, Billings, Montana, are necessary for the management of these lands.

DATES: A person or party who wishes to protest this decision must file a notice of protest in time for it to be received in the BLM Montana State Office no later than 30 days after the date of this publication.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the BLM Montana State Office, 5001 Southgate Drive, Billings, Montana 59101, upon required payment. The plats may be viewed at this location at no cost.

FOR FURTHER INFORMATION CONTACT: Josh Alexander, BLM Chief Cadastral Surveyor for Montana; telephone: (406) 896–5123; email: *jalexand@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Principal Meridian, Montana

T. 27 N., R. 47 E. secs. 30 and 31.

A person or party who wishes to protest an official filing of a plat of survey identified above must file a written notice of protest with the BLM Chief Cadastral Surveyor for Montana at the address listed in the **ADDRESSES** section of this notice. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. The notice of protest must be received in the BLM Montana State Office no later than the scheduled date of the proposed official filing for the plat(s) of survey being protested; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of the protest, if not filed with the notice of protest, must be filed with the BLM Chief Cadastral Surveyor for Montana within 30 calendar days after the notice of protest is received.

If a notice of protest of the plat(s) of survey is received prior to the scheduled date of official filing or during the 10 calendar day grace period provided in 43 CFR 4.401(a) and the delay in filing is waived, the official filing of the plat(s) of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day after all timely protests have been dismissed or otherwise resolved, including appeals.

If a notice of protest is received after the scheduled date of official filing and the 10 calendar day grace period provided in 43 CFR 4.401(a), the notice of protest will be untimely, may not be considered, and may be dismissed.

Before including your address, phone number, email address, or other personal identifying information in a notice of protest or statement of reasons, you should be aware that the documents you submit—including your personal identifying information—may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying

information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chapter 3.

Joshua F. Alexander,

Chief Cadastral Surveyor for Montana.

[FR Doc. 2019–09324 Filed 5–6–19; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT926000–19X–L14400000.BJ0000; MO#4500133334]

Notice of Proposed Filing of Plats of Survey; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed official filing.

SUMMARY: The plats of survey for the lands described in this notice are scheduled to be officially filed 30 calendar days after the date of this publication in the BLM Montana State Office, Billings, Montana. The surveys, which were executed at the request of the Chief, Branch of Fluid Minerals, BLM Montana State Office, Billings, Montana, are necessary for the management of these lands.

DATES: A person or party who wishes to protest this decision must file a notice of protest in time for it to be received in the BLM Montana State Office no later than 30 days after the date of this publication.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the BLM Montana State Office, 5001 Southgate Drive, Billings, Montana 59101, upon required payment. The plats may be viewed at this location at no cost.

FOR FURTHER INFORMATION CONTACT: Josh Alexander, BLM Chief Cadastral Surveyor for Montana; telephone: (406) 896–5123; email: *jalexand@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Principal Meridian, Montana

T. 26 N., R. 58 E.

Secs. 1, 2, and 3.

T. 27 N., R. 58 E.

Secs. 22, 23, 25, 26, 27, 34, 35, and 36.

A person or party who wishes to protest an official filing of a plat of survey identified above must file a written notice of protest with the BLM Chief Cadastral Surveyor for Montana at the address listed in the **ADDRESSES** section of this notice. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. The notice of protest must be received in the BLM Montana State Office no later than the scheduled date of the proposed official filing for the plat(s) of survey being protested; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of the protest, if not filed with the notice of protest, must be filed with the BLM Chief Cadastral Surveyor for Montana within 30 calendar days after the notice of protest is received.

If a notice of protest of the plat(s) of survey is received prior to the scheduled date of official filing or during the 10 calendar day grace period provided in 43 CFR 4.401(a) and the delay in filing is waived, the official filing of the plat(s) of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day after all timely protests have been dismissed or otherwise resolved, including appeals.

If a notice of protest is received after the scheduled date of official filing and the 10 calendar day grace period provided in 43 CFR 4.401(a), the notice of protest will be untimely, may not be considered, and may be dismissed.

Before including your address, phone number, email address, or other personal identifying information in a notice of protest or statement of reasons, you should be aware that the documents you submit—including your personal identifying information—may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chapter 3.

Joshua F. Alexander,

Chief Cadastral Surveyor for Montana.

[FR Doc. 2019–09323 Filed 5–6–19; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0027714; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Fowler Museum at University of California Los Angeles, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Fowler Museum at University of California Los Angeles (UCLA) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Fowler Museum at UCLA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Fowler Museum at UCLA at the address in this notice by June 6, 2019.

ADDRESSES: Wendy G. Teeter, Ph.D., Fowler Museum at UCLA, Box 951549, Los Angeles, CA 90095–1549, telephone (310) 825–1864, email *wteeter@arts.ucla.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Fowler Museum at University of California Los Angeles, Los Angeles, CA. The human remains and associated funerary objects were removed from an unknown site in San Bernardino County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Museum professional staff in consultation with representatives of Chemehuevi Indian Tribe of the Chemehuevi Reservation, California and the Twenty-Nine Palms Band of Mission Indians of California, hereafter referred to as ''The Tribes.''

History and Description of the Remains

In 1984, human remains representing, at minimum, one individual were removed from an unknown site in San Bernardino County, CA. In 1984, the UCLA library received a donation of fragmentary human and animal remains labeled as having been collected from an old Indian burial ground near the Ord Mountains, in the Mojave Desert. The library transferred these remains to the Fowler Museum at UCLA without donor information. No known individuals were identified. The two associated funerary objects are unmodified artiodactyl mandible fragments.

The geographic location provided for this collection lies within the ancestral territory of the Chemehuevi. In addition to the label describing the remains as having been removed from an Indian burial ground near Ord Mountains, representatives of Chemehuevi Indian Tribe of the Chemehuevi Reservation, California and the Twenty-Nine Palms Band of Mission Indians of California have presented oral traditional information to show that ancestral groups and/or specific clans or lineages from their cultures inhabited the Ord Mountains and Mohave Desert from the very earliest of times.

Determinations Made by the Fowler Museum at University of California Los Angeles

Officials of the Fowler Museum at University of California Los Angeles have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Wendy G. Teeter, Ph.D., Fowler Museum at UCLA, Box 951549, Los Angeles, CA 90095–1549, telephone (310) 825–1864, email *wteeter@arts.ucla.edu,* by June 6, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Fowler Museum at University of California Los Angeles is responsible for notifying The Tribes that this notice has been published.

Dated: April 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–09305 Filed 5–6–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0027722; PCU00RP14.R50000–PPWOCRDN0]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by June 6, 2019.

ADDRESSES: Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC. The human remains and associated funerary objects were removed from Pyramid Lake in Washoe County, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the U.S. Department of the Interior, Bureau of Indian Affairs professional staff in consultation with representatives of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.

History and Description of the Remains

In February 1968, human remains representing, at minimum, two individuals were removed from the shoreline of Pyramid Lake in Washoe County, NV. The human remains and associated funerary objects were housed at the University of Nevada, Reno, Department of Anthropology until sometime between April and August 1993, when they were moved to the Nevada State Museum in Carson City,

NV. The human remains and associated funerary objects were returned to the University of Nevada, Reno, Department of Anthropology in February 2011, where they have continued to be housed. No known individuals were identified. The five associated funerary objects are two bird bones, one pelican bone, one mammal rib, and one piece of basalt.

Determinations Made by the U.S. Department of the Interior, Bureau of Indian Affairs

Officials of the U.S. Department of the Interior, Bureau of Indian Affairs have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on studies conducted by physical anthropologists.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the five objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- Pursuant to 25 U.S.C. 3001(15), the land from which the Native American human remains and associated funerary objects were removed is the tribal land of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by June 6, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada may proceed.

The U.S. Department of the Interior, Bureau of Indian Affairs is responsible for notifying the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada that this notice has been published.

Dated: April 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–09308 Filed 5–6–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0027724; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs (BIA) and the Arizona State Museum, University of Arizona (ASM) in consultation with the appropriate Indian tribes or Native Hawaiian organizations, have determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Bureau of Indian Affairs. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Bureau of Indian Affairs at the address in this notice by June 6, 2019.

ADDRESSES: Anna Pardo, NAGPRA Coordinator, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and in the physical custody of the Arizona State Museum, University of Arizona, Tucson, AZ, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Between 1931 and 1944, 133 cultural items were removed from AZ V:4:1(ASM), also known as Kinishba Pueblo, in Gila County, AZ. Legally authorized excavations were conducted by Byron Cummings between 1931 and 1939, under the auspices of ASM and the Department of Anthropology, University of Arizona. Cummings retired in 1937; however, he continued excavating and rebuilding rooms at Kinishba until 1944. After 1937, financial support for the project was provided by the Hohokam Museum Association, BIA, and Depression-era Emergency Conservation Work (EWC). Cummings acquired permits for the excavations from 1931 to 1939, but no records of permits exist for excavations after this date range. The items listed below were found with human remains, but the human remains are not present in ASM collections.

Archeological collections from this site were accessioned by ASM in a number of different phases, having been brought to ASM at the end of each field season (1931 to 1939). On February 23, 2003, additional archeological materials from this site were found in ASM collections, and were assigned accession numbers. On February 5, 1969, a collection of archeological materials from AZ V:4:1(ASM) that had been housed at the Kinishba Museum and the Southwest Archaeological Center in Globe, AZ, was transferred to ASM and assigned an accession number. The 133 unassociated funerary objects are one antler artifact, three bone awls, four bone hairpins, one bone needle, 39 ceramic bowls, 15 ceramic jars, one ceramic miniature vessel, one ceramic pitcher, 35 ceramic sherds, three ceramic vessels, one chipped stone

flake, one chipped stone knife, two lots of pigment, five fragments of plant fiber matting, two quartz crystals, one shell and stone necklace, one lot of shell beads, four shell necklaces, one stone necklace, one stone artifact, three lots of stone beads, three stone concretions, one stone disk, one stone pipe, one stone projectile point, and two turquoise pendants.

AZ V:4:1(ASM) is a large, plaza-oriented pueblo containing more than 600 rooms arranged in eight masonry room groups (Groups I–VIII) on both sides of a drainage that bisects the site. The complex is set in a valley that is part of the White River drainage. Groups I and II are the largest rooms blocks, each consisting of rectangular arrangements of approximately 200 ground-story rooms with associated plazas. The plaza in Group I consisted of two sections, with a rectangular masonry kiva in the north section, and a bench along the walls of the southern section. The excavations revealed that Group I was a multiple story pueblo. The other room groups had multiple stories as well. Groups III–VIII are made up of approximately six to sixteen rooms each. The main excavations occurred in Group I, the other room groups are less fully researched. Human remains were uncovered both inside and outside of the excavated roomblocks. The pueblo was occupied between around A.D. 1225 and 1450, based on evidence from tree ring dates, architectural forms, building technology, and ceramic styles. These characteristics, the mortuary patterns, and other items of material culture recovered at this site are consistent with the archeologically described Upland Mogollon or prehistoric Western Pueblo tradition.

A detailed discussion of the basis for cultural affiliation of archeological sites in the region where the above site is located may be found in ''Cultural Affiliation Assessment of White Mountain Apache Tribal Lands (Fort Apache Indian Reservation),'' by John R. Welch and T.J. Ferguson (2005). To summarize, archeologists have used the terms Upland Mogollon or prehistoric Western Pueblo to define the archeological complex represented by the Kinishba Pueblo. Material culture characteristics of these traditions include a temporal progression from earlier pit houses to later masonry pueblos, villages organized in room blocks of contiguous dwellings and associated with plazas, rectangular kivas, polished and paint-decorated ceramics, unpainted corrugated ceramics, inhumation burials, cradleboard cranial deformation, grooved stone axes, and bone artifacts. The combination of the material culture attributes and a subsistence pattern of hunting and gathering augmented by maize agriculture helps to identify an earlier group. Archeologists have also remarked that there are strong similarities between this earlier group and present-day tribes included in the Western Pueblo ethnographic group, especially the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico. The similarities in ceramic traditions, burial practices, architectural forms, and settlement patterns have led archeologists to believe that the prehistoric inhabitants of the Mogollon Rim region migrated north and west to the Hopi mesas, and north and east to the Zuni River Valley. Certain objects found in Upland Mogollon archeological sites strongly resemble ritual paraphernalia used by the Hopi and Zuni in continuing religious practices. Some petroglyphs on the Fort Apache Reservation have also persuaded archeologists of continuities between the earlier identified group and current-day Western Pueblo people. Biological information from AZ P:14:1(ASM), a site located close to AZ V:4:1(ASM), supports the view that the prehistoric occupants of the Upland Mogollon region had migrated from various locations to the north and west of the region.

Hopi and Zuni oral traditions parallel the archeological evidence for migration. Migration figures prominently in Hopi oral tradition, which refers to the ancient sites, pottery, stone tools, petroglyphs, and other artifacts left behind by the ancestors as ''Hopi Footprints.'' This migration history is complex and detailed, and includes traditions relating specific clans to the Mogollon region. Hopi cultural advisors have also identified medicinal and culinary plants at archeological sites in the region. Their knowledge about these plants was passed down to them from the ancestors who inhabited these ancient sites. Migration is also an important attribute of Zuni oral tradition, and includes accounts of Zuni ancestors passing through the Upland Mogollon region. The ancient villages mark the routes of these migrations. Zuni cultural advisors remark that the ancient sites were not abandoned. People returned to these places from time to time, either to reoccupy them or for religious pilgrimages—a practice that has continued to the present day. Archeologists have found ceramic evidence at shrines in the Upland Mogollon region that confirms these reports. Zuni cultural advisors have names for plants endemic to the Mogollon region that do not grow on the Zuni Reservation. They also have knowledge about traditional medicinal and ceremonial uses for these resources, which has been passed down to them from their ancestors. Furthermore, Hopi and Zuni cultural advisors have recognized that their ancestors may have been co-resident at some of the sites in this region during their ancestral migrations.

There are differing points of view regarding the possible presence of Apache people in the Upland Mogollon region during the time that AZ V:4:1(ASM) was occupied. Some Apache traditions describe interactions with Ancestral Pueblo people during this time, but according to these stories, Puebloan people and Apache people were regarded as having separate identities. The White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, does not claim cultural affiliation with the human remains and associated funerary objects from this site. As reported by Welch and Ferguson (2005), consultations between the Navajo Nation, Arizona, New Mexico & Utah; Pueblo of Acoma, New Mexico; Pueblo of Laguna, New Mexico; and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, have indicated that none of these tribes wish to pursue claims of affiliation with sites on White Mountain Apache Tribal lands. Moreover, the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, supports the repatriation of human remains and associated funerary objects from this site, and is ready to assist the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico, in their reburial.

Determinations Made by the U.S. Department of the Interior, Bureau of Indian Affairs and Arizona State Museum, University of Arizona

Officials of the U.S. Department of the Interior, Bureau of Indian Affairs and Arizona State Museum, University of Arizona have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 133 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group

identity that can be reasonably traced between the unassociated funerary objects and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Anna Pardo, NAGPRA Coordinator, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by June 6, 2019. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

The U.S. Department of the Interior, Bureau of Indian Affairs is responsible for notifying the Hopi Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: April 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–09309 Filed 5–6–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0027723; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and Arizona State Museum, University of Arizona, Tucson, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs (BIA) and the Arizona State Museum, University of Arizona (ASM) have completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and have determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by June 6, 2019.

ADDRESSES: Anna Pardo, NAGPRA Coordinator, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and in the physical custody of the Arizona State Museum, University of Arizona, Tucson, AZ. The human remains and associated funerary objects were removed from a location within the boundaries of the Fort Apache Indian Reservation, Gila County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by ASM professional staff in consultation with representatives of the Hopi Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

Between 1931 and 1944, human remains representing, at minimum, 164 individuals were removed from site AZ V:4:1(ASM), also known as Kinishba Pueblo, in Gila County, AZ. Legally authorized excavations were conducted by Byron Cummings between 1931 and 1939, under the auspices of ASM and the Department of Anthropology, University of Arizona. Cummings retired in 1937; however, he continued excavating and rebuilding rooms at AZ V:4:1(ASM) until 1944. After 1937, financial support for the project was provided by the Hohokam Museum Association, BIA, and Depression-era Emergency Conservation Work (EWC). Cummings acquired permits for the excavations from 1931 to 1939, but no records of permits exist for excavations after these dates.

Archeological collections from this site were accessioned by ASM in a number of different phases, having been brought to ASM at the end of each field season (1931 to 1939). On January 1, 1936, human remains excavated from AZ V:4:1(ASM) prior to this date were assigned an accession number. In 1986, additional human remains were transferred to ASM from the Western Archaeological and Conservation Center and were accessioned. On January 1, 1938; August 10, 1953; and February 23, 2003, additional archeological materials from this site were found in ASM collections, and were assigned accession numbers. On February 5, 1969, a collection of archeological materials from AZ V:4:1(ASM), that had been housed at the Kinishba Museum and the Southwest Archaeological Center (SWAC) in Globe, AZ, was transferred to ASM and assigned an accession number. No known individuals were identified. The 27 associated funerary objects are one bone awl, 16 ceramic bowls, two ceramic jars, two ceramic sherd artifacts, two quartz crystals, and four shell pendants.

AZ V:4:1(ASM) is a large, plaza-oriented pueblo containing more than 600 rooms arranged in eight masonry room groups (Groups I–VIII) on both sides of a drainage that bisects the site. The complex is set in a valley that is part of the White River drainage. Groups I and II are the largest rooms blocks, each consisting of rectangular arrangements of approximately 200 ground-story rooms with associated plazas. The plaza in Group I consisted of two sections, with a rectangular masonry kiva in the north section, and a bench along the walls of the southern section. The excavations revealed that Group I was a multiple story pueblo.

The other room groups likely had multiple stories as well. Groups III–VIII are made up of approximately six to sixteen rooms each. The main excavations occurred in Group I, the other room groups are less fully researched. Human remains were uncovered both inside and outside of the excavated roomblocks. The pueblo was occupied between around A.D. 1225 and 1450, based on evidence from tree ring dates, architectural forms, building technology, and ceramic styles. These characteristics, the mortuary patterns, and other items of material culture recovered at this site are consistent with the archeologically described Upland Mogollon or prehistoric Western Pueblo tradition.

A detailed discussion of the basis for cultural affiliation of archeological sites in the region where the above site is located may be found in ''Cultural Affiliation Assessment of White Mountain Apache Tribal Lands (Fort Apache Indian Reservation),'' by John R. Welch and T.J. Ferguson (2005). To summarize, archeologists have used the terms Upland Mogollon or prehistoric Western Pueblo to define the archeological complex represented by the Kinishba Pueblo. Material culture characteristics of these traditions include a temporal progression from earlier pit houses to later masonry pueblos, villages organized in room blocks of contiguous dwellings and associated with plazas, rectangular kivas, polished and paint-decorated ceramics, unpainted corrugated ceramics, inhumation burials, cradleboard cranial deformation, grooved stone axes, and bone artifacts. The combination of the material culture attributes and a subsistence pattern of hunting and gathering augmented by maize agriculture helps to identify an earlier group. Archeologists have also remarked that there are strong similarities between this earlier group and present-day tribes included in the Western Pueblo ethnographic group, especially the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico. The similarities in ceramic traditions, burial practices, architectural forms, and settlement patterns have led archeologists to believe that the prehistoric inhabitants of the Mogollon Rim region migrated north and west to the Hopi mesas, and north and east to the Zuni River Valley. Certain objects found in Upland Mogollon archeological sites have been found to strongly resemble ritual paraphernalia used by the Hopi and Zuni in continuing religious practices. Some petroglyphs on the Fort Apache Reservation have also persuaded archeologists of continuities between the earlier identified group and current-day Western Pueblo people. Biological information from AZ P:14:1(ASM), a site located close to AZ V:4:1(ASM), supports the view that the prehistoric occupants of the Upland Mogollon region had migrated from various locations to the north and west of the region.

Hopi and Zuni oral traditions parallel the archeological evidence for migration. Migration figures prominently in Hopi oral tradition, which refers to the ancient sites, pottery, stone tools, petroglyphs, and other artifacts left behind by the ancestors as ''Hopi Footprints.'' This migration history is complex and detailed, and includes traditions relating specific clans to the Mogollon region. Hopi cultural advisors have also identified medicinal and culinary plants at archeological sites in the region. Their knowledge about these plants was passed down to them from the ancestors who inhabited these ancient sites. Migration is also an important attribute of Zuni oral tradition, and includes accounts of Zuni ancestors passing through the Upland Mogollon region. The ancient villages mark the routes of these migrations. Zuni cultural advisors remark that the ancient sites were not abandoned. People returned to these places from time to time, either to reoccupy them or for religious pilgrimages—a practice that has continued to the present day. Archeologists have found ceramic evidence at shrines in the Upland Mogollon region that confirms these reports. Zuni cultural advisors have names for plants endemic to the Mogollon region that do not grow on the Zuni Reservation. They also have knowledge about traditional medicinal and ceremonial uses for these resources, which has been passed down to them from their ancestors. Furthermore, Hopi and Zuni cultural advisors have recognized that their ancestors may have been co-resident at some of the sites in this region during their ancestral migrations.

There are differing points of view regarding the possible presence of Apache people in the Upland Mogollon region during the time that AZ V:4:1(ASM) was occupied. Some Apache traditions describe interactions with Ancestral Pueblo people during this time, but according to these stories, Puebloan people and Apache people were regarded as having separate identities. The White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, does not claim cultural affiliation with the human remains and associated funerary objects from this site. As reported by Welch and Ferguson (2005), consultations between the Navajo Nation, Arizona, New Mexico & Utah; Pueblo of Acoma, New Mexico; Pueblo of Laguna, New Mexico; and White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, have indicated that none of these tribes wish to pursue claims of affiliation with sites on White Mountain Apache Tribal lands. Moreover, the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, supports the repatriation of human remains and associated funerary objects from this site, and is ready to assist the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico, in their reburial.

Determinations Made by the U.S. Department of the Interior, Bureau of Indian Affairs and Arizona State Museum, University of Arizona

Officials of the U.S. Department of the Interior, Bureau of Indian Affairs and Arizona State Museum, University of Arizona have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 164 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 27 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Anna Pardo, NAGPRA Coordinator, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by June 6, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Hopi Tribe of Arizona and

the Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

The U.S. Department of the Interior, Bureau of Indian Affairs is responsible for notifying the Hopi Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: April 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–09302 Filed 5–6–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0027717; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by June 6, 2019.

ADDRESSES: Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC. The human remains and associated funerary objects were removed from a site on or near Black Mesa in Navajo County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the U.S. Department of the Interior, Bureau of Indian Affairs professional staff in consultation with representatives of the Navajo Nation, Arizona, New Mexico & Utah.

History and Description of the Remains

From 1967 to 1983, the Bureau of Indian Affairs (BIA) issued Antiquities Act permits authorizing excavations in the Black Mesa region of Arizona for the purpose of mining coal deposits. The Black Mesa Archaeological Project (BMAP), conducted by staff and students from Prescott College and, later, Southern Illinois University at Carbondale (SIU), gathered archeological and anthropological data on Black Mesa. Initially, the collections were housed at Prescott College. In 1974, Prescott College declared bankruptcy and closed. In 1976, after being housed at Fort Lewis College in Durango, CO, for one year, the BMAP collections and records were transferred to SIU. In October 2018, the BMAP cultural items were transferred to the Museum of Northern Arizona in Flagstaff.

In September 1969, human remains representing, at minimum, one individual were removed from a site on or near Black Mesa in Navajo County, AZ. The individual removed during the excavation, Many Mules, was reburied in a cemetery in Fort Defiance, AZ. In 2018, research on the collection of BMAP cultural items at SIU revealed fragmentary human remains belonging to Many Mules. The 122 associated funerary objects include leather and cloth fragments, beads, pendants, buttons, large mammal bones, and saddle parts.

Documentary evidence shows that all the associated funerary objects were removed from the burial of Many Mules, who was an enrolled member of the Navajo Nation, Arizona, New Mexico & Utah. Consultation with the Navajo Nation, Arizona, New Mexico & Utah provided further confirmation.

Determinations Made by the U.S. Department of the Interior, Bureau of Indian Affairs

Officials of the U.S. Department of the Interior, Bureau of Indian Affairs have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 122 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Navajo Nation, Arizona, New Mexico & Utah.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by June 6, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Navajo Nation, Arizona, New Mexico & Utah may proceed.

The U.S. Department of the Interior, Bureau of Indian Affairs is responsible for notifying the Navajo Nation, Arizona, New Mexico & Utah that this notice has been published.

Dated: April 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–09303 Filed 5–6–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0027715; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Indian Affairs, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Bureau of Indian Affairs. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Bureau of Indian Affairs at the address in this notice by June 6, 2019.

ADDRESSES: Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

From 1967 to 1983, the Bureau of Indian Affairs (BIA) issued Antiquities Act permits authorizing excavations in the Black Mesa region of Arizona for the purpose of mining coal deposits. The Black Mesa Archaeological Project (BMAP), conducted by staff and students from Prescott College and, later, Southern Illinois University at Carbondale (SIU), gathered archeological and anthropological data on Black Mesa. Initially, the collections were housed at Prescott College. In 1974, Prescott College declared bankruptcy and closed. In 1976, after being housed at Fort Lewis College in Durango, CO, for one year, the BMAP collections and records were transferred to SIU. In October 2018, the BMAP cultural items were transferred to the Museum of Northern Arizona in Flagstaff.

In July 1971, three cultural items were removed from a site on or near Black Mesa in Navajo County, AZ. The individual removed during the excavation, an unnamed infant from the Begay family, was reburied in a cemetery in Fort Defiance, AZ, at the request of his maternal grandmother, Bessie Begay. The three unassociated funerary objects are cloth fragments from burial blankets.

In July 1971, 110 cultural items were removed from a site on or near Black Mesa in Navajo County, AZ. The individual removed during the excavation, Etsitty Begay, was reburied in a cemetery in Fort Defiance, AZ, at the request of his son, Fred Smith. The 110 unassociated funerary objects include saddle parts, sediment, fabric and leather fragments, metal cans and metal fragments, one mano, and glass fragments.

In July 1971, 33 cultural items were removed from a site on or near Black Mesa in Navajo County, AZ. The individual removed during the excavation, Many Mule's Daughter, was reburied in a cemetery in Fort Defiance, AZ, at the request of her daughter, Bessie Begay. The 33 unassociated funerary objects include a wooden brush, two shoes, soil samples, mano fragments, fabric samples, and juniper berries.

Documentary evidence shows that all the unassociated funerary objects were removed from burials of three individuals who were all enrolled members of the Navajo Nation, Arizona, New Mexico & Utah. Consultation with the Navajo Nation, Arizona, New Mexico & Utah provided further confirmation.

Determinations Made by the U.S. Department of the Interior, Bureau of Indian Affairs

Officials of the U.S. Department of the Interior, Bureau of Indian Affairs have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 146 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Navajo Nation, Arizona, New Mexico & Utah.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Anna Pardo, Museum Program Manager/NAGPRA Coordinator, U.S. Department of the Interior, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343, email *Anna.Pardo@bia.gov,* by June 6, 2019. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Navajo Nation, Arizona, New Mexico & Utah may proceed.

The U.S. Department of the Interior, Bureau of Indian Affairs is responsible for notifying the Navajo Nation, Arizona, New Mexico & Utah that this notice has been published.

Dated: April 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–09306 Filed 5–6–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0027713; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Fowler Museum at University of California Los Angeles, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Fowler Museum at University of California Los Angeles (UCLA) has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Fowler Museum at UCLA. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Fowler Museum at UCLA at the address in this notice by June 6, 2019.

ADDRESSES: Wendy G. Teeter, Ph.D., Fowler Museum at UCLA, Box 951549, Los Angeles, CA 90095–1549, telephone (310) 825–1864, email *wteeter@arts.ucla.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Fowler Museum at University of California Los Angeles, Los Angeles, CA. The human remains were removed from site CA–INY–3826 in Inyo County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Fowler Museum professional staff in consultation with representatives of Lone Pine Paiute-Shoshone Tribe (previously listed as the Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California) and the Timbisha Shoshone Tribe (previously listed as the Death Valley Timbi-sha Shoshone Tribe and the Death Valley Timbi-Sha Shoshone Band of California), hereafter referred to as ''The Tribes.''

History and Description of the Remains

In May 1991, human remains representing, at minimum, one individual were removed from CA–INY–3826 (Pagunda) in Inyo County, CA. This collection was excavated by George Gumerman IV as part of a UCLA Archaeology Survey project. It was taken with him for analysis to Northern Arizona University, where he taught, and was transferred to the Fowler Museum at UCLA in 2017. Radiocarbon dates from the site provide a range from A.D. 1140 to 1370, although the site is recorded in the late 1800s as an occupied village by Shoshone people. No known individuals were identified. No associated funerary objects are present.

Pagunda is an ethnographically documented village near Little Lake. During 1870, it was occupied primarily by Western Shoshone people (approximately 50–70). Culturally, the archeological materials recovered from the site are consistent for the Owens Valley Western Shoshone people who continue to live in the region. Both the Lone Paiute Shoshone Tribe and the Timbisha Shoshone Tribe of Death Valley include descendants from this village.

Determinations Made by the Fowler Museum at University of California Los Angeles

Officials of the Fowler Museum at University of California Los Angeles have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Wendy G. Teeter, Ph.D., Fowler Museum at UCLA, Box 951549, Los Angeles, CA 90095–1549, telephone (310) 825–1864, email *wteeter@arts.ucla.edu,* by June 6, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Fowler Museum at UCLA is responsible for notifying The Tribes that this notice has been published.

Dated: April 16, 2019.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2019–09304 Filed 5–6–19; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0001; DS63644000 DR2000000.CH7000 190D1113RT; OMB Control Number 1012–0010]

Agency Information Collection Activities: Solid Minerals and Geothermal Collections

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of Natural Resources Revenue (ONRR) is proposing to renew an information collection. ONRR seeks renewed authority to collect information necessary to report the production and royalties on solid minerals and geothermal resources from Federal and Indian lands. In addition to requesting renewed authority for ONRR to collect solid minerals and geothermal information without the use of a form, ONRR seeks renewed authority for four specific ONRR forms. The four forms are the Coal Washing Allowance Report, form ONRR–4292 (ONRR–4292); the Coal Transportation Allowance Report, form ONRR–4293 (ONRR–4293); the Solid Minerals Production and Royalty Report, form ONRR–4430 (ONRR–4430); and the Solid Minerals Sales Summary, form ONRR–4440 (ONRR–4440).

DATES: You must submit your written comments on or before July 8, 2019.

ADDRESSES: You may submit comments on this ICR to ONRR by using one of the following three methods (please reference ''ICR 1012–0010'' in the subject line of your comments):

1. Electronically go to *http://www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter ''ONRR–2011–0001'' and then click ''Search.'' Follow the instructions to submit public comments. ONRR will post all comments.

2. Mail comments to Mr. Armand Southall, Regulatory Specialist, ONRR, P.O. Box 25165, MS 64400B, Denver, Colorado 80225–0165.

3. Hand-carry or mail comments, using an overnight courier service, to ONRR. Our courier address is Building 85, Entrance N–1, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Mr. Michael Anspach, Solid Minerals, ONRR, telephone at (303) 231–3618, or email to *Michael.Anspach@onrr.gov.* For other questions, contact Mr. Armand Southall, telephone at (303) 231–3221, or email to *Armand.Southall@onrr.gov.* You may also contact Mr. Southall to obtain copies (free of charge) of (1) the ICR, (2) any associated forms, and (3) the regulations that require the subject collection of information.

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 mentioned in the Office of Management and Budget (OMB) regulations at 5 CFR 1320.8(d)(1): (1) Is the collection necessary to perform the proper functions of ONRR; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might ONRR enhance the quality, utility, and clarity of the information to be collected; and (5) how might ONRR 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. ONRR will post all comments, including names and addresses of respondents at *http://www.regulations.gov.* We will include or summarize each comment in our request to the OMB to approve this ICR. Before including your Personally Identifiable Information (PII), such as your address, phone number, email address, or other personal identifying information in your comment(s), you should be aware that your entire comment, including PII, may be made available to the public at any time. While you can ask us, in your comment, to withhold your PII from public view, we cannot guarantee that we will be able to do so. We also will post the ICR at *https://www.onrr.gov/Laws_R_D/FRNotices/ICR0120.htm.*

I. Abstract

General Information

The Secretary of the United States Department of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). Under various laws, the Secretary's responsibility is to (1) manage mineral resources production from Federal and Indian lands and the OCS; (2) collect the royalties and other mineral revenues due; and (3) distribute the funds collected. We have posted those laws pertaining to mineral leases on Federal and Indian lands and the OCS at *http://www.onrr.gov/Laws_R_D/PubLaws/index.htm.*

The Secretary also has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. ONRR performs the minerals revenue management functions for the Secretary and assists the Secretary in carrying out the Department's trust responsibility for Indian lands.

When a company or an individual enters into a lease to explore, develop, produce, and sell, or otherwise dispose of, minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share in a value of production from the leased lands. The lessee or designee must report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling such minerals.

Information collections that we cover in this ICR are found at title 30 of the *Code of Federal Regulations* (CFR) parts:

- 1202, subpart H, which pertains to geothermal resources royalties.
- 1206, subparts F, H and J, which pertain to product valuation of Federal coal, geothermal resources and Indian coal.
- 1210, subparts E and H, which pertain to production and royalty reports on solid minerals and geothermal resources leases.
- 1212, subparts E and H, which pertain to recordkeeping of reports and files for solid minerals and geothermal resources leases.
- 1217, subparts E, F and G, which pertain to audits and inspections of coal, other solid minerals and geothermal resources leases.
- 1218, subparts E and F, which pertain to royalties, rentals, bonuses and other monies payment for solid minerals and geothermal resources.

All data reported is subject to subsequent audit and adjustment.

Information Collections

ONRR, acting for the Secretary, uses the information that we collect to ensure that lessees accurately value and appropriately pay all royalties based on the correct product valuation. ONRR and other Federal government entities, including the Bureau of Land Management, the Bureau of Indian Affairs, and State and Tribal governmental entities, use the information for audit purposes and for evaluating the reasonableness of product valuation or allowance claims that lessees submit. Please refer to the burden hour chart for all reporting requirements and associated burden hours.

A. Solid Minerals

Producers of coal and other solid minerals from any Federal or Indian lease must submit to ONRR monthly form ONRR–4430 reports. In addition, producers must submit sales summaries using form ONRR–4440, which ONRR requires every month Federal or Indian production is sold. ONRR also collects sales contracts, facility data, and other unique solid minerals information that it collects without the use of ONRR forms. These companies also report certain data on form ONRR–2014, but these burdens are covered under another ICR (OMB Control Number 1012–0004). Producers of coal from any Indian lease must also submit forms ONRR–4292 and ONRR–4293, if they wish to claim coal washing and coal transportation allowances on form ONRR–4430. The information that

ONRR requests is the minimum necessary to carry out our mission and places the least possible burden on respondents.

B. Geothermal Resources

This ICR also covers some of the information collections for geothermal resources, which ONRR groups by usage (electrical generation, direct use, and byproduct recovery), and by disposition of the resources (arm's-length (unaffiliated) contract sales, non-arm's-length contract sales, and no contract sales) within each use group. ONRR relies primarily on data that payors report on form ONRR–2014 (OMB Control Number 1012–0004) for the majority of our business processes related to geothermal information. However, this ICR includes the information ONRR requires to further its mission with respect to geothermal resources that do not involve an ONRR form. In addition to using the data to account for royalties that payors report, ONRR uses the data for monthly distribution of mineral revenues and for audit and compliance reviews.

OMB Approval

We will request OMB approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge fiduciary duties and may also result in the loss of royalty payments. We protect the proprietary information that ONRR receives and do not collect items of a sensitive nature. Reporters must maintain records relating to their solid minerals and geothermal resources and solid minerals producers must also submit forms ONRR–4430 and ONRR–4440. The solid minerals and geothermal resources information ONRR collects without the use of a form are required to obtain a benefit. Also, ONRR requires that reporters submit forms ONRR–4292 and ONRR–4293 to claim allowances on form ONRR–4430.

II. Data

Title of Collection: Solid Minerals and Geothermal Collections—30 CFR parts 1202, 1206, 1210, 1212, 1217 and 1218.

OMB Control Number: 1012–0010.

Form Numbers: ONRR–4292, ONRR–4293, ONRR–4430, and ONRR–4440.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses.

Total Estimated Number of Annual Respondents: 100 reporters.

Total Estimated Number of Annual Responses: 9,434.

Estimated Completion Time per Response: The average completion time is 24.7 minutes per response. The average completion time is calculated by first multiplying the estimated annual burden hours from the table below (3,884) by 60 minutes to obtain the total annual burden minutes (233,040). Then the total annual burden minutes (233,040) is divided by the estimated annual responses (9,434) from the table below.

Total Estimated Number of Annual Burden Hours: 3,884 hours.

Respondent's Obligation: The records maintenance and the filing of forms ONRR–4430 and ONRR–4440 are mandatory. The filing of forms ONRR–4292 and ONRR–4293, and the submission of solid minerals and geothermal resource information that do not have an ONRR form, are required to obtain or retain a benefit.

Frequency of Collection: Monthly, annually, and on occasion.

Estimated Annual Non-hour Cost Burden: We have identified no ''non-hour'' cost burden associated with the collection of information.

We have not included in our estimates certain requirements that companies perform in the normal course of business and that ONRR considers usual and customary. We display the estimated annual burden hours by CFR section and paragraph in the following chart.

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
Part 1202—Royalties Subpart H—Geothermal Resources				
1202.351(b)(3)	Pay royalties on used, sold, or otherwise finally disposed of byproducts.	Hour burden covered under OMB Control Number 1012–0004.		
1202.353(a), (b), (c), and (d)	Report on Form ONRR–2014, royalties or direct use fee due for geothermal resources, byproduct quantity, and commercially demineralized water quantity.	Hour burden covered under OMB Control Number 1012–0004. See § 1210.52.		
1202.353(e)	Maintain quality measurements for audits	AUDIT PROCESS (See Note).		
Part 1206—Product Valuation Subpart F—Federal Coal				
1206.253(c); 1206.254; and 1206.257(d)(1)	Maintain accurate records for Federal lease coal and all data relevant to the royalty value determination. Report the coal quantity information on appropriate forms under 30 CFR part 1210.	0.4166	816	340
1206.257(b)(1), (b)(3), (b)(4), and (d)(2)	Demonstrate and certify your arm's-length contract provisions including all consideration paid by buyer, directly or indirectly, for coal production. Provide written information of reported arm's-length coal sales value and quantity data.	AUDIT PROCESS See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.257(d)(3)	Submit a one-time notification when first reporting royalties on Form ONRR–4430 and for a change in method.	2	3	6
1206.257(f)	Submit all available data relevant to the value determination proposal.	5	2	10
1206.257(i)	Write and sign contract revisions or amendments by all parties to an arm's-length contract, and retroactively apply revisions or amendments to royalty value for a period not to exceed two years.	2	3	6
1206.259(a)(1) and (a)(3)	Demonstrate that your contract is arm's length. Provide written information justifying the lessee's washing costs.	AUDIT PROCESS (See Note).		
1206.259(a)(1)	Report actual washing allowance on Form ONRR–4430 for arm's-length sales.	0.34	12	4
1206.259(b)(1)	Report actual washing allowance on Form ONRR–4430 for non-arm's-length or no contract sales.	0.75	48	36
1206.259(b)(2)(iv)	Report washing allowance on Form ONRR–4430 after lessee elects either method for a wash plant.	1	3	3
1206.259(b)(2)(iv)(A)	Report washing allowance on Form ONRR–4430 for depreciation—use either straight-line or a unit of production method.	1	3	3
1206.259(c)(1)(ii) and (c)(2)(iii)	Submit arm's-length and non-arm's-length washing contracts and related documents to ONRR.	AUDIT PROCESS (See Note).		
1206.262(a)(1)	Report transportation allowance on Form ONRR–4430.	0.333	240	80
1206.262(a)(1) and (a)(3)	Demonstrate that your contract is arm's length. Provide written information justifying your transportation costs when ONRR determines the costs are unreasonable.	AUDIT PROCESS (See Note).		
1206.262(b)(1)	Report actual transportation allowance on Form ONRR–4430 for non-arm's-length or no contract sales.	0.75	24	18
1206.262(b)(2)(iv)	Report transportation allowance on Form ONRR–4430 after lessee elects either method for a transportation system.	1	3	3
1206.262(b)(2)(iv)(A)	Report transportation allowance on Form ONRR–4430 for depreciation—use either straight-line or a unit of production method.	1	3	3
1206.262(b)(3)	Apply to ONRR for exception from the requirement of computing actual costs.	1	3	3
1206.262(c)(1)(ii) and (c)(2)(iii)	Submit all arm's-length transportation contracts, production agreements, operating agreements, and related documents to ONRR.	AUDIT PROCESS (See Note).		
1206.264	Propose the value of coal for royalty purposes to ONRR for an ad valorem Federal coal lease.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.265	Notify ONRR if, prior to use, sale, or other disposition, you enhanced the value of coal.	1	1	1
Subpart H—Geothermal Resources				
1206.352(b)(1)(ii)	Determine the royalty on produced geothermal resources, used in your power plant for generation and sale of electricity, for Class I leases, as approved by ONRR.	Hour burden covered under OMB Control Number 1012–0004.		
1206.353(c)(2)(i)(A), (d)(9), and (e)(4)	Include a return on capital you invested when the purchase of real estate for transmission facilities is necessary. Allowable operating and maintenance expenses include other directly allocable and attributable operating and maintenance expenses that you can document.	AUDIT PROCESS (See Note).		
1206.353(g)	Request change to other depreciation alternative method with ONRR approval.	1	1	1
1206.353(h)(1) and (m)(2)	Use a straight-line depreciation method, but not below salvage value, for equipment. Amend your prior estimated Form ONRR–2014 reports to reflect actual transmission cost deductions, and pay any additional royalties due plus interest.	Hour burden covered under OMB Control Number 1012–0004.		
1206.353(n)	Submit all arm's-length transmission contracts, production and operating agreements and related documents, and other data for calculating the deduction.	AUDIT PROCESS (See Note).		
1206.354(b)(1)(ii)	Redetermine your generating cost rate annually and request ONRR approval to use a different deduction period.	1	1	1
1206.354(c)(2)(i)(A), (d)(9), and (e)(4)	Include a return on capital you invested when the purchase of real estate for a power plant site is necessary. Allowable operating and maintenance expenses include other directly allocable and attributable operating and maintenance expenses that you can document.	AUDIT PROCESS (See Note).		
1206.354(g)	Request change to other alternative with ONRR approval.	1	1	1
1206.354(h) and (m)(2)	Use a straight-line depreciation method, but not below the salvage value, for equipment. Amend your prior estimated Form ONRR–2014 reports to reflect actual generating cost deductions and pay any additional royalties due plus interest.	Hour burden covered under OMB Control Number 1012–0004.		
1206.354(n)	Submit all arm's-length power plant contracts, production and operating agreements and related documents, and other data for calculating the deduction.	AUDIT PROCESS (See Note).		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.356(a)(1) and (a)(2)	Determine the royalty on produced significant geothermal resource quantities, for Class I leases, with the weighted average of the arm's-length gross proceeds used to operate the same direct-use facility; For Class I leases, the efficiency factor of the alternative energy source will be 0.7 for coal and 0.8 for oil, natural gas, and other fuels derived from oil and natural gas, or an efficiency factor proposed by the lessee and approved by ONRR.	Hour burden covered under OMB Control Number 1012–0004.		
1206.356(a)(3)	For Class I leases, a royalty determined by any other reasonable method approved by ONRR.	1	40	40
1206.356(b)(3)	Provide ONRR data showing the geothermal production amount, in pounds or gallons of geothermal fluid, to input into the fee schedule for Class III leases.	Hour burden covered under OMB Control Number 1012–0004.		
1206.356(c)	ONRR will determine fees on a case-by-case basis for geothermal resources other than hot water.	1	1	1
1206.357(b)(3); and 1206.358(d)	Determine the royalty due on byproducts by any other reasonable valuation method approved by ONRR. Use a discrete field on Form ONRR–2014 to notify ONRR of a transportation allowance.	Hour burden covered under OMB Control Number 1012–0004.		
1206.358(d)(2) and (e); 1206.359(a)(1), (a)(2), (c)(2)(i)(A), (d)(9), and (e)(4).	Submit arm's-length transportation contracts for reviews and audits, if ONRR requires. Pay any additional royalties due plus interest, if you have improperly determined a byproduct transportation allowance. Provide written information justifying your transportation costs if ONRR requires you to determine the byproduct transportation allowance. Include a return on capital if the purchase was necessary. Allowable operating and maintenance expenses include any other directly allocable and attributable operating and maintenance expenses that you can document.	AUDIT PROCESS (See Note).		
1206.359(g)	The lessee may not later elect to change to the other alternative without ONRR approval to compute costs associated with capital investment.	1	1	1
1206.359(h)(1) and (l)(2)	You must use a straight-line depreciation method based on the life of either equipment or geothermal project. You must amend your prior Form ONRR–2014 reports to reflect actual byproduct transportation cost deductions and pay any additional royalties due plus interest.	Hour burden covered under OMB Control Number 1012–0004.		
1206.360(a)(1), (a)(2), and (b); 1206.361(a)(1).	Retain all data relevant to the royalty value, or fee you paid. Show how you calculated the royalty value or fee you reported and paid, then submit all data to ONRR upon request. ONRR may review and audit your data and will direct you to use a different measure, if royalty value, gross proceeds, or fee is inconsistent with subpart.	AUDIT PROCESS (See Note).		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.361(a)(2)	Pay either royalties or fees due plus interest if ONRR directs you to use a different royalty value, measure of gross proceeds, or fee.	Hour burden covered under OMB Control Number 1012–0004		
1206.361(b), (c), and (d)	ONRR may require you to: Increase the gross proceeds to reflect any additional consideration; use another valuation method; provide written information justifying your gross proceeds; demonstrate that your contract is arm's length; and certify that the provisions in your sales contract include all of the consideration the buyer paid you.	AUDIT PROCESS (See Note).		
1206.361(f)(2)	Write and sign contract revisions or amendments by all parties to the contract.	AUDIT PROCESS (See Note).		
1206.364(a)(1)	Request a value determination from ONRR in writing.	12	1	12
1206.364(c)(2)	Make any adjustments in royalty payments, if you owe additional royalties, and pay the royalties owed plus interest after the Assistant Secretary issues a determination.	Hour burden covered under OMB Control Number 1012–0004.		
1206.364(d)(2)	You may appeal an order requiring you to pay royalty under the determination.	Hour burden covered under OMB Control Number 1012–0006.		
1206.366	State, tribal, or local government lessee must pay a nominal fee, if it uses a geothermal resource.	Hour burden covered under OMB Control Number 1012–0004.		
Subpart J—Indian Coal				
1206.456(b)(1), (b)(3), and (b)(4)	Demonstrate that your contract is arm's length. Provide written information justifying the reported coal value. And certify that your arm's-length contract provisions include all direct or indirect consideration paid by buyer for the coal production.	AUDIT PROCESS (See Note).		
1206.456(d)(1); 1206.452 (c); 1206.453	Retain all data relevant to the determination of royalty value to which individual Indian lease coal should be allocated. Report coal quantity information on Form ONRR–4430, Solid Minerals Production and Royalty Report, as required under 30 CFR part 1210.	0.42	48	20
1206.456(d)(2)	An Indian lessee will make available arm's-length sales and sales quantity data for like-quality coal sold, purchased, or otherwise obtained from the area when requested by an authorized ONRR or Indian representative, or the Inspector General of the Department of the Interior or other persons authorized to receive such information.	AUDIT PROCESS (See Note).		
1206.456(d)(3)	Notify ONRR by letter identifying the valuation method used and procedure followed. This is a one-time notification due no later than the month the lessee first reports royalties on the Form ONRR–4430.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.456(f)	Propose a value determination method to ONRR, submit all available data relevant to the method, and use that method until ONRR issues a decision.	1	1	1
1206.456(i)	Write and sign contract revisions or amendments by all parties to an arm's-length contract.	1	1	1
1206.458(a)(1), (b)(1), (c)(1)(i), (c)(1)(iii), (c)(2)(i), and (c)(2)(iii).	Deduct the reasonable actual coal washing allowance costs incurred under an arm's-length contract, and allowance based upon their reasonable actual costs under a non-arm's-length or no contract, after submitting a completed page one of Form ONRR–4292, Coal Washing Allowance Report, containing the actual costs for the previous reporting period, within 3 months after the end of the calendar year after the initial and for succeeding reporting periods, and report deduction on Form ONRR–4430 for an arm's-length, or a non-arm's-length, or no contract.	2	1	2
1206.458(a)(3)	Provide written information justifying your washing costs when ONRR determines that your washing value may be unreasonable.	AUDIT PROCESS (See Note).		
1206.458(b)(2)(iv)	The lessee may not later elect to change to the other alternative without ONRR approval.	1	1	1
1206.458(b)(2)(iv)(A)	Elect either a straight-line depreciation method based on the life of equipment or reserves, or a unit of production method.	1	1	1
1206.458(c)(1)(iv) and (c)(2)(vi)	Submit arm's-length washing contracts and all related data used on Form ONRR–4292.	AUDIT PROCESS (See Note).		
1206.461(a)(1), (b)(1), (c)(1)(i), (c)(1)(iii), (c)(2)(i), and (c)(2)(iii).	Submit a completed page one of Form ONRR–4293, Coal Transportation Allowance Report, of reasonable, actual transportation allowance costs incurred by the lessee for transporting the coal under an arm's-length contract, in which you may claim a transportation allowance retroactively for a period of not more than 3 months prior to the first day of the month that you filed the form with ONRR, unless ONRR approves a longer period upon a showing of good cause by the lessee. Submit also a completed Form ONRR–4293 based upon the lessee's reasonable actual costs under a non-arm's-length or no contract. (Emphasis added.).	2	1	2
1206.461(a)(3)	Provide written information justifying your transportation costs when ONRR determines that your transportation value may be unreasonable.	AUDIT PROCESS (See Note).		
1206.461(b)(2)(iv)	Submit completed Form ONRR–4293 after a lessee has elected to use either method for a transportation system.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
1206.461(b)(2)(iv)(A)	Submit completed Form ONRR–4293 to compute depreciation for election to use either a straight-line depreciation or unit-of-production method.	1	1	1
1206.461(b)(3)	Submit completed Form ONRR–4293 for exception from the requirement of computing actual costs.	1	1	1
1206.461(c)(1)(iv) and (c)(2)(vi)	Submit arm's-length transportation contracts, production and operating agreements, and related documents used on Form ONRR–4293.	AUDIT PROCESS (See Note).		
1206.463	Propose the value of coal for royalty purposes to ONRR for an ad valorem Federal coal lease.	1	1	1
1206.464	Notify ONRR if, prior to use, sale or other disposition, you enhance the value of coal.	1	1	1
Part 1210—Forms and Reports Subpart E—Solid Minerals, General				
1210.201(a)(1); 1206.259(c)(1)(i), (c)(2), (e)(2); 1206.262(c)(1), (c)(2)(i), (e)(2); 1206.458(c)(4), (e)(2); 1206.461(c)(4), (e)(2).	Submit a completed Form ONRR–4430. Report washing and transportation allowances as a separate line on Form ONRR–4430 for arm's-length, non-arm's-length, or no contract sales, unless ONRR approves a different reporting procedure. Submit also a corrected Form ONRR–4430 to reflect actual costs, together with any payment, in accordance with instructions provided by ONRR.	0.75	1,668	1,251
1210.202(a)(1) and (c)(1)	Submit sales summaries (using form ONRR–4440) via electronic mail where possible for all coal and other solid minerals produced from Federal and Indian leases and for any remote storage site.	1	900	900
1210.203(a)	Submit sales contracts, agreements, and contract amendments for sale of all coal and other solid minerals produced from Federal and Indian leases with ad valorem royalty terms.	1	30	30
1210.204(a)(1)	Submit facility data if you operate a wash plant, refining, ore concentration, or other processing facility for any coal, sodium, potassium, metals, or other solid minerals produced from Federal or Indian leases with ad valorem royalty terms.	0.5	130	65
1210.205(a) and (b)	Submit detailed statements, documents, or other evidence necessary to verify compliance, as requested.	AUDIT PROCESS (See Note).		
Subpart H—Geothermal Resources				
1210.351	Maintain geothermal records on microfilm, microfiche, or other recorded media.	Hour burden covered under OMB Control Number 1012–0004.		
1210.352	Submit additional geothermal information on special forms or reports.	1	1	1
1210.353	Submit completed Form ONRR–2014 monthly once sales or utilization of geothermal production occur.	Hour burden covered under OMB Control Number 1012–0004.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
Part 1212—Records and Forms Maintenance Subpart E—Solid Minerals—General				
1212.200(a)	Maintain all records pertaining to Federal and Indian solid minerals leases for 6 years after records are generated unless the record holder is notified, in writing.	0.25	4,064	1,016
Subpart H—Geothermal Resources				
1212.351(a) and (b)	Retain accurate and complete records necessary to demonstrate that payments of royalties, rentals, and other amounts due under Federal geothermal leases are in compliance with laws, lease terms, regulations, and orders. Maintain all records pertaining to Federal geothermal leases for 6 years after the records are generated unless the record holder is notified in writing.	Hour burden covered under OMB Control Numbers 1012–0004.		
Part 1217—Audits and Inspections Subpart E—Coal				
1217.200	Furnish, free of charge, duplicate copies of audit reports that express opinions on such compliance with Federal lease terms relating to Federal royalties as directed by the Director for the Office of Natural Resources Revenue.	AUDIT PROCESS (See Note).		
Subpart F—Other Solid Minerals				
1217.250	Furnish, free of charge, duplicate copies of annual or other audits of your books.	AUDIT PROCESS (See Note).		
Subpart G—Geothermal Resources				
1217.300	The Secretary, or his/her authorized representative, will initiate and conduct audits or reviews that relate to compliance with applicable regulations.	AUDIT PROCESS (See Note).		
Part 1218—Collection of Monies and Provision for Geothermal Credits and Incentives Subpart E—Solid Minerals—General				
1218.201(b); 1206.457(b); 1206.460(d)	You must tender all payments under § 1218.51 except for Form ONRR–4430 payments, include both your customer identification and your customer document identification numbers on your payment document, and you shall be liable for any additional royalties, plus interest, if you improperly determined a washing or transportation allowance.	0.0055	1,368	8
1218.203(a) and (b)	Recoup an overpayment on Indian mineral leases through a recoupment on Form ONRR–4430 against the current month's royalties and submit the tribe's written permission to ONRR.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number annual responses	Annual burden hours
Subpart F—Geothermal Resources				
1218.300; 1218.301; 1218.304; 1218.305(a)	Submit all rental and deferred bonus payments when due and pay in value all royalties due determined by ONRR. The payor shall tender all payments. Pay the direct use fees in addition to the annual rental due. Pay advanced royalties, under 43 CFR 3212.15(a)(1) to retain your lease, that equal to the average monthly royalty you paid under 30 CFR part 1206, subpart H.	Hour burden covered under OMB Control Number 1012–0004.		
1218.306(a)(2)	You may receive a credit against royalties if ONRR approves in advance your contract.	4	1	4
1218.306(b)	Pay in money any royalty amount that is not offset by the credit allowed under this section.	Hour burden covered under OMB Control Number 1012–0004.		
Total Burden			9,434	3,884

Note: Audit Process—The Office of Regulatory Affairs determined that the audit process is exempt from the Paperwork Reduction Act of 1995 because ONRR staff asks non-standard questions to resolve exceptions.

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.

Authority: Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Gregory J. Gould,

Director for the Office of Natural Resources Revenue.

[FR Doc. 2019–09300 Filed 5–6–19; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR04093000, XXXR4081G3, RX.05940913.FY19400]

Public Meeting of the Glen Canyon Dam Adaptive Management Work Group

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the Bureau of Reclamation (Reclamation) is publishing this notice to announce that a Federal Advisory Committee meeting of the Glen Canyon Dam Adaptive Management Work Group (AMWG) will take place.

DATES: The meeting will be held on Wednesday, May 22, 2019, via WebEx/conference call beginning at 9:00 a.m. (MDT) and concluding four (4) hours later in the respective time zones.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** section for Webex address and information.

FOR FURTHER INFORMATION CONTACT: Kathleen Callister, Bureau of Reclamation, telephone (801) 524–3781; email at *kcallister@usbr.gov;* facsimile (801) 524–5499.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552B, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The Glen Canyon Dam Adaptive Management Program (GCDAMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMWG makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam, consistent with the Grand Canyon Protection Act. The AMWG meets two to three times a year.

Agenda: The AMWG will meet to receive updates on: (1) GCDAMP budget and workplan for fiscal year 2020; (2) planned or ongoing experiments in 2019; and (3) current basin hydrology and reservoir operations. The AMWG will also discuss other administrative and resource issues pertaining to the GCDAMP. To view a copy of the agenda and documents related to the above meeting, please visit Reclamation's website at *https://www.usbr.gov/uc/progact/amp/amwg.html.*

Meeting Accessibility/Special Accommodations: The meeting is open to the public. Individuals requiring special accommodations to access the public meeting should contact Kathleen Callister, Bureau of Reclamation, Upper Colorado Regional Office, by email at *kcallister@usbr.gov,* or by telephone at (801) 524–3781, at least (5) business days prior to the meeting so that appropriate arrangements can be made. To participate in the WebEx/conference call, please use the instructions below. There will be limited ports available, so if you wish to participate, please contact Tara Ashby at (801) 524–3776 to register.

WebEx Information:

1. Go to: *https://ucbor-events.webex.com/ucbor-events/onstage/g.php?MTID=e16c5978b6a558d663fbd47a2ecc8dea8*
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: AMWG.
4. Click ''Join Now''.

Audio Conference Information:

- Phone Number: (877) 913–4721.
- Passcode: 3330168.
- Event Number: 823 039 379.

Public Disclosure of Comments: Time will be allowed for any individual or

organization wishing to make formal oral comments. To allow for full consideration of information by the AMWG members, written notice must be provided to Kathleen Callister, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 8100, Salt Lake City, Utah 84138; email at *kcallister@usbr.gov;* or facsimile (801) 524–5499, at least five (5) business days prior to the meeting. Any written comments received will be provided to the AMWG members.

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.

Dated: March 27, 2019.

Kathleen Callister,

Division Manager, Resource Management Division, Upper Colorado Regional Office.

[FR Doc. 2019–09255 Filed 5–6–19; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Light-Emitting Diode Products, Systems, and Components Thereof, DN 3385;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Lighting Science Group Corporation; Healthe, Inc., and Global Value Lighting, LLC on April 30, 2019. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light-emitting diode products, systems, and components thereof. The complaint names as respondents: Nichia Corporation of Japan; Nichia America Corporation of Wixom, MI; Cree, Inc. of Durham, NC; Cree Hong Kong, Limited of Hong Kong; Cree Huizhou Solid State Lighting Co. Ltd. of China; OSRAM GmbH of Germany; OSRAM Licht AG of Germany; OSRAM Opto Semiconductors GmbH of Germany; OSRAM Opto Semiconductors, Inc. of Sunnyvale, CA; Lumileds Holding B.V. of the Netherlands; Lumileds, LLC of San Jose, CA; Signify N.V. (f/k/a Philips Lighting N.V.) of the Netherlands; Signify North America Corporation (f/k/a Philips Lighting North America Corporation) of Somerset, NJ; MLS Co., Ltd. of China; LEDVANCE GmbH of Germany; LEDVANCE LLC of Wilmington, MA; General Electric Company of Boston, MA; Consumer Lighting (U.S.), LLC (d/b/a GE Lighting, LLC) of Cleveland, OH; Acuity Brands, Inc. of Atlanta, GA; Acuity Brands Lighting Inc. of Conyers, GA; Eaton Corporation plc of Ireland; Cooper Lighting, LLC of Peachtree City, GA; Cooper Industries, LLC of Houston, TX; Leedarson Lighting Co., Ltd. of China; and Leedarson America, Inc. of Smyrna, GA. The complainant requests that the Commission issue a general exclusion order, a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document

electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3385'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS [3].

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 1, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–09280 Filed 5–6–19; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–623 and 731–TA–1449 (Preliminary)]

Vertical Metal File Cabinets From China; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigations Nos. 701–TA–623 and 731–TA–1449 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of vertical metal file cabinets from China, provided for in subheading 9403.10.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of China. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by June 14, 2019. The Commission's views must be transmitted to Commerce within five business days thereafter, or by June 21, 2019.

DATES: April 30, 2019.

FOR FURTHER INFORMATION CONTACT: Jessica Oliva (202) 205–3432, 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 these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on April 30, 2019, by Hirsh Industries LLC, West Des Moines, IA.

For further information concerning the conduct of these investigations 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 and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

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 these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Tuesday, May 21, 2019, at the U.S. International

Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before May 17, 2019. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before May 24, 2019, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. 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.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (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.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: May 1, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–09259 Filed 5–6–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1098]

Certain Subsea Telecommunications Systems and Components Thereof; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a final Initial Determination on violation of section 337 and a Recommended Determination on remedy and bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, should the Commission find a section 337 violation. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to Commission rules.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), provides that if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. 19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting comments on public interest issues raised by the recommended relief, should the Commission find a violation, *i.e.:* (1) A limited exclusion order (''LEO'') against certain subsea telecommunications systems and components thereof; and (2) a cease and desist order (''CDO'') against one of the respondents.

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, parties are to file public interest submissions pursuant to pursuant to 19 CFR 210.50(a)(4). In addition, members of the public are hereby invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on remedy and bond issued in this investigation on April 26, 2019. Comments should address whether issuance of the LEO and CDO in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainants, their licensees, or third parties make in

the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainants, complainants' licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the LEO and CDO would impact consumers in the United States.

Written submissions from the public must be filed no later than close of business on Monday, June 3, 2019.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1098'') in a prominent place on the cover page and/or the first page. *See* Handbook on Filing Procedures (*https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

Issued: May 1, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–09260 Filed 5–6–19; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0002]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Notice of Appeal From a Decision of an Immigration Judge

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 8, 2019.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lauren Alder Reid, Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0289.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Notice of Appeal from a Decision of an Immigration Judge.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is EOIR–26, Executive Office for Immigration Review, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual aliens determined to be removable from the United States and the Department of Homeland Security, Immigration and Customs Enforcement (ICE). Other: None. Abstract: A party (either the alien or ICE) affected by a decision of an Immigration Judge may appeal that decision to the Board, provided that the Board has jurisdiction pursuant to 8 CFR 1003.1(b). An appeal from an Immigration Judge's decision is taken by completing the Form EOIR–26 and submitting it to the Board.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 26,536 respondents will complete the form annually with an average of 30 minutes per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 13,268 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405B, Washington, DC 20530.

Dated: May 2, 2019.

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2019–09307 Filed 5–6–19; 8:45 am]

BILLING CODE 4410–30–P

OFFICE OF MANAGEMENT AND BUDGET

Request for Comment on the Consumer Inflation Measures Produced by Federal Statistical Agencies

AGENCY: Executive Office of the President, Office of Management and Budget (OMB).

ACTION: Notice of solicitation of comments.

SUMMARY: The Office of Management and Budget OMB is seeking comment on the differences among the various consumer price indexes produced by the Bureau of Labor Statistics (BLS) and the Bureau of Economic Analysis (BEA), and in particular how those differences might influence the estimation of the Official Poverty Measure (OPM) and other income measures produced by the Census Bureau. Based on the comments received and internal discussions with experts, OMB will consider the need to update the specific inflation measure used to adjust the OPM, as well as the need for guidance to Federal agencies to communicate the strengths, weaknesses, and best practices for selecting and using the different indexes.

DATES: Comments must be submitted in writing. To ensure consideration of comments, they must be received no later than 45 days from the publication of this notice. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to send comments electronically (see **ADDRESSES**, below).

ADDRESSES: Comments may be addressed to: Nancy Potok, Chief Statistician, Office of Management and Budget, fax number (202) 395–7245. Email comments may be sent to *Statistical_Directives@omb.eop.gov,* with the subject ''Directive No. 14''. Alternatively, comments may also be sent via *www.regulations.gov*—a Federal E-Government website that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and are open for comment. Simply type ''OMB–2019–0002'' (in quotes) in the Comment or Submission search box, click ''Go'', and follow the instructions for submitting comments. Comments received by the date specified above will be included as part of the official record.

Comments submitted in response to this notice may be made available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

Electronic Availability: This notice is available on the internet on the OMB website at *https://www.whitehouse.gov/omb/.* **Federal Register** notices are also available electronically at *https://www.federalregister.gov/.*

FOR FURTHER INFORMATION CONTACT: For information about this request for comments, contact Bob Sivinski, Office of Management and Budget, 9257 New Executive Office Building, 725 17th St. NW, Washington, DC 20006, telephone (202) 395–1205, or *email Statistical_Directives@omb.eop.gov* with the subject ''More Info: Directive No. 14''.

SUPPLEMENTARY INFORMATION: Under the *Budget and Accounting Procedures Act* of 1950 (31 U.S.C. 1104(d)) and the *Paperwork Reduction Act* of 1995 (44 U.S.C. 3504(e)), the Office of Management and Budget (OMB) is issuing a request for comment on the differences among the various consumer price indexes produced by the Bureau of Labor Statistics (BLS) and the Bureau of Economic Analysis (BEA).

In its role as coordinator of the Federal statistical system under the *Paperwork Reduction Act,* OMB, among other responsibilities, is required to ensure the system's efficiency and effectiveness. A key method used by OMB to achieve this responsibility is the promulgation, maintenance, and oversight of Government-wide principles, policies, standards, and guidance concerning the development, presentation, and dissemination of Federal statistical products. OMB's Office of Statistical and Science Policy, within the Office of Information and Regulatory Affairs, relies on public comment and subject matter expertise across the Federal government to identify areas where existing OMB policies or guidance may be out of date, lacking clarity, or insufficient for efficient coordination of Federal statistics.

Accordingly, OMB is seeking public comment on the strengths, weaknesses, and best practices for the application of the following consumer inflation measures: The Consumer Price Index for All Urban Consumers (CPI–U), the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W), the Chained Consumer Price Index for All Urban Consumers (C–CPI–U), the Consumer Price Index Research Series (CPI–U–RS), and the experimental Consumer Price Index for Urban Elderly Consumers (CPI–E), all produced by BLS, and the Personal Consumption Expenditures Price Index (PCEPI) produced by BEA.

Measuring Inflation

Inflation is defined as a rise in the general level of prices (and deflation as a decline in the general level of prices). Equivalently, inflation represents a decline in the purchasing power of money. As a general matter, adjusting statistics and other data for inflation better reflects consumers' actual experiences over time. There are many different ways in which actual indexes attempt to capture this change in the level of prices. Specifically, the inflation measures produced by BLS and BEA differ in their scope, weighting, and formulas, consistent with their original purposes. These measures are continually evaluated to ensure they are objective, accurate, relevant, and timely, thereby maintaining the integrity of official government statistics.

Uses of Different Inflation Measures

Congress sometimes requires agencies to use a specific inflation measure for specific programs. For example, Public Law 115–97 directs the IRS to adjust federal income tax brackets for inflation with the C–CPI–U. In other instances, Congressional guidance may be absent or less specific, and agencies exercise their discretion in choosing an index to calculate inflation-adjusted statistics. In cases where Congress has not required a specific methodology, agencies should use the measure of inflation most appropriate for the purpose of the program.

OMB is seeking comment about how the relative strengths and weakness of the measures might affect the estimation of the OPM and other income measures produced by the Census Bureau. OMB will also consider the need for guidance to Federal agencies on the differences among the indexes.

BLS Consumer Price Indexes

To produce its inflation measures, BLS tracks the change in price of a collection of consumer goods and services over time. Those items are then weighted using survey data to represent the experience of consumers in their day-to-day living expenses, with each of the CPI measures reflecting different item substitution rates, consumer populations, or other attributes. OMB is

seeking comment on the following five indexes produced by BLS.

The Consumer Price Index for All Urban Consumers (CPI–U)

The all urban consumer group is designed to be representative of about 93 percent of the total U.S. population. It is based on the expenditures of almost all residents of metropolitan or micropolitan areas. The population scope includes professionals, the self-employed, the unemployed, retired persons, as well as urban wage earners and clerical workers. Not included in the CPI–U are the spending patterns of people living in rural areas (defined as outside of any metropolitan or micropolitan statistical area), those in farm households, Armed Forces members and their families, and those in institutions such as prisons and mental hospitals.

The CPI–U is used extensively for official purposes such as: To derive the official poverty thresholds, to adjust Treasury inflation-indexed securities, to deflate nominal values in a variety of measures, and until recently, to adjust federal tax brackets.

The Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W)

The CPI–W represents the expenditures of households included in the CPI–U definition that also meet two additional requirements: More than one-half of the household's income must come from clerical or wage occupations, and at least one of the household's earners must have been a full-time worker, that is employed for at least 37 weeks during the previous 12 months. The CPI–W population represents about 29 percent of the total U.S. population and 31 percent of the CPI–U population. The CPI–U and the CPI–W share the same components (item strata) and differ only in population coverage and the weights used to aggregate these components.

The CPI–W is used to adjust Social Security benefits and many other Federal transfer payments. The percentage of the population within the CPI–W definition has declined over time, and the CPI–U, which was first published in 1978, has become more widely used. The CPI–W corresponds closely to the population used in computing the CPI from its inception during the World War I era through 1978.

The Chained Consumer Price Index for All Urban Consumers (C–CPI–U)

Both the CPI–U and C–CPI–U are indexes designed to measure price changes faced by urban consumers. The C–CPI–U is distinguished from the CPI–U by the expenditure weights and price index formulas used to produce aggregate measures of price change. The C–CPI–U employs a formula that reflects the effect of substitution that consumers make across component item categories, for example in response to changes in relative prices. The formula used in the CPI–U and CPI–W does not capture consumer spending response to changing relative prices across the component item categories.

The C–CPI–U formula uses expenditure data that is not available until several months after the reference month. Because of this, C–CPI–U estimates produced for the reference month alongside the CPI–U are calculated using estimates of the expenditure data and then revised later when the actual expenditure data are available, usually becoming a final estimate 10 to 12 months after the initial publication. The C–CPI–U was first published in 2002.

The Experimental Consumer Price Index for the Elderly (CPI–E)

The CPI–E uses the same price surveys and formulas as the CPI–U and CPI–W, but uses expenditure weights for households with a reference person or spouse aged 62 years or older. As currently produced, the CPI–E captures the household budgets of the elderly population, which differ from the non-elderly population for notable items such as medical care and shelter. However, the CPI–E does not capture that the elderly population might shop at different places, purchase different specific products and services, or in some cases receive specific price discounts.

The CPI–E is an experimental index and is not currently used for official purposes.

The Consumer Price Index Research Series Using Current Methods (CPI–U–RS)

The CPI–U–RS presents an estimate of the CPI–U from 1978 to present that incorporates most of the improvements made over that time span into the entire series. The CPI–U–RS therefore provides an estimate of what the CPI–U would have looked like had current methodology been in place since 1978.

The Personal Consumption Expenditures Price Index (PCEPI)

In addition to the BLS CPI measures described above, OMB also seeks comment on the PCEPI chain type price index produced by BEA.

The PCEPI is a measure of the prices that people and nonprofit institutions pay for goods and services. The PCEPI uses mainly CPI series along with some Producer Price Index series, also produced by BLS, as well as price indexes from other Federal agencies. The PCEPI differs from the CPI in weighting, formula, and scope. A summary of these differences can be found at the BEA website: *https://www.bea.gov/help/faq/555.* The PCEPI is compiled monthly and quarterly and both are revised routinely unlike the official CPI–U and CPI–W series, which are not revised.

More information on each of these measures can be found at the BLS website: *https://www.bls.gov/cpi/* and the BEA website: *https://www.bea.gov/data/personal-consumption-expenditures-price-index.*

The Official Poverty Measure

OMB's Statistical Policy Directive No. 14 (Directive No.14), issued in May 1978, specifies the use of the Consumer Price Index (CPI) in the annual adjustments of poverty thresholds (the OPM) calculated and published by the Census Bureau. Specifically, the directive states:

Annual adjustments in Census series are based on changes in the average annual total Consumer Price Index (CPI) instead of changes in the cost of the U.S. Department of Agriculture's Economy Food Plan.

In practice, the CPI–U has been the index used for the annual adjustments. This policy has not been reevaluated since the introduction of new consumer inflation measures, such as the C–CPI–U. OMB is currently reevaluating the appropriateness of the use of the CPI–U for annual adjustment in the OPM. To assist in this reevaluation, OMB assembled an interagency technical working group to study an array of possible price change measures and to make a recommendation to OMB on potentially revising the current method for adjusting the OPM. The comments received under this Notice will be reviewed and considered by the technical working group in developing their recommendation to OMB.

The OPM, also known as the poverty threshold, should not be confused with the poverty guidelines produced annually by the U.S. Department of Health and Human Services. While the poverty thresholds are used for calculating official poverty population statistics, the poverty guidelines are used for administrative purposes. Most commonly the poverty thresholds are used by a number of federal, state, local, and non-profit programs, such as

Medicaid and the Supplemental Nutrition Assistance Program (SNAP), to determine income eligibility. The guidelines are based on the previous year's poverty thresholds, and updated for inflation using the CPI–U, based on statutory language in the Community Services Block Grant Act (42 U.S.C. 9902(2)). Because of this, changes to the poverty thresholds, including how they are updated for inflation over time, may affect eligibility for programs that use the poverty guidelines. OMB is not currently seeking comment on the poverty guidelines or their application. More information on the poverty guidelines can be found at: *https://aspe.hhs.gov/poverty-guidelines.*

Request for Public Comment

OMB is seeking comment from the public on: (1) The strengths and weaknesses of the indexes for different applications or uses; (2) the strengths and weaknesses of the use of the CPI–U to make annual adjustments to the OPM, as established in OMB's Statistical Policy Directive #14, and discussion of potential alternative indexes; (3) the strengths and weaknesses of the different indexes for making annual adjustments to the historical income figures produced by the Census Bureau; (4) the need for and feasibility of guidance from OMB or other Federal source explaining the differences between indexes and best practices for their use; (5) recommendations for the use of the PCEPI and C–CPI–U for the production of official statistics, considering that both measures are revised after initial release.

Nancy Potok,

Chief, Statistical and Science Policy, Office of Information and Regulatory Affairs.

[FR Doc. 2019–09106 Filed 5–6–19; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Proposed Collection; 60-Day Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Endowment for the Humanities.

ACTION: Notice; request for comments.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1995, the National Endowment for the Humanities (NEH) will be requesting from the Office of Management and Budget (OMB) reinstatement, without change, of NEH's Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery. This generic clearance will fast-track the process for NEH to seek feedback from the public, through surveys and similar feedback instruments, regarding NEH services and programs.

DATES: Please submit comments by July 8, 2019.

ADDRESSES: Submit comments to Michael McDonald, General Counsel, National Endowment for the Humanities: 400 Seventh Street SW, Washington, DC 20506, or *gencounsel@neh.gov.*

FOR FURTHER INFORMATION CONTACT: Michael McDonald, General Counsel, National Endowment for the Humanities: 400 Seventh Street SW, Washington, DC 20506, or *gencounsel@neh.gov.*

SUPPLEMENTARY INFORMATION:

Overview of This Information Collection

Type of Request: Reinstatement, without change, of a previously approved information collection for which approval has expired.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 3136–0140.

Abstract: Reinstatement of this information collection will enable NEH to obtain qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide NEH with insights into customer or stakeholder perceptions, experiences, and expectations; help NEH quickly identify actual or potential problems with how the agency provides services to the public; or focus attention on areas where communication, training, or changes in operations might improve NEH's delivery of its products or services. These collections will allow for ongoing, collaborative and actionable communications between NEH and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

NEH will solicit feedback in areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. NEH will use the responses to plan and inform its efforts to improve or maintain the quality of service and programs offered to the public. If this information is not collected, NEH will not have access to vital feedback from customers and stakeholders about the agency's services and programs.

NEH will only submit an information collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or who may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary, and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, NEH will indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information, and the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but will not yield data that can be generalize to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Governments.

Estimated Number of Respondents: 10,000.

Estimated Annual Frequency per Response: Once per information collection request.

Estimated Average Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 2,500 hours.

Request for Comments

NEH will make comments submitted in response to this notice, including names and addresses where provided, a matter of public record. NEH will summarize the comments and include them in the request for OMB approval. We are requesting comments on all aspects of this generic clearance request, including: (a) 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; (b) the accuracy of the agency'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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Dated: May 1, 2019.

Carlos Díaz-Rosillo,

Senior Deputy Chairman, National Endowment for the Humanities.

[FR Doc. 2019–09355 Filed 5–6–19; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. The majority of these meetings will take place at NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF website: *https://www.nsf.gov/events/.* This information may also be requested by telephoning, 703/292–8687.

Dated: May 1, 2019.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2019–09232 Filed 5–6–19; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Astronomy and Astrophysics Advisory Committee (#13883) (Teleconference).

Date and Time: June 3, 2019; 12:00 p.m.–3:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, Room W2180 (Teleconference).

Type of Meeting: Open.

Attendance information for the meeting will be forthcoming on the website: *https://www.nsf.gov/mps/ast/aaac.jsp.*

Contact Person: Dr. Christopher Davis, Program Director, Division of Astronomical Sciences, Suite W 9136, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703–292–4910.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies.

Agenda: To provide updates on Agency activities.

Dated: May 1, 2019.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2019–09231 Filed 5–6–19; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0112]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from April 9, 2019, to April 22, 2019. The last biweekly notice was published on April 23, 2019.

DATES: Comments must be filed by June 6, 2019. A request for a hearing must be filed by July 8, 2019.

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–2019–0112. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* 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: Janet Burkhardt, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1384; email: *Janet.Burkhardt@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0112, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website*: Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0112.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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–2019–0112, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the

action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (First Floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be

submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress, LLC, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: February 27, 2019. A publicly-available version is in ADAMS under Accession No. ML19058A768.

Description of amendment request: The proposed amendments would modify Technical Specification (TS) 5.5.12 to allow extension of the Type A and Type C test intervals. The extension is based on the adoption of the Nuclear Energy Institute (NEI) topical report NEI 94–01, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' Revision 3–A, dated July 2012, and conditions and limitations set forth in NEI 94–01, Revision 2–A, dated October 2008. The proposed amendments would also make administrative changes to TS 5.5.12.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed activity involves the revision of the Brunswick Steam Electric Plant (BSEP) Units 1 and 2 Technical Specification (TS) 5.5.12, Primary Containment Leakage Rate Testing Program, to allow the extension of the Type A integrated leakage rate test (ILRT) containment test interval to 15 years, and the extension of the Type C test interval to 75 months. Per the guidance provided in Nuclear Energy Institute (NEI) 94–01, Industry Guideline for Implementing Performance-Based Option of 10 CFR 50, Appendix J, Revision 3–A, the current Type A test interval of 120 months (*i.e.,* 10 years) would be extended on a permanent basis to no longer than 15 years from the last Type A test. The current Type C test interval of 60 months for selected components would be extended on a performance basis to no longer than 75 months. Extensions of up to nine months for Types A, B and C tests are permissible only for non-routine emergent conditions.

The proposed interval extensions do not involve either a physical change to the plant or a change in the manner in which the plant is operated or controlled. The containment is designed to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the

containment and the testing requirements invoked to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve the prevention or identification of any precursors of an accident.

The change in Type A test frequency to once-per-fifteen-years, measured as an increase to the total integrated plant risk for those accident sequences influenced by Type A testing, based on the probabilistic risk assessment (PRA) is 4.98E–03 person-rem/year for Unit 1 and 4.67E–03 person-rem/year for Unit 2. Electric Power Research Institute (EPRI) Report No. 1009325, Revision 2–A states that a very small population dose is defined as an increase of less than 1.0 person-rem per year or less than 1 percent of the total population dose, whichever is less restrictive for the risk impact assessment of the extended ILRT intervals. This is consistent with the Nuclear Regulatory Commission (NRC) Final Safety Evaluation for NEI 94–01 and EPRI Report No. 1009325, Revision 2A. Moreover, the risk impact when compared to other severe accident risks is negligible. Therefore, the proposed extension does not involve a significant increase in the probability of an accident previously evaluated.

In addition, as documented in NUREG–1493, ''Performance-Based Containment Leak-Test Program,'' dated September 1995, Types B and C tests have identified a very large percentage of containment leakage paths, and the percentage of containment leakage paths that are detected only by Type A testing is very small. The BSEP Unit 1 and Unit 2 Type A test history supports this conclusion.

The integrity of the containment is subject to two types of failure mechanisms that can be categorized as: (1) Activity based, and (2) time based. Activity based failure mechanisms are defined as degradation due to system and/or component modifications or maintenance. Local leak rate test requirements and administrative controls such as configuration management and procedural requirements for system restoration ensure that containment integrity is not degraded by plant modifications or maintenance activities. The design and construction requirements of the containment combined with the containment inspections performed in accordance with American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (B&PV) Code, Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components, Containment Maintenance Rule Inspections, Containment Coatings Program and TS requirements serve to provide a high degree of assurance that the containment would not degrade in a manner that is detectable only by a Type A test (ILRT). Based on the above, the proposed test interval extensions do not significantly increase the consequences of an accident previously evaluated.

The proposed amendment also proposes administrative changes to the exceptions in Units 1 and 2 TS 5.5.12.c and f. TS exception 5.5.12.c reference[s] NEI 94–01 Revision 0 and TS exception 5.5.12.f reference[s] ANSI/ANS [American National Standards Institute/American Nuclear Society] 56.8–1994. This change proposes to update the referenced documents in these two TS exceptions to reflect the adoption of NEI 94–01, Revision 3–A and ANSI/ANS 56.8–2002, accordingly. This administrative change does not impact any accidents previously evaluated.

Therefore, the proposed changes do not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment to the BSEP Units 1 and 2 TS 5.5.12, ''Primary Containment Leakage Rate Testing Program,'' involves the extension of the BSEP, Units 1 and 2 Type A containment test interval to 15 years and the extension of the Type C test interval to 75 months. The containment and the testing requirements to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident.

The proposed change does not involve a physical modification to the plant (*i.e.,* no new or different type of equipment will be installed) nor does it alter the design, configuration, or change the manner in which the plant is operated or controlled beyond the standard functional capabilities of the equipment.

The proposed amendment also proposes administrative changes to the exceptions in Units 1 and 2 TS 5.5.12.c and f. TS exception 5.5.12.c reference[s] NEI 94–01 Revision 0 and TS exception 5.5.12.f reference[s] ANSI/ANS 56.8–1994. This change proposes to update the referenced documents in these two TS exceptions to reflect the adoption of NEI 94–01, Revision 3–A and ANSI/ANS 56.8–2002, accordingly. This administrative change to the references listed in TS 5.5.12.c and f, does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment to Unit 1 and Unit 2 TS 5.5.12 involves the extension of the BSEP Type A containment test interval to 15 years and the extension of the Type C to 75 months. This amendment does not alter the manner in which safety limits, limiting safety system set points, or limiting conditions for operation are determined. The specific requirements and conditions of the TS Containment Leak Rate Testing Program exist to ensure that the degree of containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leak rate limit specified by TS is maintained.

The proposed change involves the extension of the interval between Type A containment leak rate tests and Type C tests for BSEP, Units 1 and 2. The proposed surveillance interval extension is bounded by the 15-year ILRT interval and the 75-month Type C test interval currently authorized within NEI 94–01, Revision 3–A. Industry experience supports the conclusion that Type B and C testing detects a large percentage of containment leakage paths and that the percentage of containment leakage paths that are detected only by Type A testing is small. The containment inspections performed in accordance with Option B to 10 CFR 50, Appendix J and the overlapping inspection activities performed as part of ASME Section Xl, and the TS serve to provide a high degree of assurance that the containment would not degrade in a manner that is detectable only by Type A testing. The combination of these factors ensures that the margin of safety in the plant safety analysis is maintained. The design, operation, testing methods and acceptance criteria for Types A, B, and C containment leakage tests specified in applicable codes and standards would continue to be met, with the acceptance of this proposed change, since these are not affected by changes to the Type A and Type C test intervals.

The proposed amendment also proposes administrative changes to the exceptions in Units 1 and 2 TS 5.5.12. Two exceptions listed in the Units 1 and 2 TS 5.5.12 contain references to revisions and years of the ANSI/ANS 56.8 and NEI 94–01. Units 1 and 2 TS 5.5.12 exception c references NEI 94–01, Revision 0 and Units 1 and 2 TS 5.5.12 exception f references ANSI/ANS 56.8–1994. This change proposes to update the referenced documents in these two TS exceptions to reflect the adoption of NEI 94–01, Revision 3–A and ANSI/ANS 56.8–2002, accordingly. This administrative change does not change how the unit is operated or maintained, thus there is no reduction in any margins of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn B. Nolan, Deputy General Counsel, 550 South Tryon Street, M/C DEC45A, Charlotte, NC 28202.

NRC Branch Chief: Undine Shoop.

Duke Energy Progress, LLC, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: March 4, 2019. A publicly-available version is in ADAMS under Accession No. ML19063B740.

Description of amendment request: The proposed amendments would modify Technical Specification Surveillance Requirements (SRs) 3.4.3.2

and 3.5.1.11 by replacing the current requirement to verify the safety relief valves (SRVs) open when manually actuated with an alternate requirement that verifies the SRVs are capable of being opened. Additionally, the proposed change would revise the frequency for performing these SRs to be in accordance with the Inservice Testing (IST) Program.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The proposed change revises SR 3.4.3.2 and SR 3.5.1.11 by replacing the current requirement to verify the SRVs open when manually actuated with an alternate requirement that verifies the SRVs are capable of being opened through a series of overlapping tests and requires the testing to be completed on a frequency in accordance with the IST Program. The proposed SR testing will continue to demonstrate proper SRV operation without the need for in-situ testing with reactor steam. This testing fully meets the requirements of the American Society of Mechanical Engineers (ASME) Code for Operation and Maintenance of Nuclear Power Plants (OM Code) for safety and relief valves. Performing testing in accordance with the IST Program retains appropriate legal control over the testing methodology and specified frequency, since performance is required and is governed by a code adopted into the regulation, *i.e.,* 10 CFR 50.55a. Therefore, the proposed change does not adversely affect the ability of structures, systems and components (SSCs) to perform their intended safety function to mitigate the consequences of event. Further, the proposed change does not increase the types and the amounts of radioactive effluent that may be released, nor significantly increase individual or cumulative occupation/public radiation exposures.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises SR 3.4.3.2 and SR 3.5.1.11 by replacing the current requirement to verify the SRVs open when manually actuated with an alternate requirement that verifies the SRVs are capable of being opened through a series of overlapping tests and updating the frequency to be in accordance with the IST Program. It does not require any modification to the plant and it does not alter the design configuration, or method of operation of plant equipment beyond its normal functional capabilities. The proposed change will not introduce failure modes that could result in a new accident, and the change does not alter assumptions made in the safety analysis.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises SR 3.4.3.2 and SR 3.5.1.11 by replacing the current requirement to verify the SRVs open when manually actuated with an alternate requirement that verifies the SRVs are capable of being opened through a series of overlapping tests and updating the frequency to be in accordance with the IST Program. The proposed SR testing will continue to demonstrate proper SRV operation without the need for in-situ testing with reactor steam. It does not alter or exceed a design basis or safety limit. There is no change being made to safety analysis assumptions or the safety limits that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by the proposed change and the applicable requirements of 10 CFR 50.36(c)(3) will continue to be met.

Therefore, the proposed amendment does not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn B. Nolan, Deputy General Counsel, 550 South Tryon Street, M/C DEC45A, Charlotte, NC 28202.

NRC Branch Chief: Undine Shoop.

Entergy Nuclear Operations, Inc., Docket No. 50–255, Palisades Nuclear Plant (PNP), Van Buren County, Michigan

Date of amendment request: March 8, 2019. A publicly available version is in ADAMS under Accession No. ML19067A004.

Description of amendment request: The proposed amendment would revise the full compliance date for the fire protection program transition license condition to allow an extension for the implementation of the remaining modifications necessary to achieve full compliance with 10 CFR 50.48(c).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the PNP [renewed facility operating license] RFOL to change the full compliance date for the fire protection program transition license condition to allow additional time for the implementation of the remaining modifications necessary to achieve full compliance with 10 CFR 50.48(c) is administrative in nature. This change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents, and has no impact on the probability or consequences of an accident previously evaluated.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the PNP RFOL [Renewed Facility Operating License] to change the full compliance date for the fire protection program transition license condition to allow additional time for the implementation of the remaining modifications necessary to achieve full compliance with 10 CFR 50.48(c) is administrative in nature. This proposed change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change to the PNP RFOL to change the full compliance implementation date for the fire protection program transition license condition to allow additional time for implementation of the remaining modifications necessary to achieve full compliance with 10 CFR 50.48(c) is administrative in nature. Plant safety margins

are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Because there is no change to established safety margins as a result of this change, the proposed change does not involve a significant reduction in a margin of safety.

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Anna V. Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001.

NRC Branch Chief: David J. Wrona.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois and Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Date of amendment request: December 13, 2018, as supplemented by letter dated February 14, 2019. Publicly-available versions are in ADAMS under Accession Nos. ML18352B063 and ML19050A399, respectively.

Description of amendment request: The proposed amendment would revise the technical specifications to permit the use of risk-informed completion times in accordance with Technical Specification Task Force (TSTF)-505, Revision 2, ''Provide Risk-Informed Extended Completion Times—RITSTF Initiative 4b,'' which is Attachment 3 to TSTF letter dated July 2, 2018 (ADAMS Accession No. ML18183A493).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes permit the extension of Completion Times provided the associated risk is assessed and managed in accordance with the NRC approved Risk-Informed Completion Time Program. The proposed changes do not involve a significant increase in the probability of an accident previously evaluated because the changes involve no change to the plant or its modes of operation. The proposed changes do not increase the consequences of an accident because the design-basis mitigation function of the affected systems is not changed and the consequences of an accident during the extended Completion Time are no different from those during the existing Completion Time.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not change the design, configuration, or method of operation of the plant. The proposed changes do not involve a physical alteration of the plant (no new or different kind of equipment will be installed).

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes permit the extension of Completion Times provided that risk is assessed and managed in accordance with the NRC approved Risk-Informed Completion Time Program. The proposed changes implement a risk-informed configuration management program to assure that adequate margins of safety are maintained. Application of these new specifications and the configuration management program considers cumulative effects of multiple systems or components being out of service and does so more effectively than the current TS.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: David J. Wrona.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois and Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Date of amendment request: January 31, 2019. A publicly-available version is in ADAMS under Accession No. ML19032A149.

Description of amendment request: The proposed amendment would revise technical specifications (TS) for inoperable snubbers by adding Limiting Condition for Operation (LCO) 3.0.9. The change is consistent with the NRC-approved Technical Specification Task Force (TSTF) Standard Technical Specifications Change Traveler, TSTF–372, ''Addition of LCO 3.0.8, lnoperability of Snubbers.'' The availability of this TS improvement was announced in the **Federal Register** on May 4, 2005 (70 FR 23252). Because Braidwood Station, Units 1 and 2, and Byron Station, Unit Nos. 1 and 2, already have a TS identified as LCO 3.0.8, adoption of TSTF–372 will be identified as LCO 3.0.9.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change allows a delay time before declaring supported Technical Specifications (TS) systems inoperable when the associated snubber(s) cannot perform its required safety function. Entrance into Actions or delaying entrance into Actions is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased. The consequences of an accident while relying on the delay time allowed before declaring a TS supported system inoperable and taking its Conditions and Required Actions are no different than the consequences of an accident under the same plant conditions while relying on the existing TS supported system Conditions and Required Actions. Therefore, the consequences of an accident previously evaluated are not significantly increased by this change.

Therefore, this proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change allows a delay time before declaring supported TS systems inoperable when the associated snubber(s) cannot perform its required safety function. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change allows a delay time before declaring supported TS systems inoperable when the associated snubber(s) cannot perform its required safety function. The proposed change restores an allowance in the pre-Improved Standard Technical Specifications (ISTS) conversion TS that was unintentionally eliminated by the conversion. The pre-ISTS TS were considered to provide an adequate margin of safety for plant operation, as does the post-ISTS conversion TS.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: David J. Wrona.

Florida Power and Light Company, Docket No. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of amendment request: February 14, 2019. A publicly-available version is in ADAMS under Accession No. ML19045A617.

Description of amendment request: The amendments would revise the Technical Specifications (TS) related to certain equipment shared between the two units when one unit is shut down. Additionally, the amendments remove an inappropriate footnote that allows an exception from TS 4.0.4.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The technical specification requirements associated with the proposed change to the TS are not initiators of any accidents previously evaluated, so the probability of accidents previously evaluated is unaffected by the proposed change. The proposed change does not alter the design, function, or operation of any plant structure, system, or component (SSC). The capability of any operable TS-required SSC to perform its specified safety function is not impacted by the proposed change. As a result, the outcomes of accidents previously evaluated are unaffected. Therefore, the proposed change does not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not challenge the integrity or performance of any safety-related systems. No plant equipment is installed or removed, and the change does not alter the design, physical configuration, or method of operation of any plant SSC. No physical changes are made to the plant, so no new causal mechanisms are introduced. Therefore, the proposed change to the TS does not create the possibility of a new or different kind of accident from any accident previously evaluated. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The ability of any operable SSC to perform its designated safety function is unaffected by the proposed change. The proposed change does not alter any safety analyses assumptions, safety limits, limiting safety system settings, or method of operating the plant. The change does not adversely affect plant operating margins or the reliability of equipment credited in the safety analyses. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Debbie Hendell, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd. MS LAW/JB, Juno Beach, FL 33408–0420.

NRC Branch Chief: Undine Shoop.

Omaha Public Power District (OPPD) Docket No. 50–285, Fort Calhoun Station, Unit No. 1 (FCS), Fort Calhoun, Nebraska

Date of amendment request: February 28, 2019. A publicly-available version is in ADAMS under Accession No. ML19064A758.

Description of amendment request: The proposed amendment would replace the FCS Permanently Defueled Emergency Plan and associated Emergency Action Level (EAL) technical bases document with the Independent Spent Fuel Storage Installation Only Emergency Plan (IOEP) and its associated Independent Spent Fuel Storage Installation (ISFSI) EAL Technical Bases Document. The IOEP will be used at FCS during the period when all spent fuel is stored in the FCS ISFSI. This proposed change reflects the complete removal of all fuel from the spent fuel pool (SFP) and permits specific reductions in the size and makeup of the Emergency Response Organization due to the elimination of the remaining design basis accident related to spent fuel handling. OPPD expects that all spent fuel will be completely transferred to the ISFSI by the middle of 2020.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment would modify the FCS facility operating license by revising the emergency plan and EAL scheme. FCS has permanently ceased power operations and is permanently defueled. The proposed amendment is conditioned on all spent nuclear fuel being removed from wet storage in the SFP and placed in dry storage within the ISFSI. Occurrence of postulated accidents associated with spent fuel stored in a SFP is no longer credible in a SFP devoid of such fuel. The proposed amendment has no effect on plant systems, structures, or components (SSC) and no effect on the capability of any plant SSC to perform its design function. The proposed amendment would not increase the likelihood of the malfunction of any plant SSC. The proposed amendment would have no effect on any of the previously evaluated accidents in the FCS [Defueled Safety Analysis Report] DSAR.

Because FCS has permanently ceased power operations, the generation of fission products has ceased and the remaining source term continues to decay. This continues to significantly reduce the consequences of previously evaluated postulated accidents.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment constitutes a revision of the emergency planning function commensurate with the ongoing and anticipated reduction in radiological source term at FCS.

The proposed amendment does not involve a physical alteration of the plant. No new or different types of equipment will be installed and there are no physical modifications to existing equipment as a result of the

proposed amendment. Similarly, the proposed amendment would not physically change any SSC involved in the mitigation of any postulated accidents. Thus, no new initiators or precursors of a new or different kind of accident are created. Furthermore, the proposed amendment does not create the possibility of a new failure mode associated with any equipment or personnel failures. The credible events for the ISFSI remain unchanged.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Because the 10 CFR part 50 license for FCS no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel, as specified in 10 CFR 50.82(a)(2), the occurrence of postulated accidents associated with reactor operation is no longer credible. With all spent nuclear fuel transferred out of wet storage from the SFP and placed in dry storage within the ISFSI, a fuel handling accident is no longer credible. There are no credible events that would result in radiological releases beyond the site boundary exceeding the EPA PAG exposure levels, as detailed in the EPA's PAG Manual ''Protective Action Guides and Planning Guidance for Radiological Incidents'' dated January 2017 (EPA PAG Manual).

The proposed amendment does not involve a change in the plant's design, configuration, or operation. The proposed amendment does not affect either the way in which the plant SSCs perform their safety function or their design margins. Because there is no change to the physical design of the plant, there is no change to these margins.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Stephen M. Bruckner, Attorney, Fraser Stryker PC LLO, 500 Energy Plaza, 409 South 17th Street, Omaha, NE 68102.

NRC Branch Chief: Bruce A. Watson.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Units 1 and 2 (DCPP), San Luis Obispo County, California

Date of amendment request: February 14, 2019. A publicly-available version is in ADAMS under Accession No. ML19045A698.

Description of amendment request: The proposed amendments would revise the intake structure physical security classification in the DCPP Security Plan and Emergency Plan.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the Diablo Canyon Power [Nuclear] Plant (DCPP) emergency action levels (EALs) do not physically impact the plant structures, systems, or components (SSCs) or the manner in which SSCs perform their design function. The proposed changes neither adversely affect accident initiators or precursors, nor alter design assumptions. The proposed changes do not alter or prevent the ability of SSCs to perform their intended function to mitigate the consequences of an initiating event within assumed acceptance limits. No operating procedures or administrative controls that function to prevent or mitigate accidents are affected by the proposed changes. A concurrent accident with a hostile action is not assumed to occur.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed or removed) or a change in the method of plant operation. The proposed changes will not introduce failure modes that could result in a new accident, and the change[s] [do] not alter assumptions made in the safety analysis. The proposed changes to the DCPP EALs are not initiators of any accidents.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public.

The proposed changes do not impact operation of the plant or its response to transients or accidents. The proposed changes do not affect the Technical Specifications or the Operating Licenses. The proposed changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes. Additionally, the proposed changes will not relax any criteria used to establish safety limits and will not relax any safety system settings. The safety analysis acceptance criteria are not affected by these changes. The proposed changes will not result in plant operation in a configuration outside the design basis. The proposed changes do not adversely affect systems that respond to safely shut down the plant and to maintain the plant in a safe shutdown condition. The Emergency Plan will continue to activate an emergency response commensurate with the extent of degradation of plant safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Jennifer Post, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, CA 94120.

NRC Branch Chief: Robert J. Pascarelli.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant Units 3 and 4, Burke County, Georgia

Date of amendment request: March 25, 2019. A publicly-available version is in ADAMS under Accession No. ML19084A309.

Description of amendment request: The requested amendment proposes to change the Technical Specifications (TS) (Combined License Appendix A), as well as plant-specific Tier 2 information. Specifically, the requested amendment proposes to change TS Sections 1.0, 3.1, 3.2, 3.3, 3.9, and 5.5. The Surveillance Requirements (SRs) requiring manual Channel Checks, Channel Operational Tests, Actuation Logic Tests and Actuation Logic Output Tests to be performed on Protection and Safety Monitoring System (PMS) components are proposed to be removed from the TSs. The approach for satisfying the reactor trip and engineered safety feature actuation system response time test SRs for the PMS racks is proposed to be changed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not affect the safety limits as described in the plant-specific TS. In addition, the limiting safety system settings and limiting control settings continue to be met with the proposed changes to the plant-specific TS SRs. The proposed changes do not adversely affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSCs) accident initiator or initiating sequence of events.

The proposed changes do not result in any increase in probability of an analyzed accident occurring and maintain the initial conditions and operating limits required by the accident analysis, and the analyses of normal operation and anticipated operational occurrences, so that the consequences of postulated accidents are not changed.

Therefore, the requested amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not affect the safety limits as described in the plant-specific TS. In addition, the limiting safety system settings and limiting control settings continue to be met with the proposed changes to the plant-specific TS limiting conditions for operation, applicability, actions, and SRs. The proposed changes do not affect the operation of any systems or equipment that may initiate a new or different kind of accident or alter any SSC such that a new accident initiator or initiating sequence of events is created.

These proposed changes do not adversely affect any other SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or nonsafety-related equipment. Therefore, this activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that results in significant fuel cladding failures.

Therefore, the requested amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not affect the safety limits as described in the plant-specific TS. In addition, the limiting safety system settings and limiting control settings continue to be met with the proposed changes to the plant-specific TS limiting conditions for operation, applicability, actions, and SRs. The proposed changes do not affect the initial conditions and operating limits required by the accident analysis, and the analyses of normal operation and anticipated operational occurrences, so that the acceptance limits specified in the Updated Final Safety Analysis Report (UFSAR) are not exceeded. The proposed changes satisfy the same safety functions in accordance with the same requirements as stated in the UFSAR. These changes do not adversely affect any design code, function, design analysis, safety analysis input or result, or design/safety margin.

No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, and no margin of safety is reduced.

Therefore, the requested amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer L. Dixon-Herrity.

Susquehanna Nuclear, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: March 28, 2019. A publicly-available version is in ADAMS under Accession No. ML19087A208.

Description of amendment request: The amendments would eliminate the second Completion Times from certain Technical Specifications (TSs). The second Completion Times limit the time allowed from discovery of failure to meet a limiting condition for operation (LCO) until the LCO is met. The proposed changes are consistent with previously NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–439, Revision 2, ''Eliminate Second Completion Times Limiting Time from Discovery of Failure to Meet an LCO.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC staff edits in square brackets:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates second Completion Times from the TS. Completion Times are not an initiator to any accident previously evaluated. As a result, the probability of an accident previously evaluated is not affected. The consequences of an accident during the revised Completion Time are no different than the consequences of the same accident during the existing Completion Times. As a result, the consequences of an accident previously evaluated are not affected by this change. The proposed change does not alter or prevent the ability of structures, systems, or components from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed change does not increase the types or amounts of radioactive effluent that may be released offsite nor significant increase [in] individual or cumulative occupational/public radiation exposures. The proposed change is consistent with the safety analysis assumptions and resultant consequences.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. The proposed change does not alter any assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change to delete the second Completion Times does not alter the manner in which safety limits, limiting safety system settings, or LCOs are determined. The safety analysis acceptance criteria are not affected by this change. The proposed change will not result in plant operation in a configuration outside of the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Damon D. Obie, Associate General Counsel, Talen Energy Supply, LLC, 835 Hamilton St., Suite 150, Allentown, PA 18101.

NRC Branch Chief: James G. Danna.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260, and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of amendment request: January 25, 2019. A publicly-available version is in ADAMS under Accession No. ML19031C826.

Description of amendment request: The amendments would replace existing technical specification (TS) requirements related to operations with a potential for draining the reactor vessel (OPDRV) with new requirements on reactor pressure vessel (RPV) water inventory control (WIC) to continue to protect Safety Limit 2.1.1.3. Safety Limit 2.1.1.3 requires reactor vessel water level to be greater than the top of active irradiated fuel.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. Draining of RPV water inventory in Mode 4 (*i.e.,* cold shutdown) and Mode 5 (*i.e.,* refueling) is not an accident previously evaluated and, therefore, replacing the existing TS controls to prevent or mitigate such an event with a new set of controls has no effect on any accident previously evaluated. RPV water inventory control in Mode 4 or Mode 5 is not an initiator of any accident previously evaluated. The existing OPDRV controls or the proposed RPV WIC controls are not mitigating actions assumed in any accident previously evaluated.

The proposed change reduces the probability of an unexpected draining event (which is not a previously evaluated accident) by imposing new requirements on the limiting time in which an unexpected draining event could result in the reactor vessel water level dropping to the top of the active fuel (TAF). These controls require cognizance of the plant configuration and control of configurations with unacceptably short drain times.

These requirements reduce the probability of an unexpected draining event. The current TS requirements are only mitigating actions and impose no requirements that reduce the probability of an unexpected draining event.

The proposed change reduces the consequences of an unexpected draining event (which is not a previously evaluated accident) by requiring an Emergency Core Cooling System (ECCS) subsystem to be operable at all times in Modes 4 and 5. The current TS requirements do not require any water injection systems, ECCS or otherwise, to be Operable in certain conditions in Mode 5. The change in requirement from two ECCS subsystems to one ECCS subsystem in Modes 4 and 5 does not significantly affect the consequences of an unexpected draining event because the proposed Required Actions ensure equipment is available within the limiting drain time that is as capable of mitigating the event as the current requirements. The proposed controls provide escalating compensatory measures to be established as calculated drain times decrease, such as verification of a second method of water injection and additional confirmations that containment and/or filtration would be available if needed.

The proposed change reduces or eliminates some requirements that were determined to be unnecessary to manage the consequences of an unexpected draining event, such as automatic initiation of an ECCS subsystem and control room ventilation. These changes do not affect the consequences of any accident previously evaluated because a draining event in Modes 4 and 5 is not a previously evaluated accident and the requirements are not needed to adequately respond to a draining event.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. The proposed change will not alter the design function of the equipment involved. Under the proposed change, some systems that are currently required to be operable during OPDRVs would be required to be available within the limiting drain time or to be in service depending on the limiting drain time. Should those systems be unable to be placed into service, the consequences are no different than if those systems were unable to perform their function under the current TS requirements.

The event of concern under the current requirements and the proposed change is an unexpected draining event. The proposed change does not create new failure mechanisms, malfunctions, or accident initiators that would cause a draining event or a new or different kind of accident not previously evaluated or included in the design and licensing bases.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC. The current requirements do not have a stated safety basis and no margin of safety is established in the licensing basis. The safety basis for the new requirements is to protect Safety Limit 2.1.1.3. New requirements are added to determine the limiting time in which the RPV water inventory could drain to the top of the fuel in the reactor vessel should an unexpected draining event occur. Plant configurations that could result in lowering the RPV water level to the TAF within one hour are now prohibited. New escalating compensatory measures based on the limiting drain time replace the current controls. The proposed TS establish a safety margin by providing defense-in-depth to ensure that the Safety Limit is protected and to protect the public health and safety. While some less restrictive requirements are proposed for plant configurations with long calculated drain times, the overall effect of the change is to improve plant safety and to add safety margin.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, 6A West Tower, Knoxville, TN 37902.

NRC Branch Chief: Undine Shoop.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Unit 1, Coffey County, Kansas

Date of amendment request: February 25, 2019. A publicly-available version is in ADAMS under Accession No. ML19064A591.

Description of amendment request: The amendment would revise Technical Specification (TS) 3.6.3, ''Containment Isolation Valves,'' to remove use of a blind flange to meet Limiting Condition for Operation (LCO) 3.6.3, Required Action D.1. In addition, a change to Surveillance Requirement (SR) 3.6.3.1 is proposed to remove use of a blind flange.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to TS LCO 3.6.3 and SR 3.6.3.1 have no effect on the requirement for systems to be OPERABLE and have no effect on the application of TS actions. Since the proposed change does not significantly

affect system OPERABILITY the proposed change will have no significant effect on the initiating events for accidents previously evaluated and will have no significant effect on the ability of the systems to mitigate accidents previously evaluated.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to update the TS does not affect the design or function of any plant systems. The proposed change does not change the Operability requirements for plant systems or the actions taken when plant systems are not OPERABLE.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change updates TS LCO 3.6.3, Required Action D.1 to remove use of a blind flange. It does not result in changes in plant operation. The proposed change to SR 3.6.3.1 removes the use of a blind flange. As a result, plant safety is either improved or unaffected.

Therefore, it is concluded that this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Pillsbury Winthrop Shaw Pittman LLP, 1200 17th Street NW, Washington, DC 20036.

NRC Branch Chief: Robert J. Pascarelli.

IV. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2 (Catawba), York County, South Carolina

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2 (McGuire), Mecklenburg County, North Carolina

Duke Energy Progress, Inc., Docket No. 50–400; Shearon Harris Nuclear Power Plant, Unit 1 (Harris), Wake County, North Carolina

Duke Energy Progress, Inc., Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2 (Robinson), Darlington County, South Carolina

Date of amendment request: May 10, 2018.

Brief description of amendments: The amendments modified the Technical Specifications (TSs) for Catawba, McGuire, Harris, and Robinson. Specifically, ventilation system heaters will be removed from Catawba TSs 3.6.10, ''Annulus Ventilation System (AVS)''; 3.7.10, ''Control Room Area Ventilation System (CRAVS)''; 3.7.12, ''Auxiliary Building Filtered Ventilation Exhaust System (ABFVES)''; 3.7.13, ''Fuel Handling Ventilation Exhaust System (FHVES)''; 3.9.3, ''Containment Penetrations''; 5.5.11, ''Ventilation Filter Testing Program (VFTP)''; and 5.6.6, ''Ventilation Systems Heater Report''; and McGuire TSs 3.6.10, ''Annulus Ventilation System (AVS)''; 3.7.9, ''Control Room Area Ventilation System (CRAVS)''; 5.5.11, ''Ventilation Filter Testing Program (VFTP)''; and 5.6.6, ''Ventilation Systems Heater Failure Report.'' The specified relative humidity for charcoal testing in the ventilation system Surveillance Requirement (for Harris) and Ventilation Filter Testing Program (for Robinson) is revised from 70 percent to 95 percent and the ventilation system heaters will be removed from the Harris TSs ¾.7.6, ''Control Room Emergency Filtration System''; ¾.7.7, ''Reactor Auxiliary Building (RAB) Emergency Exhaust System''; and ¾.9.12, ''Fuel Handling Building Emergency Exhaust System''; and Robinson TSs 3.7.11, ''Fuel Building Air Cleanup System (FBACS),'' and 5.5.11, ''Ventilation Filter Testing Program (VFTP).'' The proposed changes are consistent with Technical Specifications Task Force (TSTF) Traveler TSTF–522, ''Revise Ventilation System Surveillance Requirements to Operate for 10 Hours per Month,'' Revision 0. Additionally, an administrative error is being corrected in McGuire's TS 5.5.11, ''Ventilation Filter Testing Program (VFTP).''

Date of issuance: April 18, 2019.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos: 301/297 (Catawba), 313/292 (McGuire), 170 (Harris), and 262 (Robinson). A publicly-available version is in ADAMS under Accession No. ML19050A297; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–35 and NPF–52 (Catawba), NPF–63 (Harris), NPF–9 and NPF–17 (McGuire), and DPR–23 (Robinson): The amendments revised the Facility Operating Licenses and Technical Specifications.

*Date of initial notice in **Federal Register:*** October 23, 2018 (83 FR 53511).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 18, 2019.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Calvert County, Maryland

Date of amendment request: April 20, 2018.

Brief description of amendments: The amendments revised the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Technical Specifications to remove an

exception to the minimum education requirements for shift technical advisors. Specifically, Technical Specification Section 5.2.2.g.3 related to specific requirements for shift technical advisor personnel education and training has been deleted.

Date of issuance: April 19, 2019.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 329 (Unit 1); 307 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML19053A588; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: The amendments revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** July 3, 2018 (83 FR 31183).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 19, 2019.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: March 19, 2018, as supplemented by letters dated August 13, 2018, and November 20, 2018.

Brief description of amendment: The amendment revised the on-shift staffing and the emergency response organization in the site emergency plan for the post-shutdown and permanently defueled condition.

Date of issuance: April 18, 2019.

Effective date: Upon the licensee's submittal of the certifications required by 10 CFR 50.82(a)(1)(i) and (ii) and shall be implemented within 90 days of the effective date of the amendment, but may not exceed December 31, 2019.

Amendment No.: 296. A publicly-available version is in ADAMS under Accession No. ML19065A114; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–50: The amendment revised the emergency plan.

Date of initial notice in ***Federal Register:*** July 17, 2018 (83 FR 33268). The supplemental letters dated August 13, 2018, and November 20, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 18, 2019.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant (CNP), Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: May 4, 2018.

Brief description of amendments: The amendments revised the CNP, Units 1 and 2, technical specification (TS) usage rules for completion times, limiting conditions for operation (LCOs), and surveillance requirements (SRs) based on Technical Specification Task Force (TSTF) Traveler TSTF–529, ''Clarify Use and Application Rules,'' Revision 4. Specifically, the licensee proposed changes to TS Section 1.3, ''Completion Time,'' and LCO 3.0.4 and SR 3.0.3 in TS Section 3.0, ''Limiting Condition for Operation (LCO) Applicability.''

Date of issuance: April 10, 2019.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 344 (Unit 1) and 326 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML19031B966; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–58 and DPR–74: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** July 17, 2018 (83 FR 33269).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 10, 2019.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota (NSPM), Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: November 12, 2018.

Brief description of amendment: The amendment revised the safety limit minimum critical power ratio for two recirculation loop and single recirculation loop operation. The amendment also revised Technical Specifications 2.1.1 and 5.6.3 to remove outdated and duplicate information.

Date of issuance: April 22, 2019.

Effective date: As of the date of issuance and shall be implemented prior to the startup from the spring 2019 refueling outage.

Amendment No.: 201. A publicly-available version is in ADAMS under Accession No. ML19074A269; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–22. The amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** February 5, 2019 (84 FR 1803).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 22, 2019.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: March 15, 2018, as supplemented by letter dated September 17, 2018.

Brief description of amendment: The amendments revised the technical specifications to adopt Technical Specifications Task Force (TSTF) Standard Technical Specifications (STS) Change Traveler TSTF–425, Revision 3, ''Relocate Surveillance Frequencies to Licensee Control-RITSTF [Risk-Informed TSTF] Initiative 5b,'' requiring future surveillance frequency changes to be made in accordance with NEI 04–10, an approved methodology.

Date of issuance: April 16, 2019.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 226—Unit 1; 214—Unit 2. A publicly-available version is in ADAMS under Accession No. ML19045A480; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–42 and DPR–60: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** May 22, 2018 (83 FR 23735). The supplemental letter dated September 17, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 16, 2019.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC and Exelon Generation Company, LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: June 29, 2018.

Brief description of amendments: The amendments deleted duplicative technical specification (TS) requirements for the refueling water storage tank in TS 3.1.2.6, ''Borated Water Sources—Operating,'' and revised TS 3.5.5, ''Refueling Water Storage Tank,'' to ensure compliance with assumptions used in the design-basis accident and containment response analyses and to make Salem Nuclear Generating Station, Unit Nos. 1 and 2, TS requirements for the refueling water storage tank, consistent with NUREG–1431, Revision 4, ''Standard Technical Specifications—Westinghouse Plants.''

Date of issuance: April 11, 2019.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 328 (Unit No. 1) and 309 (Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML19077A336; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

*Date of initial notice in **Federal Register:*** August 28, 2018 (83 FR 43907).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 11, 2019.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina

Date of amendment request: December 12, 2018.

Brief description of amendment: The amendment removed an expired one-time extension to Technical Specification (TS) Surveillance Requirement 4.3.3.6 and removes the Index from the TSs, placing it under licensee control. These changes are administrative and non-technical.

Date of issuance: April 10, 2019.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 214. A publicly-available version is in ADAMS under Accession No. ML19074A222, documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–12: Amendment revised the Renewed Facility Operating License and the Technical Specifications.

*Date of initial notice in **Federal Register:*** January 30, 2019 (84 FR 495).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 10, 2019.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1 (Callaway), Callaway County, Missouri

Date of amendment request: March 9, 2018, as supplemented by letters dated January 23, February 8, and March 7, 2019.

Brief description of amendment: The amendment added new Technical Specification (TS) 3.7.20, ''Class 1E Electrical Equipment Air Conditioning (A/C) System,'' to the Callaway TSs. New TS 3.7.20 includes (1) a Limiting Condition for Operation (LCO) statement, (2) an Applicability statement, during which the LCO must be met, (3) ACTIONS to be applied when the LCO is not met, including Conditions, Required Actions, and Completion Times, and (4) Surveillance Requirements with a specified Frequency to demonstrate that the LCO is met for the Class 1E Electrical Equipment A/C System trains at Callaway. The change enhanced the capability of one Class 1E electrical equipment A/C train to provide adequate area cooling for both trains of Class 1E electrical equipment during normal and accident conditions.

Date of issuance: April 18, 2019.

Effective date: As of the date of issuance and shall be implemented within 120 days from the date of issuance.

Amendment No.: 219. A publicly-available version is in ADAMS under Accession No. ML19073A001; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–30: The amendment revised the Renewed Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register:*** July 3, 2018 (83 FR 31194). The supplements dated January 23, February 8, and March 7, 2019, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 18, 2019.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 29th day of April 2019.

For the Nuclear Regulatory Commission.

Kathryn M. Brock,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2019–08982 Filed 5–6–19; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–561, OMB Control No. 3235–0634, Request for a New OMB Control No.]

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 607

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'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Regulation E (17 CFR 230.601 to 230.610a) exempts from registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act'') securities issued by a small business investment company (''SBIC'') which is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') or a closed-end investment company that has elected to be regulated as a business development company (''BDC'') under the Investment Company Act, so long as the aggregate offering price of all

securities of the issuer that may be sold within a 12-month period does not exceed $5,000,000 and certain other conditions are met. Rule 607 under Regulation E (17 CFR 230.607) entitled, ''Sales material to be filed,'' requires sales material used in connection with securities offerings under Regulation E to be filed with the Commission at least five days (excluding weekends and holidays) prior to its use.[1] Commission staff reviews sales material filed under rule 607 for materially misleading statements and omissions. The requirements of rule 607 are designed to protect investors from the use of false or misleading sales material in connection with Regulation E offerings.

Respondents to this collection of information include SBICs and BDCs making an offering of securities pursuant to Regulation E. Two filings were submitted to the Commission under rule 607 in 2016, 2017, and 2018. Accordingly, we estimate one annual response. Each respondent's reporting burden under rule 607 relates to the burden associated with filing its sales material electronically, which is negligible. For administrative purposes, we estimate an annual burden of one hour. The estimate of average burden hours is made solely for 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.

The requirements of this collection of information are mandatory. 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.

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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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.

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: May 2, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–09288 Filed 5–6–19; 8:45 am]

BILLING CODE 8011–01–P

[1] Sales material includes advertisements, articles or other communications to be published in newspapers, magazines, or other periodicals; radio and television scripts; and letters, circulars or other written communications proposed to be sent given or otherwise communicated to more than ten persons.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85758; File No. SR–NYSEArca–2019–12]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the iShares Commodity Curve Carry Strategy ETF Under NYSE Arca Rule 8.600–E

May 1, 2019.

On March 1, 2019, NYSE Arca, Inc (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the shares of the iShares Commodity Curve Carry Strategy ETF, a series of the iShares U.S. ETF Trust, pursuant to NYSE Arca Rule 8–600–E, which governs the listing and trading of Managed Fund Shares on the Exchange. The proposed rule change was published for comment in the **Federal Register** on March 20, 2019.[3] On April 18, 2019, the Exchange filed Amendment No. 1 to the proposed rule change. The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is May 4, 2019.

The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposal so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates June 18, 2019, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEArca–2019–12), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–09258 Filed 5–6–19; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19–4.

[3] *See* Securities Exchange Act Release No. 85312 (March 14, 2019), 84 FR 10369.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

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:

Form Custody, SEC File No. 270–643, OMB Control No. 3235–0691

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Form Custody (17 CFR 249.639) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''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 17(a)(1) of the Exchange Act provides that broker-dealers registered with the Commission must make and keep records, furnish copies of the records, and make and disseminate

reports as the Commission, by rule, prescribes. Pursuant to this authority, the Commission adopted Rule 17a–5 (17 CFR 240.17a–5), which is one of the primary financial and operational reporting rules for broker-dealers.[1] Paragraph (a)(5) of Rule 17a–5 requires every broker-dealer registered with the Commission to file Form Custody (17 CFR 249.639) with its designated examining authority (''DEA'') within 17 business days after the end of each calendar quarter and within 17 business days after the broker-dealer's fiscal year end if that date is not the end of a calendar quarter. Form Custody is designed to elicit information about whether a broker-dealer maintains custody of customer and non-customer assets, and, if so, how such assets are maintained.

The Commission estimates that there are approximately 3,747 broker-dealers registered with the Commission. As noted above, all broker-dealers registered with the Commission are required to file Form Custody with their DEA once each calendar quarter. Based on staff experience, the Commission estimates that, on average, it would take a broker-dealer approximately 12 hours to complete and file Form Custody, for an annual industry-wide reporting burden of approximately 179,856 hours.[2] Assuming an average cost per hour of approximately $314 for a compliance manager, the total internal cost of compliance for the respondents is approximately $56,474,784 per year.[3]

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the Commission'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; 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: May 2, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–09290 Filed 5–6–19; 8:45 am]

BILLING CODE 8011–01–P

[1] Rule 17a–5 is subject to a separate PRA filing (OMB Control Number 3235–0123).

[2] 3,747 brokers-dealers × 4 times per year × 12 hours = 179,856 hours.

[3] 179,856 hours times $314 per hour = $56,474,784. $314 per hour for a compliance manager is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff for an 1,800-hour work-year, multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead, and adjusted for inflation.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, the Securities and Exchange Commission will hold an Open Meeting on Thursday, May 9, 2019 at 9:00 a.m.

PLACE: The meeting will be held in Auditorium LL–002 at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will begin at 9:00 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Visitors will be subject to security checks. The meeting will be webcast on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED: The subject matters of the Open Meeting will be the Commission's consideration of:

1. Whether to propose certain rule amendments and interpretive guidance regarding the cross-border application of certain security-based swap requirements under the Securities Exchange Act of 1934 that were added by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

2. Whether to propose amendments to the accelerated filer and large accelerated filer definitions to promote capital formation for smaller reporting issuers by more appropriately tailoring the types of issuers that are included in the categories of accelerated and large accelerated filers and revising the transition thresholds for these filers.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: May 2, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–09403 Filed 5–3–19; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–412, OMB Control No. 3235–0469]

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 17Ad–17

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 17Ad–17, (17 CFR 240.17Ad–17), 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.

Rule 17Ad–17 requires certain transfer agents and broker-dealers to make two searches for the correct address of lost securityholders using an information database without charge to the lost securityholders. In addition, paying agents are required to attempt to notify lost payees at least once. In addition, the entities also are required to maintain records relating to the searches and notifications. The Commission staff estimates that the rule applies to approximately 507 broker dealers and transfer agents, and 2,705 paying agent entities, including carrying firms, transfer agents, indenture trustees, custodians, and approximately 10% of issuers. The Commission staff estimates that the total annual burden for searches is approximately 183,813 hours and the total annual burden for paying agent notifications is approximately 33,850 hours. In addition, approximately 5,765 burden hours are associated with recordkeeping, representing an annual burden of 4,411 hours for the broker-dealers and transfer agents, and 1,354 for paying agents. The Commission staff estimates that the aggregate annual burden is therefore approximately

223,428 hours (183,813 + 33,850 + 5,765).

In addition, the Commission staff estimates that covered entities will incur costs of approximately $6,617,298 annually, primarily as payment to third party data base providers that will search for the missing securityholders.

The retention period for the recordkeeping requirement under Rule 17Ad–17 is not less than three years. The recordkeeping requirement under this rule is mandatory to assist the Commission in monitoring compliance with the rule. This rule does not involve the collection of confidential information.

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 estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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: May 2, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–09287 Filed 5–6–19; 8:45 am]

BILLING CODE 8011–01–P

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 17a–8, SEC File No. 270–225, OMB Control No. 3235–0235

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'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17a–8 (17 CFR 270.17a–8) under the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a–1 *et seq.*) is entitled ''Mergers of affiliated companies.'' Rule 17a–8 exempts certain mergers and similar business combinations (''mergers'') of affiliated registered investment companies (''funds'') from prohibitions under section 17(a) of the Act (15 U.S.C. 80a–17(a)) on purchases and sales between a fund and its affiliates. The rule requires fund directors to consider certain issues and to record their findings in board minutes. The rule requires the directors of any fund merging with an unregistered entity to approve procedures for the valuation of assets received from that entity. These procedures must provide for the preparation of a report by an independent evaluator that sets forth the fair value of each such asset for which market quotations are not readily available. The rule also requires a fund being acquired to obtain approval of the merger transaction by a majority of its outstanding voting securities, except in certain situations, and requires any surviving fund to preserve written records describing the merger and its terms for six years after the merger (the first two in an easily accessible place).

The average annual burden of meeting the requirements of rule 17a–8 is estimated to be 7 hours for each fund. The Commission staff estimates that each year approximately 468 funds rely on the rule. The estimated total average annual burden for all respondents therefore is 3,276 hours.

The average cost burden of preparing a report by an independent evaluator in a merger with an unregistered entity is estimated to be $15,000. The average net cost burden of obtaining approval of a merger transaction by a majority of a fund's outstanding voting securities is estimated to be $100,000. The Commission staff estimates that each year approximately 0 mergers with unregistered entities occur and approximately 137 funds hold shareholder votes that would not otherwise have held a shareholder vote. The total annual cost burden of meeting these requirements is estimated to be $13,700,000.

The estimates of average burden hours and average cost burdens are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study. 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.

Written comments are requested on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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.

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: May 2, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–09293 Filed 5–6–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33464; 812–14194–03]

Carillon Series Trust, et al.; Notice of Application

May 2, 2019.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of

Schedule 14A under the Securities Exchange Act of 1934 (''1934 Act''), and sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements'').

Applicants: Carillon Series Trust (''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series (each a ''Fund'') and Carillon Tower Advisers, Inc. (''Initial Adviser''), a Florida corporation registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'') that serves an investment adviser to the Funds (collectively with the Trust, the ''Applicants'').

Summary of Application: The requested exemption would permit Applicants to enter into and materially amend subadvisory agreements with subadvisers without shareholder approval and would grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers. The requested exemptions are novel as they extend not only to Wholly-Owned and Non-Affiliated Subadvisers, but also to Affiliated Subadvisers (defined below). The requested order would supersede a prior order.[1]

Filing Dates: The application was filed on August 5, 2013, and amended on February 18, 2014, December 4, 2018, December 21, 2018, March 26, 2019, and April 25, 2019.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on May 28, 2019, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. Applicants: Susan L. Walzer, Carillon Tower Advisers, Inc., 880 Carillon Parkway, St. Petersburg, FL 33716 and Kathy Kresch Ingber, K&L Gates LLP, 1601 K Street NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Jessica Shin, Attorney-Adviser, at (202) 551–3685, or Kaitlin C. Bottock, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number or an Applicant using the ''Company'' name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

I. Requested Exemptive Relief

1. Applicants request an order to permit the Adviser,[2] subject to the approval of the board of trustees of each Trust (collectively, the ''Board''),[3] including a majority of the trustees who are not ''interested persons'' of the Trust or the Adviser, as defined in section 2(a)(19) of the Act (the ''Independent Trustees''), without obtaining shareholder approval, to: (i) Select investment subadvisers (''Subadvisers'') for all or a portion of the assets of one or more of the Funds pursuant to an investment subadvisory agreement with each Subadviser (each a ''Subadvisory Agreement''); and (ii) materially amend Subadvisory Agreements with the Subadvisers.

2. Applicants also request an order exempting the Subadvised Funds (as defined below) from the Disclosure Requirements, which require each Fund to disclose fees paid to a Subadviser. Applicants seek relief to permit each Subadvised Fund to disclose (as a dollar amount and a percentage of the Fund's net assets): (i) The aggregate fees paid to the Adviser and any Wholly-Owned Subadvisers; and (ii) The aggregate fees paid to Affiliated and Non-Affiliated Subadvisers (''Aggregate Fee Disclosure'').[4] Applicants seek an exemption to permit a Subadvised Fund to include only the Aggregate Fee Disclosure.[5]

3. Applicants request that the relief apply to Applicants, as well as to any future Fund and any other existing or future registered open-end management investment company or series thereof that intends to rely on the requested order in the future and that: (i) Is advised by the Adviser; (ii) uses the multi-manager structure described in the application; and (iii) complies with the terms and conditions of the application (each, a ''Subadvised Fund'').[6]

II. Management of the Subadvised Funds

4. The Adviser serves or will serve as the investment adviser to each Subadvised Fund pursuant to an investment advisory agreement with the Fund (each an ''Investment Advisory Agreement''). Each Investment Advisory Agreement has been or will be approved by the Board, including a majority of the Independent Trustees, and by the shareholders of the relevant Subadvised Fund in the manner required by sections 15(a) and 15(c) of the Act. The terms of these Investment Advisory Agreements comply or will comply with section 15(a) of the Act. Applicants are not seeking an exemption from the Act with respect to the Investment Advisory Agreements. Pursuant to the terms of each Investment Advisory Agreement, the Adviser, subject to the oversight of the Board, will provide continuous investment management for each Subadvised Fund. For its services to each Subadvised Fund, the Adviser receives or will receive an investment advisory fee from that Fund as specified

[1] *Eagle Series Trust, et al.,* Investment Company Act Rel. Nos. 32802A (Sept. 18, 2017) (notice) and 32861 (Oct. 16, 2017) (order) (included Carillon Tower Advisers, Inc. as an applicant).

[2] The term ''Adviser'' means (i) The Initial Adviser, (ii) its successors, and (iii) any entity controlling, controlled by or under common control with, the Initial Adviser or its successors that serves as the primary adviser to a Subadvised Fund. For the purposes of the requested order, ''successor'' is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization. Any other Adviser also will be registered with the Commission as an investment adviser under the Advisers Act.

[3] The term ''Board'' also includes the board of trustees or directors of a future Subadvised Fund (as defined below), if different from the board of trustees (''Trustees'') of the Trust.

[4] A ''Wholly-Owned Subadviser'' is any investment subadviser that is (1) an indirect or direct ''wholly-owned subsidiary'' (as such term is defined in the Act) of the Adviser, (2) a ''sister company'' of the Adviser that is an indirect or direct ''wholly-owned subsidiary'' of the same company that indirectly or directly wholly owns the Adviser (the Adviser's ''parent company''), or (3) a parent company of the Adviser. An ''Affiliated Subadviser'' is any investment subadviser that is not a Wholly-Owned Subadviser, but is an ''affiliated person'' (as defined in section 2(a)(3) of the Act) of a Subadvised Fund or the Adviser for reasons other than serving as investment subadviser to one or more Funds. A ''Non-Affiliated Subadviser'' is any investment subadviser that is not an ''affiliated person'' (as defined in the Act) of a Subadvised Fund or the Adviser, except to the extent that an affiliation arises solely because the Subadviser serves as a subadviser to one or more Funds.

[5] Applicants note that all other items required by sections 6–07(2)(a), (b) and (c) of Regulation S–X will be disclosed.

[6] All registered open-end investment companies that currently intend to rely on the requested order are named as Applicants. Any entity that relies on the requested order will do so only in accordance with the terms and conditions contained in the application.

in the applicable Investment Advisory Agreement.

5. Consistent with the terms of each Investment Advisory Agreement, the Adviser may, subject to the approval of the Board, including a majority of the Independent Trustees, and the shareholders of the applicable Subadvised Fund (if required by applicable law), delegate portfolio management responsibilities of all or a portion of the assets of a Subadvised Fund to a Subadviser. The Adviser will retain overall responsibility for the management and investment of the assets of each Subadvised Fund. This responsibility includes recommending the removal or replacement of Subadvisers, allocating the portion of that Subadvised Fund's assets to any given Subadviser and reallocating those assets as necessary from time to time.[7] The Subadvisers will be ''investment advisers'' to the Subadvised Funds within the meaning of Section 2(a)(20) of the Act and will provide investment management services to the Funds subject to, without limitation, the requirements of Sections 15(c) and 36(b) of the Act.[8] The Subadvisers, subject to the oversight of the Adviser and the Board, will determine the securities and other investments to be purchased, sold or entered into by a Subadvised Fund's portfolio or a portion thereof, and will place orders with brokers or dealers that they select.[9]

6. The Subadvisory Agreements will be approved by the Board, including a majority of the Independent Trustees, in accordance with sections 15(a) and 15(c) of the Act. In addition, the terms of each Subadvisory Agreement will comply fully with the requirements of section 15(a) of the Act. The Adviser may compensate the Subadvisers or the Subadvised Funds may compensate the Subadvisers directly.

7. Subadvised Funds will inform shareholders of the hiring of a new Subadviser pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Subadviser is hired for any Subadvised Fund, that Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement;[10] and (b) the Subadvised Fund will make the Multi-manager Information Statement available on the website identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that website for at least 90 days.[11]

III. Applicable Law

8. Section 15(a) of the Act states, in part, that it is unlawful for any person to act as an investment adviser to a registered investment company ''except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company.''

9. Form N–1A is the registration statement used by open-end investment companies. Item 19(a)(3) of Form N–1A requires a registered investment company to disclose in its statement of additional information the method of computing the ''advisory fee payable'' by the investment company with respect to each investment adviser, including the total dollar amounts that the investment company ''paid to the adviser (aggregated with amounts paid to affiliated advisers, if any), and any advisers who are not affiliated persons of the adviser, under the investment advisory contract for the last three fiscal years.''

10. Rule 20a–1 under the Act requires proxies solicited with respect to a registered investment company to comply with Schedule 14A under the 1934 Act. Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fee,'' a description of the ''terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

11. Regulation S–X sets forth the requirements for financial statements required to be included as part of a registered investment company's registration statement and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require a registered investment company to include in its financial statements information about investment advisory fees.

12. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

IV. Arguments in Support of the Requested Relief

13. Applicants assert that, from the perspective of the shareholder, the role of the Subadvisers is substantially equivalent to the limited role of the individual portfolio managers employed by an investment adviser to a traditional investment company. Applicants also assert that the shareholders expect the Adviser, subject to review and approval of the Board, to select a Subadviser who is in the best position to achieve the Subadvised Fund's investment objective. Applicants believe that permitting the Adviser to perform the duties for which the shareholders of the Subadvised Fund are paying the Adviser—the selection, oversight and evaluation of the Subadviser—without incurring unnecessary delays or

[7] Applicants represent that if the name of any Subadvised Fund contains the name of a subadviser, the name of the Adviser that serves as the primary adviser to the Fund, or a trademark or trade name that is owned by or publicly used to identify the Adviser, will precede the name of the subadviser.

[8] The Subadvisers will be registered with the Commission as an investment adviser under the Advisers Act or not subject to such registration.

[9] A ''Subadviser'' also includes an investment subadviser that will provide the Adviser with a model portfolio reflecting a specific strategy, style or focus with respect to the investment of all or a portion of a Subadvised Fund's assets. The Adviser may use the model portfolio to determine the securities and other instruments to be purchased, sold or entered into by a Subadvised Fund's portfolio or a portion thereof, and place orders with brokers or dealers that it selects.

[10] A ''Multi-manager Notice'' will be modeled on a Notice of Internet Availability as defined in Rule 14a–16 under the 1934 Act, and specifically will, among other things: (a) Summarize the relevant information regarding the new Subadviser (except as modified to permit Aggregate Fee Disclosure); (b) inform shareholders that the Multi-manager Information Statement is available on a website; (c) provide the website address; (d) state the time period during which the Multi-manager Information Statement will remain available on that website; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi-manager Information Statement may be obtained, without charge, by contacting the Subadvised Fund. A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the 1934 Act for an information statement, except as modified by the requested order to permit Aggregate Fee Disclosure. Multi-manager Information Statements will be filed with the Commission via the EDGAR system.

[11] In addition, Applicants represent that whenever a Subadviser is hired or terminated, or a Subadvisory Agreement is materially amended, the Subadvised Fund's prospectus and statement of additional information will be supplemented promptly pursuant to rule 497(e) under the Securities Act of 1933.

expenses of convening special meetings of shareholders is appropriate and in the interest of the Fund's shareholders, and will allow such Fund to operate more efficiently. Applicants state that each Investment Advisory Agreement will continue to be fully subject to section 15(a) of the Act and approved by the relevant Board, including a majority of the Independent Trustees, in the manner required by section 15(a) and 15(c) of the Act.

14. Applicants submit that the requested relief meets the standards for relief under section 6(c) of the Act. Applicants state that the operation of the Subadvised Fund in the manner described in the Application must be approved by shareholders of that Fund before it may rely on the requested relief. Applicants also state that the proposed conditions to the requested relief are designed to address any potential conflicts of interest or economic incentives, and provide that shareholders are informed when new Subadvisers are hired.

15. Applicants contend that, in the circumstances described in the application, a proxy solicitation to approve the appointment of new Subadvisers provides no more meaningful information to shareholders than the proposed Multi-manager Information Statement. Applicants state that, accordingly, they believe the requested relief is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

16. With respect to the relief permitting Aggregate Fee Disclosure, Applicants assert that disclosure of the individual fees paid to the Subadvisers does not serve any meaningful purpose. Applicants contend that the primary reasons for requiring disclosure of individual fees paid to Subadvisers are to inform shareholders of expenses to be charged by a particular Subadvised Fund and to enable shareholders to compare the fees to those of other comparable investment companies. Applicants believe that the requested relief satisfies these objectives because the Subadvised Fund's overall advisory fee will be fully disclosed and, therefore, shareholders will know what the Subadvised Fund's fees and expenses are and will be able to compare the advisory fees a Subadvised Fund is charged to those of other investment companies. In addition, Applicants assert that the requested relief would benefit shareholders of the Subadvised Fund because it would improve the Adviser's ability to negotiate the fees paid to Subadvisers. In particular, Applicants state that if the Adviser is not required to disclose the Subadvisers' fees to the public, the Adviser may be able to negotiate rates that are below a Subadviser's ''posted'' amounts. Applicants assert that the relief will also encourage Subadvisers to negotiate lower subadvisory fees with the Adviser if the lower fees are not required to be made public.

V. Novel Relief for Affiliated Subadvisers

17. To date, the Commission has granted the requested relief with respect to certain Wholly-Owned and Non-Affiliated Subadvisers through numerous exemptive orders. Applicants believe the rationale articulated above supports extending the requested relief to Affiliated Subadvisers. Applicants state that although the Adviser's judgment in recommending a Subadviser can be affected by certain conflicts, they do not warrant denying the extension of the requested relief to Affiliated Subadvisers. Specifically, the Adviser faces those conflicts in allocating fund assets between itself and a Subadviser, and across Subadvisers, as it has an interest in considering the benefit it will receive, directly or indirectly, from the fee the Subadvised Fund pays for the management of those assets. Applicants also state that to the extent the Adviser has a conflict of interest with respect to the selection of an Affiliated Subadviser, the proposed conditions are protective of shareholder interests by ensuring the Board's independence and providing the Board with the appropriate resources and information to monitor and address conflicts. Moreover, Applicants note treating all Subadvisers equally under the requested relief might help avoid the selection of Subadvisers potentially being influenced by considerations regarding the applicable regulatory requirements (*i.e.,* whether a shareholder vote is required) and the associated costs and delays.

18. With respect to the relief permitting Aggregate Fee Disclosure, Applicants assert that it is appropriate to disclose only aggregate fees paid to Affiliated Subadvisers for the same reasons that similar relief has been granted previously with respect to Wholly-Owned and Non-Affiliated Subadvisers.

19. As Applicants note, the Commission has not previously issued the requested relief with respect to Affiliated Subadvisers because of concerns relating to conflicts of interest that the Adviser might face with respect to the hiring or termination of an Affiliated Subadviser.[12] While the Commission continues to believe that the selection and retention of Affiliated Subadvisers by the Adviser potentially presents different or additional conflicts of interest than may be the case with Non-Affiliated or Wholly-Owned Subadvisers, Applicants have persuaded the Commission that extending the relief to Affiliated Subadvisers is appropriate in the public interest and consistent with the protection of investors and the purposes and policies underlying the Act. Specifically, the proposed terms and conditions of the requested relief with respect to Affiliated Subadvisers, including the enhanced oversight by the Board, are designed to address the potential conflicts of interest with respect to both those common to all types of Subadvisers and specific to Affiliated Subadvisers.

VI. Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Subadvised Fund may rely on the order requested in the Application, the operation of the Subadvised Fund in the manner described in the Application will be, or has been, approved by a majority of the Subadvised Fund's outstanding voting securities as defined in the Act, or, in the case of a Subadvised Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder before such Subadvised Fund's shares are offered to the public.

2. The prospectus for each Subadvised Fund will disclose the existence, substance and effect of any order granted pursuant to the Application. In addition, each Subadvised Fund will hold itself out to the public as employing the multi-manager structure described in the Application. The prospectus will prominently disclose that the Adviser has the ultimate responsibility, subject to oversight by the Board, to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. The Adviser will provide general management services to each Subadvised Fund, including overall supervisory responsibility for the general management and investment of the Subadvised Fund's assets, and subject to review and oversight of the

[12] *See Exemption from Shareholder Approval for Certain Subadvisory Contacts,* Investment Company Act Release No. 26230 (Oct. 23, 2003) at section II.A.3.

Board, will (i) set the Subadvised Fund's overall investment strategies, (ii) evaluate, select, and recommend Subadvisers for all or a portion of the Subadvised Fund's assets, (iii) allocate and, when appropriate, reallocate the Subadvised Fund's assets among Subadvisers, (iv) monitor and evaluate the Subadvisers' performance, and (v) implement procedures reasonably designed to ensure that Subadvisers comply with the Subadvised Fund's investment objective, policies and restrictions.

4. Subadvised Funds will inform shareholders of the hiring of a new Subadviser within 90 days after the hiring of the new Subadviser pursuant to the Modified Notice and Access Procedures.

5. At all times, at least a majority of the Board will be Independent Trustees, and the selection and nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. Independent Legal Counsel, as defined in Rule 0–1(a)(6) under the Act, will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then-existing Independent Trustees.

7. Whenever a Subadviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

8. The Board must evaluate any material conflicts that may be present in a subadvisory arrangement. Specifically, whenever a subadviser change is proposed for a Subadvised Fund (''Subadviser Change'') or the Board considers an existing Subadvisory Agreement as part of its annual review process (''Subadviser Review''):

(a) The Adviser will provide the Board, to the extent not already being provided pursuant to section 15(c) of the Act, with all relevant information concerning:

(i) Any material interest in the proposed new Subadviser, in the case of a Subadviser Change, or the Subadviser in the case of a Subadviser Review, held directly or indirectly by the Adviser or a parent or sister company of the Adviser, and any material impact the proposed Subadvisory Agreement may have on that interest;

(ii) Any arrangement or understanding in which the Adviser or any parent or sister company of the Adviser is a participant that (A) may have had a material effect on the proposed Subadviser Change or Subadviser Review, or (B) may be materially affected by the proposed Subadviser Change or Subadviser Review;

(iii) Any material interest in a Subadviser held directly or indirectly by an officer or Trustee of the Subadvised Fund, or an officer or board member of the Adviser (other than through a pooled investment vehicle not controlled by such person); and

(iv) Any other information that may be relevant to the Board in evaluating any potential material conflicts of interest in the proposed Subadviser Change or Subadviser Review.

(b) The Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board minutes, that the Subadviser Change or continuation after Subadviser Review is in the best interests of the Subadvised Fund and its shareholders and, based on the information provided to the Board, does not involve a conflict of interest from which the Adviser, a Subadviser, any officer or Trustee of the Subadvised Fund, or any officer or board member of the Adviser derives an inappropriate advantage.

9. Each Subadvised Fund will disclose in its registration statement the Aggregate Fee Disclosure.

10. In the event that the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the Application, the requested order will expire on the effective date of that rule.

11. Any new Subadvisory Agreement or any amendment to an existing Investment Advisory Agreement or Subadvisory Agreement that directly or indirectly results in an increase in the aggregate advisory fee rate payable by the Subadvised Fund will be submitted to the Subadvised Fund's shareholders for approval.

By the Commission.

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–09334 Filed 5–6–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–658, OMB Control No. 3235–0716]

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 C

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.

Form C (17 CFR 239.900) is used by issuers offering securities in reliance on the crowdfunding exemption in Section 4(a)(6) (15 U.S.C. 77d(a)(6)) of the Securities Act of 1933 (''Securities Act'') (15 U.S.C. 77a *et seq.*) Form C will also be used by issuers that have completed transactions in reliance on Section 4(a)(6) to file annual reports or to provide notice of the termination of reporting obligations.. The information collected is intended to create a framework for the filing and disclosure requirements of Title III Section 4A of the Jumpstart Our Business Startups Act (Pub. L. 112–106, 126 Stat. 306) to implement the exemption from Securities Act registration for offerings made in reliance on Section 4(a)(6). Form C takes approximately 48.96969 hours per response and is filed by approximately 5,852 respondents. We estimate that 75% of the 48.96969 hours per response (36.72727 hours) is prepared by the issuer for a total annual reporting burden of 214,928 hours (36.72727 hours per response × 5,852 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: May 2, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–09283 Filed 5–6–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–363, OMB Control No. 3235–0413]

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 17Ad–16

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ('PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the existing collection of information provided for in Rule 17Ad–16 (17 CFR 240.17Ad–16) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ad–16 requires a registered transfer agent to provide written notice to the appropriate qualified registered securities depository when assuming or terminating transfer agent services on behalf of an issuer or when changing its name or address. In addition, transfer agents that provide such notice shall maintain such notice for a period of at least two years in an easily accessible place. This rule addresses the problem of certificate transfer delays caused by transfer requests that are directed to the wrong transfer agent or the wrong address.

We estimate that the transfer agent industry submits approximately 11,006 Rule 17Ad–16 notices per year to appropriate qualified registered securities depositories. The staff estimates that the average amount of time necessary to create and submit each notice is approximately 15 minutes per notice. Accordingly, the estimated total industry burden is 2,752 hours per year (15 minutes multiplied by 11,006 filed annually rounded up from 2,751.5 to 2,752).

Because the information needed by transfer agents to properly notify the appropriate registered securities depository is readily available to them and the report is simple and straightforward, the cost is relatively minimal. The average internal compliance cost to prepare and send a notice is approximately $70.75 (15 minutes at $283 per hour).[1] This yields an industry-wide internal compliance cost estimate of $778,675 (11,006 notices multiplied by $70.75 per notice rounded up from $778,674.5 to $778,675).

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,

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: May 2, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–09277 Filed 5–6–19; 8:45 am]

BILLING CODE 8011–01–P

[1] The estimated hourly wages used in this analysis were derived from reports prepared by the Securities Industry and Financial Markets Association. *See* Securities Industry and Financial Markets Association, Office Salaries in the Securities Industry—2013 (2013), modified to account for an 1800-hour work year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–440, OMB Control No. 3235–0496]

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:
Appendix F to Rule 15c3–1

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in appendix F to Rule 15c3–1 (''appendix F'' or ''Rule 15c3–1f'') (17 CFR 240.15c3–1f) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Under appendix F, a class of broker-dealers known as over-the counter (''OTC'') derivatives dealers may apply to the Commission for authorization to compute net capital charges for market and credit risk in accordance with appendix F in lieu of computing securities haircuts under paragraph (c)(2)(vi) of Exchange Act Rule 15c3–1.

At present, three OTC derivatives dealers have been approved to use appendix F. Two OTC derivatives dealers have applied to use appendix F, and the staff expects that one additional OTC derivatives dealer will apply to use appendix F during the next three years. The Commission estimates that the three approved OTC derivatives dealers and two OTC derivatives dealers with pending applications (if approved) will spend an average of approximately 1,000 hours each per year reporting information concerning their VAR models and internal risk management systems, for an annual burden of 5,000 hours. The Commission estimates that, on average, a firm initially will take approximately 1,000 hours to prepare an application to use appendix F. For the one firm expected to apply, this would result in an annual burden of 333 hours per year amortized over three years. For the two years after it registers, the new registrant would spend an average of approximately 1,000 hours each year reporting information concerning its VAR model and internal risk management system, for an annual burden of 667 hours per year amortized over 3 years.

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: May 2, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–09282 Filed 5–6–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, May 9, 2019.

PLACE: The meeting will be held at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Roisman, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: May 2, 2019.

Vanessa A. Countryman,

Acting Secretary.

[FR Doc. 2019–09391 Filed 5–3–19; 11:15 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 10756]

60-Day Notice of Proposed Information Collection: Technology Security/ Clearance Plans, Screening Records, and Non-Disclosure Agreements Pursuant to 22 CFR 126.18(c)(2)

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to July 8, 2019.

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2019–0010'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: DDTCPublicComments@state.gov.*
- *Regular Mail:* Send written comments to: PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice to: Andrea Battista—PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC, 20522–0112, who may be reached via email at *battistaal@state.gov* and via phone on 202–663–3136.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Technology Security/Clearance Plans, Screening Records, and Non-Disclosure Agreements Pursuant to 22 CFR 126.18(c)(2).
- *OMB Control Number:* 1405–0195.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls (PM/DDTC).
- *Form Number:* No form.
- *Respondents:* Business and Nonprofit Organizations.
- *Estimated Number of Respondents:* 10,000.
- *Estimated Number of Responses:* 10,000.
- *Average Time per Response:* 10 hours.
- *Total Estimated Burden Time:* 100,000 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The export, temporary import, and brokering of defense articles, defense services, and related technical data are licensed by the Directorate of Defense Trade Controls (DDTC) in accordance with the International Traffic in Arms Regulations (''ITAR,'' 22 CFR parts 120–130) and Section 38 of the Arms Export Control Act.

ITAR § 126.18 eliminates, subject to certain conditions, the requirement for an approval by DDTC of the transfer of unclassified defense articles, which includes technical data, to or within a foreign business entity, foreign governmental entity, or international organization that is an authorized end-user or consignee (including transfers to approved sub-licensees) for defense articles, including the transfer to dual nationals or third-country nationals who are bona fide regular employees directly employed by the foreign consignee or end-user.

To use ITAR § 126.18, effective procedures must be in place to prevent

diversion to any destination, entity, or for purposes other than those authorized by the applicable export license or other authorization. Those conditions can be met by requiring a security clearance approved by the host nation government for its employees, or the end-user or consignee have in place a process to screen all its employees and to have executed a Non-Disclosure Agreement that provides assurances that the employee will not transfer any defense articles to persons or entities unless specifically authorized by the consignee or end-user. ITAR § 126.18(c)(2) also provides that the technology security/clearance plans and screening records shall be made available to DDTC or its agents for law enforcement purposes upon request.

Methodology

When information kept on file pursuant to this recordkeeping requirement is required to be sent to the Directorate of Defense Trade Controls, it may be sent electronically or by mail according to guidance given by DDTC.

Anthony Dearth,

Chief of Staff.

[FR Doc. 2019–09271 Filed 5–6–19; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 10757]

Notice of Public Meeting Shipping Coordination Committee Meeting

The Department of State will conduct an open meeting at 9:00 a.m. on May 29, 2019, in the CDR Raymond J. Evans Conference Center, Room 6i10–01–a, of the Douglas A. Munro Coast Guard Headquarters Building at St. Elizabeth's, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593. The primary purpose of the meeting is to prepare for the one-hundredth session of the International Maritime Organization's (IMO) Maritime Safety Committee to be held at the IMO Headquarters, United Kingdom, June 5–14, 2019.

The agenda items to be considered include:

—Adoption of the agenda; report of credentials
—Decisions of other IMO bodies
—Consideration and adoption of amendments to mandatory instruments
—Measures to enhance maritime security
—Regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS)
—Goal-based new ship construction standards
—Safety measures for non-SOLAS ships operating in polar waters
—Development of further measures to enhance the safety of ships relating to the use of fuel oil
—Carriage of cargoes and containers (report of the fifth session of the Sub-Committee)
—Implementation of IMO instruments (report of the fifth session of the Sub-Committee)
—Navigation, communications and search and rescue (report of the sixth session of the Sub-Committee)
—Ship design and construction (report of the sixth session of the Sub-Committee)
—Pollution prevention and response (matters emanating from the sixth session of the Sub-Committee)
—Ships systems and equipment (report of the sixth session of the Sub-Committee)
—Implementation of the STCW Convention
—Capacity building for the implementation of new measures
—Formal safety assessment
—Piracy and armed robbery against ships
—Unsafe mixed migration by sea
—Application of the Committee's method of work
—Work programme
—Election of the Chair and Vice-Chair for 2020
—Any other business
—Consideration of the report of the Committee on its one-hundredth session

Members of the public may attend this meeting up to the seating capacity of the room. Upon request to the meeting coordinator, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. To access the teleconference line, participants should call (202) 475–4000 and use Participant Code: 796 771 84. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, LCDR Staci Weist, by email at *Eustacia.Y.Weist@uscg.mil,* by phone at (202) 372–1376, or in writing at 2703 Martin Luther King Jr. Ave. SE Stop 7509, Washington, DC 20593–7509 not later than May 24, 2019, 5 days prior to the meeting. Requests made after May 24, 2019 might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Coast Guard Headquarters building. It is recommended that attendees arrive no later than 30 minutes ahead of the scheduled meeting for the security screening process. The Headquarters building is accessible by taxi, public transportation, and privately owned conveyance (upon request for parking). Please contact the meeting coordinator if you plan to participate by phone.

Additional information regarding this and other public meetings may be found at *https://www.dco.uscg.mil/IMO/.*

Gregory J. O'Brien,

Senior Oceans Policy Advisor, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2019–09340 Filed 5–6–19; 8:45 am]

BILLING CODE 4710–09–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting Notice

Meeting No. 19–02

The TVA Board of Directors will hold a public meeting on May 9, 2019, at The WareHouse, 1810 Columbia Avenue, Suite 100, Franklin, Tennessee. The meeting will be called to order at 10 a.m. CT to consider the agenda items listed below. TVA will answer questions from the news media following the Board meeting.

On May 8, the public may comment on any agenda item or subject at a board-hosted *listening session* which begins at 3:30 p.m. CT and will last until 5:30 p.m. Preregistration is required to address the Board.

STATUS: Open

AGENDA: Chair's Welcome.

OLD BUSINESS: Approval of minutes of the February 14, 2019, Board Meeting.

NEW BUSINESS

1. Report from Chair
   A. Committee Membership
2. Report from President and CEO
3. Report of the Finance, Rates, and Portfolio Committee
   A. Circuit breaker and disconnect switches contracts
   B. Rate change- wholesale grid access charge adjustment
4. Report of the Audit, Risk, and Regulation Committee
5. Report of the Nuclear Oversight Committee
6. Report of the People and Performance Committee
7. Report of the External Relations Committee

FOR MORE INFORMATION: Please call TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. People who plan to attend the meeting and have special needs should call (865) 632–6000.

Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: May 2, 2019.

Sherry A. Quirk,

General Counsel.

[FR Doc. 2019–09423 Filed 5–3–19; 11:15 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request To Release Airport Property

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on request to release airport property at the St. Louis Lambert International Airport (STL), St. Louis, MO.

SUMMARY: The FAA proposes to rule and invites public comment on the release of land at the St. Louis Lambert International Airport (STL), St. Louis, Missouri.

DATES: Comments must be received on or before June 6, 2019.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Dana Ryan, Planning Manager, St. Louis Lambert International Airport; P.O. Box 10212/10701 Lambert International Blvd., St. Louis, MO 63145–0212, (314) 551–5027.

FOR FURTHER INFORMATION CONTACT: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106, (816) 329–2644, *lynn.martin@faa.gov.*

The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release approximately 2.766± acres of airport property at the St. Louis Lambert International Airport (STL) under the provisions of 49 U.S.C. 47107(h)(2). On April 9, 2019, the Director of the St. Louis Lambert International Airport requested from the FAA that approximately 2.766± acres of property be released for sale to St. Louis County for the purpose of road widening and utilities. On April 30, 2019, the FAA determined that the request to release property at St. Louis Lambert International Airport (STL) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request:

St. Louis Lambert International Airport (STL) is proposing the release of a parcel, totaling 2.766± acres. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at the St. Louis Lambert International Airport (STL) being changed from aeronautical to non-aeronautical use and release the surface lands from the conditions of the AIP Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at St. Louis Lambert International Airport.

Issued in Kansas City, MO, on May 1, 2019.

Jim A. Johnson,

Director, Airports Division, Central Region.

[FR Doc. 2019–09361 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2019–16]

Petition for Exemption; Summary of Petition Received; Bell Helicopter Textron, Inc.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before May 28, 2019.

ADDRESSES: Send comments identified by docket number FAA–2019–0104 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on April 30, 2019.

Lirio Liu,

Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2019–0104.

Petitioner: Bell Helicopter Textron, Inc.

Section(s) of 14 CFR Affected: §§ 61.113(a) & (b); 91.119(c); 91.121; & 91.151(a).

Description of Relief Sought: The proposed exemption, if granted, would allow the petitioner to operate the Model APT70 vertical takeoff and landing unmanned aircraft system (UAS) for research and development purposes. The UAS can be configured for a maximum takeoff weight of 320 lbs.

Bell intends to operate the APT70 UAS in Class G airspace. The intended area of flight operations is in north-central Texas. In Palo Pinto County, ground-based VOs will be used and the UAV will be operated with an altitude envelope of no greater than 400 ft. above ground level (AGL). Flight testing will be extended to Choctaw Nation where VO(s) will be aboard a chase aircraft and the UAV will be operated with a maximum altitude of 1,200 ft AGL. All proposed operations will occur within visual line of site of the pilot or visual observer.

This petition is similar to, and extends from, Exemption No. 17783 (Regulatory Docket No. FAA–2017–0604) granted to Bell on March 29, 2018.

[FR Doc. 2019–09253 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0334]

Agency Information Collection Activities: Requests for Comments; Clearance of New Approval of Information Collection: Safety Statement Requirement for Manufacturers of Small Unmanned Aircraft Correction

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 of a new information collection. The collection involves manufacturers of small unmanned aircraft providing a safety statement to owners of the UAS they produce. This is a statutory requirement. To minimize the burden on small businesses, the FAA has developed an example safety statement that can be used to satisfy the requirement. This FRN corrects the previously submitted 60-Day FRN to include updated contact information and docket number.

DATES: Written comments should be submitted by July 8, 2019.

ADDRESSES: Please send written comments:

By *Electronic Docket: www.regulations.gov* (Enter docket number FAA–2019–0334 into search field).

By *mail:* Jessica Orquina, 490 L'Enfant Plaza Suite 7225, Washington, DC 20024.

By *fax:* 202–267–8249.

FOR FURTHER INFORMATION CONTACT: Jessica Orquina by email at: *jessica.a.orquina@faa.gov*; phone: 202–267–7493.

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–XXXX.

Title: Safety Statement Requirement for Manufacturers of Small Unmanned Aircraft Correction.

Form Numbers: N/A.

Type of Review: This is a new information collection request.

Background: Section 2203 of the FAA Extension, Safety, and Security Act of 2016 (Pub. L. 114–90) requires manufacturers of small unmanned aircraft to make available to the owner a safety statement that satisfies requirements detailed in that section. The requirements include:

1. Information about, and sources of, laws and regulations applicable to small unmanned aircraft;

2. Recommendations for using small unmanned aircraft in a manner that promotes the safety of person and property;

3. The date that the safety statement was created or last modified; and

4. Language approved by the Administrator regarding the following:

a. A person may operate the small unmanned aircraft as a model aircraft (as defined in section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)) or otherwise in accordance with Federal Aviation Administration authorization or regulation, including requirements for the completion of any applicable airman test.

b. The definition of a model aircraft under section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

c. The requirements regarding the operation of a model aircraft under section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

d. The Administrator may pursue enforcement action against a person operating model aircraft who endangers the safety of the national airspace system.

By statute, manufacturers will be required to make a safety statement available to small UAS owners. This manufacturer insert serves as an example safety statement that UAS manufacturers may use. The FAA provides an example safety statement and guidance to assist manufacturers to comply with this requirement.

Respondents: Manufacturers of small UAS sold in the U.S. (Association for Unmanned Vehicle Systems International (AUVSI) reports there are 471 active manufacturers in February 2019.)

Frequency: On occasion.

Estimated Average Burden per Response: 40 Hours.

Estimated Total Annual Burden: 18,840.

Issued in Washington, DC, on April 29, 2019.

Jessica Orquina,

Senior Communications Specialist, Executive Office, AUS–10, UAS Integration Office.

[FR Doc. 2019–09252 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance

AGENCY: Federal Aviation Administration, DOT

ACTION: Notice of intent of waiver with respect to land; John Glenn Columbus International Airport; Columbus, Ohio.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change 8.313 acres of airport

land from aeronautical to non-aeronautical use and to authorize the lease of airport property located at John Glenn Columbus International Airport, Columbus, Ohio. The aforementioned land is not needed for aeronautical use.

The subject property is located along the northern property boundary of the airport; north of Bridgeway Avenue. The parcel is currently vacant. The parcel presently serves the primary purpose of compatible land use. The parcel will continue to serve in this same capacity with a proposed change to nonaeronautical, revenue-producing use from its present aeronautical use designation. The parcel will be used for construction of a 2-story office building, approximately 19,600 square feet, connected to a 80,100 square foot building, and the potential to add a 30,000 square foot building. The proposed development also includes approximately 289 parking spaces with the flexibility to add 14 spaces for future expansion.

DATES: Comments must be received on or before June 6, 2019.

ADDRESSES: Documents are available for review by appointment at the FAA Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174 or the Columbus Regional Airport Authority, Planning and Engineering, John Glenn Columbus International Airport, 4600 International Gateway, Columbus, Ohio 43219. Written comments on the Sponsor's request must be delivered or mailed to: Ms. Katherine Delaney, Community Planner, Detroit Airports District Office, Federal Aviation Administration, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number (734) 229–2900; FAX Number (734) 229–2950.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine Delaney, Community Planner, Federal Aviation Administration, Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number (734) 229–2900; FAX Number (734) 229–2950.

SUPPLEMENTARY INFORMATION: In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

The parcel is depicted on the Airport Layout Plan (ALP) dated November 17, 2011, and the Exhibit ''A'' property map. The parcel was acquired with Airport Improvement Program (AIP) Grants: 3–39–0025–01, 3–39–0024–02, and 06–39–0025–04.

No airport landside or airside facilities are presently located on this parcel nor is airport development contemplated in the future. Development of the parcel for airside or landside operations is not practical due to Bridgeway Avenue's location which precludes aeronautical development from being contiguous to the airfield. Relocating the road is cost prohibitive. There are no impacts to the airport by allowing it to waive the requirement to maintain the parcel for aeronautical use.

The sponsor will control use of the parcel through the terms and conditions of the ground lease. The lease will be subordinate to the sponsor's existing grant assurances. This will ensure that all activities contemplated on the parcel will be compatible with FAA requirements and airport operations.

The disposition of proceeds from the lease of airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

This notice announces that the FAA is considering the release of the subject airport property at the John Glenn Columbus International Airport, Columbus, Ohio from its obligations to be maintained for aeronautical purposes. Approval does not constitute a commitment by the FAA to financially assist in the change in use of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

A Categorical Exclusion addressing the proposed development of the parcel was prepared. The Categorical Exclusion was executed by the FAA on June 14, 2018.

Following is a legal description of the subject airport property at the John Glenn Columbus International Airport in Columbus, Ohio:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 17, United States Military Lands, being a part of those tracts conveyed to Columbus Regional Airport Authority by deed of record in Instrument Number 200712310221206, all of that 0.409 acre tract conveyed to Columbus Municipal Airport Authority by deed of record in Original Record 201103F05, and part of that 7.957 acre tract conveyed to Columbus Regional Airport Authority by deed of record in Instrument Number 200812110178154, (all references to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING, at the intersection of the westerly right-of-way line of James Road (33′) and northerly right-of-way line of Bridgeway Avenue; Thence North 04°08′55″ East, with the westerly right-of-way line of said James Road (33′), a distance of 453.72 feet to a point in the southerly limited access right of way of Interstate 270; Thence South 85°39′35″ East, across the right-of-way of said James Road (33′), with the southerly limited access right-of-way line of said Interstate 270, with northerly line of said 0.409 acre tract, a distance of 736.99 feet to a point in the northerly line of said Columbus Regional Airport Authority tract, a southeasterly corner of said 0.409 acre tract; Thence 86°16′15″ East, with the southerly limited access right-of-way line of Interstate 270, with the northerly line of said Columbus Regional Airport Authority tract, a distance of 45.76 feet to a point; Thence across said Columbus Regional Airport Authority tract, the following courses and distances: South 03°43′45″ West, a distance of 49.59 feet to a point on a curve; With the arc of the curve to the left, having a central angle of 20°05′15″, a radius of 295.00 feet, an arc length of 103.43 feet, a chord bearing of South 26°47′52″ East and chord distance of 102.90 feet to a point; and South 04°23′39″ West, a distance of 276.72 feet to a point; Thence North 85°36′21″ West, across said Columbus Regional Airport Authority tract, across the right-of-way of said James Road (33′), a distance of 849.90 feet to the POINT OF BEGINNING, containing 8.313 acres, more or less.

Issued in Romulus, Michigan on April 29, 2019.

John L. Mayfield, Jr.

Manager, Detroit Airports District Office FAA, Great Lakes Region.

[FR Doc. 2019–09360 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2017–0002–N–5]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA), this notice announces that FRA is forwarding the Information Collection Request (ICR)

abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On October 26, 2018, FRA published a notice providing a 60-day period for public comment on the ICR.

DATES: Interested persons are invited to submit comments on or before June 6, 2019.

ADDRESSES: Submit written comments on the ICR to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Rachel Grice, Engineering Psychologist, Office of Railroad Policy & Development, Human Factors Division, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493–8005); or Ms. Kim Toone, Information Collection Clearance Officer, Office of Administration, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493–6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On October 26, 2018, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. *See* 83 FR 54173. FRA received one comment in response to this notice from the Transportation Trades Department, AFL–CIO (TTD). TTD questioned the scope of the study due to the intent to survey locomotive engineers, while excluding conductors, whom TTD contends are equally likely to suffer additional fatigue due to commute time. TTD explained that, like engineers, conductors are required to perform a number of safety-sensitive functions on the job, which can be hampered by fatigue. Additionally, TTD notes the hours of service statute and regulations do not differentiate between the two occupations, providing identical fatigue protections for all ''train employees.'' To address these concerns, FRA revised the scope of the study to include conductors in addition to locomotive engineers. The inclusion of conductors will enable FRA to get the most complete results from this study on fatigue conditions.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.10(b); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: The Impact of Commute Times on the Fatigue and Safety of Locomotive Engineers and Conductors.

OMB Control Number: 2130–NEW.

Abstract: Time-on-task and time awake are two well-known factors that contribute to fatigue. Time-on-task refers to the length of time a person has been performing a task, whereas time awake refers to the length of time since a person last slept. Both these factors can have a detrimental effect on performance, with the risk of adverse safety events (*e.g.,* crashes) increasing as the length of time that a person performs a task or remains awake increases. These factors also influence each other; that is, the negative effects of increasing time-on-task may become evident sooner if the person has also been awake for a long time. Drivers with longer commutes experience greater time awake and time-on-task than drivers with shorter commutes. A growing body of evidence from a number of industries (*e.g.,* medical, mining, long-haul trucking) suggests that commuting time has a detrimental impact on driving performance, particularly when combined with night-time shift work. However, the extent to which these factors impact the fatigue and safety of locomotive engineers and conductors remains unknown.

Type of Request: New information collection.

Affected Public: Railroad Workers.

Form(s): FRA F 245.

Respondent Universe: 69,000 total (31,000 locomotive engineers and 38,000 conductors).

Frequency of Submission: Single submission per person.

Reporting Burden: The estimated total annual burden is 3,450 hours across the 10,350 locomotive engineers and conductors (estimating a 15% response rate). Each respondent completes a single online questionnaire and the questionnaire is estimated to take 20 minutes.

Total Estimated Annual Responses: 10,350 responses.

Total Estimated Annual Burden: 3,450 hours.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Brett A. Jortland,

Acting Chief Counsel.

[FR Doc. 2019–09272 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2019–0008]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on January 31, 2019, the Knoxville & Holston River Railroad (KXHR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 and 224. FRA assigned the petition Docket Number FRA–2019–0008.

Specifically, KXHR requests relief from 49 CFR 215.303, *Stenciling of restricted cars,* for 5 freight cars (Car Nos. KXHR 9, KXHR 11, KXHR 1101,

KXHR 2614, and KXHR 10048). Petitioner also requests a Special Approval under 49 CFR 215.203(c), because these cars are older than 50 years of age from the date of original construction. KXHR also requests relief from 49 CFR part 224, *Reflectorization of Rail Freight Rolling Stock,* for these same 5 cars.

KXHR states it has kept the cars for educational purposes and the occasional antique freight train for photographers to preserve a small portion of railroad history. KXHR wishes to preserve period-correct stenciling for aesthetics reasons. All cars will be empty. The maximum speed of these cars is 10 miles per hour. KXHR explains the cars have been inspected and found to be safe and suitable for service to operate under the conditions set forth in the petition. The territorial limits of the operation are within KXHR's trackage and only KXHR will operate these cars.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 21, 2019 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. 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 *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Deputy Associate Administrator, Office of Railroad Safety.

[FR Doc. 2019–09240 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Number NHTSA–2019–0027]

Agency Information Collection Activities; Notice and Request for Comments; State Notification to Consumers of Motor Vehicle Recall Status

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of Proposed Information Collection; Request for Comment.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes an Information Collection Request (ICR) for which NHTSA intends to seek OMB approval.

DATES: Send comments on or before July 5, 2019.

ADDRESSES: You may submit comments, identified by [Docket No. NHTSA–2019–0027] by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail or Hand Delivery: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alexander Ansley, Program Support Division, Office of Defect Investigation (NEF–110), (202) 493–0481, National Highway Traffic Safety Administration, Department of Transportation, 1200 New Jersey Avenue SE, W48–336, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation at 5 CFR 1320.8(d), an agency must ask for public comment on the following: (i) 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; (ii) 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; (iii) how to enhance the quality, utility, and clarity of the information to be collected; (iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information:

Title of Collection: State Notification to Consumers of Motor Vehicle Recall Status.

OMB Control Number: None.

Type of Request: New information collection request.

Type of Review: Regular.

Form Number: OMB SF 424, OMB SF 424A, and OMB SF 424B.

Requested Expiration Date of Approval: 3 years from date of approval.

Abstract: NHTSA is responsible for reducing deaths, injuries and economic losses resulting from motor vehicle crashes. This is accomplished by setting and enforcing safety performance standards for motor vehicles and motor vehicle equipment, and through grants to state and local governments to enable them to conduct effective local highway safety programs. NHTSA investigates safety defects in motor vehicles; sets and enforces fuel economy standards; helps states and local communities reduce the threat of impaired drivers; promotes the use of safety belts, child safety seats and air bags; investigates odometer fraud; establishes and enforces vehicle anti-theft regulations; and provides consumer information on motor vehicle safety issues.

The National Traffic and Motor Vehicle Safety Act, 49 U.S.C. 30101, *et. seq.,* as amended (the Safety Act), requires a motor vehicle manufacturer to notify the owners and purchasers of its vehicles of a safety-related defect, or that the vehicle does not comply with an applicable Federal motor vehicle safety standard.[1] A vehicle manufacturer must provide notice of a recall, in a manner prescribed through regulation by NHTSA, to each person registered under State law as the owner and whose name and address are reasonably ascertainable by the manufacturer through State records or other available sources or, if a registered owner is not notified through State registration information, to the most recent purchaser known to the manufacturer.[2]

In order to identify owners of vehicles subject to a safety-related recall and provide notification to them, a motor vehicle manufacturer typically contracts with a third party that obtains vehicle registration data for the affected vehicles from State motor vehicle administrations. The motor vehicle manufacturer then notifies owners and purchasers by U.S. Mail about the safety recall and, among other things, about how to obtain a remedy to fix the defect or noncompliance.[3] To obtain a remedy, the consumer must then present the recalled motor vehicle to an authorized dealer for the dealer to remedy the defect or noncompliance. 49 U.S.C. 30120.

Recall completion rates can and do vary widely depending on a variety of factors such as the age and type of vehicle, as well as owners' perception of relative risk.[4] Considering this wide range, regardless of completion averages, the fact remains that there are at any time tens of millions of vehicles on the road with unremedied safety defects or noncompliances, each one creating a safety risk. NHTSA and the motor vehicle industry have sought to improve notice of safety-related defects to owners and to develop ways to increase the rate at which owners complete the remedy identified in the notice.

In 2016, in accordance with Section 24105 of the Fixing America's Surface Transportation (FAST) Act, Pub. L. 114–94, NHTSA announced a pilot program to evaluate the feasibility and effectiveness of a State process to inform consumers of open motor vehicle recalls at the time of motor vehicle registration. The grant was conditioned upon a State having the capability to use a vehicle identification number (VIN) to identify whether the specific vehicle was subject to an open safety recall. In 2017, NHTSA awarded the Maryland Motor Vehicle Administration a grant to provide vehicle owners and lessees notice of open safety related recalls on their vehicles. Maryland began notifying vehicle owners and lessees in the Spring of 2018.

Since the start of the Maryland notification program, several States have expressed an interest in partnering with NHTSA to provide similar recall notification to consumers in their states. While the Maryland Pilot Program offers a promising effort to increase consumer awareness to repair open safety recalls (and an opportunity to measure the effectiveness of such notification), additional notification by State DMVs would increase consumer awareness of open safety recalls and increase the repair rate of recalled vehicles. NHTSA believes such efforts will ultimately reduce the risk of a crash or injury due to a safety defect. Under its existing authority provided in the Safety Act, NHTSA is offering this opportunity to further develop this State to consumer notification to increase awareness of open recalls.

NHTSA encourages applicants to be creative and innovative when developing a proposal (application) for this grant. NHTSA is interested in proposals that provide vehicle owners and lessees with frequent notifications at touchpoints between the State and the vehicle. For example, NHTSA is interested in proposals that may offer options at the time of vehicle registration and other unique notification methods (or even follow-up notification). One potential option is to have notification at the time of registration and at motor vehicle emissions and/or safety inspection stations. A State is free to propose a process to make use of the functionality that may exist through its inspection stations or other intersection between the State and the consumer's vehicle. NHTSA does not want to discourage innovative approaches, provided they satisfy the program requirements of notification at the intersection of a vehicle owner or lessee and the State.

NHTSA is also interested in proposals that provide an analysis of recall completion data on an ongoing basis to assist in program evaluation, or assessment of owners' attitudes toward a particular recall notification protocol. In particular, NHTSA is interested in ways for a State to identify the motor vehicles that were remedied following notification of an open recall by the State. NHTSA looks forward to reviewing resourceful approaches that will motivate owners to remedy open recalls.

While this funding opportunity will be made available to all states, NHTSA anticipates an estimated twenty (20) state applications. NHTSA will require these applications not exceed 25 pages (not including resumes or appendices). NHTSA will also require OMB Standard Form (SF) 424 (including 424 ''Application for Federal Assistance,'' 424A ''Budget Information for Non-Construction Programs,'' and 424B ''Assurances for Non-Construction Programs''), with the required information filled in and certified assurances signed. NHTSA estimates the burden for completing these applications at 3,200 hours total (160 hours × 20 state applicants = 3,200 hours) to allow each applicant thirty (30) days to conduct the necessary research, design their program, and complete the application package.

Affected Public: State vehicle registration authorities.

Estimated Number of Respondents: 20.

Frequency: One-time.

Number of Responses: 20.

Estimated Total Annual Burden Hours: 3,200.

Estimated Total Annual Burden Cost: None.

Public Comments Invited: You are asked to comment on any aspect of this

[1] 49 U.S.C. 30118.

[2] 49 U.S.C. 30119(d).

[3] 49 U.S.C. 30119(d) and 49 CFR part 577.

[4] NHTSA, Report to Congress: ''Vehicle Safety Recall Completion Rates Report'' (2018). A copy of the Vehicle Safety Recall Completion Rates Report is located on NHTSA's website at: *https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/18-3122_vehicle_safety_recall_completion_rates_report_to_congress-tag.pdf.*

information collection, including (a) whether the proposed collection of information is necessary for the Department's performance, including whether the information will have practical utility; (b) the accuracy of the Department's estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways to minimize the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, *as amended*; and 49 CFR 1.95.

Jeffrey Mark Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2019–09235 Filed 5–6–19; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0115; Notice 2; Docket No. NHTSA–2016–0138; Notice 2; Docket No. NHTSA–2016–0139; Notice 2]

BMW of North America, LLC; Jaguar Land Rover North America, LLC; and Autoliv, Inc.; Decisions of Petitions for Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Decisions of petitions.

SUMMARY: Petitioners BMW of North America, LLC and Jaguar Land Rover North America, LLC, have each determined that certain seat belt assemblies equipped in certain 2016–2017 model year vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection,* and FMVSS No. 209, *Seat Belt Assemblies.* Autoliv, Inc. has determined that certain seat belt assemblies sold as replacement parts for use in certain 2016–2017 model year vehicles do not fully comply with FMVSS No. 209, *Seat Belt Assemblies.* The petitioners have requested that NHTSA deem the subject noncompliances inconsequential to motor vehicle safety and based on an agency review and analysis, NHTSA denies the petitioners' request for an inconsequentiality determination. BMW and Jaguar are therefore obligated to provide notification of, and a free remedy for, that noncompliance.

FOR FURTHER INFORMATION CONTACT: You may contact either Mr. Daniel Koblenz, Office of Chief Counsel, Telephone: 202–366–2992, Facsimile: 202–366–3820, or Mr. Jack Chern, Office of Vehicle Safety Compliance, Telephone: 202–366–0661, Facsimile: 202–366–3081. The mailing address for these officials is: The National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Overview

BMW of North America, LLC (BMW) has determined that certain model year (MY) 2016–2017 BMW, Mini, and Rolls-Royce vehicles do not fully comply with paragraph 4.3(j)(2)(ii) of Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies* (49 CFR 571.209) and paragraph 4.1.5.1(a)(3) of FMVSS No. 208, *Occupant Crash Protection.* BMW filed a report dated October 13, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* BMW also petitioned NHTSA on November 4, 2016, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) & 30120(h) and 49 CFR part 556. Notice of receipt of the BMW petition was published, with a 30-day public comment period, on January 18, 2017, in the **Federal Register** (82 FR 5641). One comment was received. Subsequent to publication of receipt of the petition, BMW has since amended both its 573 report and petition on July 6, 2018.

Petitioner Jaguar Land Rover North America, LLC (Jaguar) has determined that certain MY 2016–2017 Land Rover Range Rover and Land Rover Range Rover Sport vehicles do not fully comply with paragraph 4.3(j)(2)(ii) of FMVSS No. 209 and paragraphs 4.2.6 and 7.1.1.3 of FMVSS No. 208, *Occupant Crash Protection.* Jaguar filed a report dated December 2, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Jaguar also petitioned NHTSA on December 23, 2016, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) & 30120(h) and 49 CFR part 556. Notice of receipt of the Jaguar petition was published, with a 30-day public comment period, on May 12, 2017, in the **Federal Register** (82 FR 22183). No comments were received. Jaguar amended both its 573 report and petition on June 21, 2018.

Petitioner Autoliv, Inc. (Autoliv) has determined that certain replacement seat belt assemblies sold to BMW and Jaguar for installation in their vehicles do not fully comply with paragraph 4.3(j)(2)(ii) of FMVSS No. 209. Autoliv filed a report dated December 1, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Autoliv also petitioned NHTSA on December 23, 2016, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) & 30120(h) and 49 CFR part 556. Notice of receipt of the Autoliv petition was published, with a 30-day public comment period, on May 11, 2017, in the **Federal Register** (82 FR 22050). No comments were received.

To view these petitions and all supporting documents, you may log onto the Federal Docket Management System (FDMS) website at: *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2016–0115'' for BMW's petition, docket number ''NHTSA–2016–0138'' for Jaguar's petition, or docket number ''NHTSA–2016–0139'' for Autoliv's petition.

II. Vehicles Involved

Approximately 15,630 of the following MY 2016–2017 BMW, Mini, and Rolls-Royce vehicles manufactured between June 29, 2016 and October 10, 2016, are potentially affected:

- 2017 BMW X1 SAV (X1 sDrive28i, X1 xDrive28i)
- 2017 BMW 5 Series Gran Turismo (535i Gran Turismo, 535i xDrive Gran Tursimo, 550i xDrive Gran Turismo)
- 2016 BMW 5 Series (528i, 528i xDrive, 535i, 535i xDrive, 550i, 550i xDrive, M5)
- 2016 BMW 5 Series (535d, 535d xDrive)
- 2016 Mini Cooper Clubman and Mini Cooper S Clubman
- Mini Hardtop 4-door Cooper and Mini Hardtop 4-door Cooper S
- 2017 Rolls-Royce Ghost

Approximately 16,502 of the following MY 2016–2017 Land Rover vehicles manufactured between May 3, 2016 and October 14, 2016, are potentially affected:

- 2016–2017 Land Rover Range Rover
- 2016–2017 Land Rover Range Rover Sport

Approximately 31,682 Autoliv R230.2 and R200.2 front seat LH10°seat belt

assemblies manufactured between May 6, 2016 and October 18, 2016, and sold to BMW and Jaguar are potentially affected.

IV. Relevant Regulatory Requirements

Paragraph S4.1.5.1(a)(3) of FMVSS No. 208 includes the requirements relevant to this petition:

• At each front designated seating position that is an ''outboard designated seating position,'' as that term is defined at 49 CFR 571.3, and at each forward-facing rear designated seating position that is a ''rear outboard designated seating position,'' as that term is defined at paragraph S4.1.4.2(c) of FMVSS No. 208, have a Type 2 seat belt assembly that conforms to Standard No. 209 and paragraphs S7.1 through S7.3 of FMVSS No. 208, and, in the case of the Type 2 seat belt assemblies installed at the front outboard designated seating positions, meet the frontal crash protection requirements with the appropriate anthropomorphic test dummy restrained by the Type 2 seat belt assembly in addition to the means that requires no action by the vehicle occupant.

Paragraph S4.2.6 of FMVSS No. 208 includes the requirements relevant to this petition:

• Trucks, buses, and multipurpose passenger vehicles with a GVWR of 8,500 pounds or less and a unloaded vehicle weight of 5,500 pounds or less manufactured on or after September 1, 1997, shall comply with the requirements of paragraph S4.1.5.1 of this standard (as specified for passenger cars), except that walk-in van-type trucks and vehicles designed to be sold exclusively to the U.S. Postal Service may meet the requirements of paragraphs S4.2.1.1 and S4.2.1.2 of FMVSS No. 208 instead of the requirements of paragraph S4.1.5.1.

Paragraph S7.1.1.3 of FMVSS No. 208 includes the requirements relevant to this petition:

• A Type 1 lap belt or the lap belt portion of any Type 2 seat belt assembly installed at any forward-facing outboard designated seating position of a vehicle with a gross vehicle weight rating of 10,000 pounds or less, to comply with a requirement of this standard, shall meet the requirements of S7.1 by means of an emergency locking retractor that conforms to Standard No. 209.

Paragraph S4.3(j)(2)(ii) of FMVSS No. 209 includes the requirements relevant to this petition:

• *For seat belt assemblies manufactured on or after February 22, 2007 and for manufacturers opting for early compliance.* An emergency-locking retractor of a Type 1 or Type 2 seat belt assembly, when tested in accordance with the procedures specified in paragraph S5.2(j)(2), shall lock before the webbing payout exceeds the maximum limit of 25 mm when the retractor is subjected to an acceleration of 0.7 g under the applicable test conditions of S5.2(j)(2)(iii)(A) or (B). The retractor is determined to be locked when the webbing belt load tension is at least 35 N.

III. Noncompliance

The petitioners [1] explain that the subject noncompliance involves the Emergency Locking Retractor (ELR) in the seat belt assembly of the affected vehicles' front left seats. The petitioners report that these vehicle-sensitive ELRs do not lock as required when subjected to the conditions set out in S4.3(j)(2)(ii) of FMVSS No. 209. Specifically, when subjected to an acceleration of 0.7 g, the ELR shall lock before the webbing payout exceeds the maximum limit of 25 mm. However, the ELRs on affected vehicles lock up after paying out 90 mm of webbing, which is 3.6 times of the permitted maximum payout of 25 mm. The affected ELRs will lock at the permitted 25 mm payout when subjected to an acceleration of 1.0 g.

This noncompliance with the ELR locking requirements of FMVSS No. 209 is also a noncompliance with FMVSS No. 208 because S7.1.1.3 of FMVSS No. 208 requires that all forward-facing outboard designated seating positions be equipped with an FMVSS No. 209-compliant seat belt assembly.

V. Background

An ELR is a component of a seat belt assembly that is intended to protect vehicle occupants against injury or death by limiting how much webbing the assembly's retractor pays out when a belted occupant is subjected to rapid deceleration, as would happen during panic braking or a crash. ELRs do this by locking the webbing spool and restraining an occupant's travel distance before the occupant strikes the vehicle's interior structure.

There are two basic types of ELR: Vehicle-sensitive and webbing-sensitive. In a vehicle-sensitive ELR, the locking mechanism activates when it senses rapid deceleration of the vehicle itself. In a webbing-sensitive ELR, the locking mechanism activates when the webbing payout rate from the retractor exceeds a predetermined threshold. In many cases, vehicle manufacturers voluntarily equip their vehicles with both vehicle-sensitive and webbing-sensitive ELRs, as the two types of locking mechanisms behave differently and have their own advantages and disadvantages.

ELRs on new vehicles are primarily regulated by FMVSS Nos. 208 and 209. These two standards measure ELR performance in different ways. FMVSS No. 208 is a vehicle-level standard that establishes requirements for how the entire vehicle (including ELRs) must perform in a set number of dynamic frontal crash test scenarios. FMVSS No. 208 requires that the forces and accelerations that an anthropomorphic test device experiences during these dynamic crash tests (collectively ''injury assessment reference values'' or ''IARVs'') do not exceed a specified value. FMVSS No. 208 also requires that vehicles be equipped with certain active and passive restraint systems, including the requirement that all forward-facing outboard designated seating positions in vehicles with a gross vehicle weight rating of 10,000 pounds or less be equipped with ELRs meeting the requirements of FMVSS No. 209.[2]

Unlike FMVSS No. 208, FMVSS No. 209 is an equipment-level standard which sets out minimum performance requirements for seat belt assemblies and their individual components. These include static testing requirements like a requirement that components of the seat belt assembly can withstand certain loads and that its components do not degrade when exposed to different types of wear.[3] The requirements that apply specifically to ELRs are set out in FMVSS No. 209 S4.3(j), and the requirement that an ELR lock before the webbing extends 25 mm when the retractor is subjected to an acceleration of 0.7 g is set out at S4.3(j)(2)(ii).

VI. Summary of Petitions

According to the petitioners, the affected vehicles and equipment do not comply with paragraph S4.3(j)(2)(ii) of FMVSS No. 209. By extension, the affected vehicles also do not comply with aspects of FMVSS No. 208 that require seat belt assemblies conforming to FMVSS No. 209 be installed in vehicles.[4] As explained above, FMVSS

[1] BMW, Jaguar, and Autoliv filed separate petitions with the agency as described above. Due to the similarity of the issues addressed by the petitions, the agency is addressing them all together in this notice.

[2] FMVSS No. 208 S7.1.1.3.

[3] FMVSS No. 209, S4.2.

[4] BMW amended their Part 573 and their petition to address the noncompliance with FMVSS No. 208, S4.1.5.1(a)(3) since their petition applied to passenger vehicles. Jaguar acknowledged a noncompliance with FMVSS No. 208, S7.1.1.3, however, they also amended their Part 573 report and their petition to include a noncompliance with FMVSS No. 208, S4.2.6 since their petition applied to light trucks, buses, or multipurpose passenger vehicles applicable to this requirement.

No. 209, S4.3(j)(2)(ii) requires that ELRs lock within 25 mm of webbing payout when tested at an acceleration of 0.7 g under the procedures specified in S5.2(j)(2)(iii)(A) or (B). According to the petitioners, the ELRs payout more webbing than is permitted under the standard at the specified acceleration of 0.7 g, but that the payout decreases at higher accelerations. Specifically, the affected ELRs payout 90 mm of webbing before locking when tested with an acceleration of 0.7 g, and they payout the required 25 mm of webbing before locking when tested with an acceleration of 1.0 g.

The petitioners stated their belief that the noncompliance is inconsequential as it relates to motor vehicle safety. In support, the petitioners submitted the following arguments:

(a) The vehicle-sensitive locking mechanism functions, but the noncompliance involves what the petitioners assert is a ''slight'' exceedance of the FMVSS No. 209 Section S4.3(j)(2)(ii) requirement.

(b) The affected vehicles' seat belt assemblies also contain a voluntary webbing-sensitive locking mechanism which provides crash and rollover restraint performance comparable to the performance provided by an FMVSS No. 209 compliant vehicle-sensitive locking mechanism.

(c) Crash test results comparing FMVSS No. 209 S4.3(j)(2)(ii) compliant ELRs and ELRs in which the vehicle-sensitive locking mechanism has been disabled (to demonstrate a ''worst-case scenario'', even though in affected vehicles the vehicle-sensitive mechanism remains functional) demonstrate comparable results according to dynamic test assessments. According to the petitioners, the test results indicate that any performance differences between a compliant and noncompliant vehicle-sensitive ELR are within normal ''data scatter'' and can be attributed to test tolerances.[5]

(d) Affected seat belt assemblies comply with all other applicable provisions of FMVSS No. 209. (BMW specifically points out that the tilt-lock function of the ELRs on its vehicles are compliant with FMVSS No. 209, since it locks at angles greater than 15-deg up to 41-deg when subjected to the FMVSS No. 209 Section S4.3(j)(2) rollover requirements.)

(e) NHTSA previously granted a petition from General Motors in which the ELR's vehicle-sensitive locking mechanism was completely non-functional,[6] whereas the ELR's vehicle-sensitive locking mechanism in the affected BMW vehicles is functional, but may experience a ''slight'' exceedance of the FMVSS No. 209 S4.3(j)(2)(ii) requirement.

(f) The petitioners have not received any customer complaints related to this issue.

(g) The petitioners are not aware of any accidents or injuries related to this issue.

(h) Both BMW and Jaguar have corrected vehicle production and Autoliv has corrected production of the seat belt assemblies.

On these bases, the petitioners stated their belief that the subject noncompliances are inconsequential as they relate to motor vehicle safety, and that their petitions to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliances, as required by 49 U.S.C. 30120, should be granted.

To view the petitions and accompanying test data and analyses, you can visit *https://www.regulations.gov* by following the online instructions for accessing the dockets and by using the docket ID number for this petition shown in the heading of this notice.

VII. Public Comments

NHTSA received one comment concerning BMW's petition, from Mr. Brian Birchler. Mr. Birchler was of the opinion that NHTSA should grant BMW's request on the basis that a prior petition, similar in nature, was partially granted. NHTSA appreciates Mr. Birchler's input, however, for the reasons described below, NHTSA disagrees with his recommendation.

NHTSA did not receive any comments on either Jaguar's or Autoliv's petitions.

VIII. NHTSA's Analysis

A. General Principles

Congress passed the National Traffic and Motor Vehicle Safety Act of 1966 (the ''Safety Act'') with the express purpose of reducing motor vehicle accidents, deaths, injuries, and property damage. 49 U.S.C. 30101. To this end, the Safety Act empowers the Secretary of Transportation to establish and enforce mandatory Federal Motor Vehicle Safety Standards (FMVSS). 49 U.S.C. 30111. The Secretary has delegated this authority to NHTSA. 49 CFR 1.95.

NHTSA adopts an FMVSS only after the agency has determined that the performance requirements are objective and practicable and meet the need for motor vehicle safety. *See* 49 U.S.C. 30111(a). Thus, there is a general presumption that the failure of a motor vehicle or item of motor vehicle equipment to comply with an FMVSS increases the risk to motor vehicle safety beyond the level deemed appropriate by NHTSA through the rulemaking process. To protect the public from such risks, manufacturers whose products fail to comply with an FMVSS are normally required to conduct a safety recall under which they must notify owners, purchasers, and dealers of the noncompliance and provide a free remedy. 49 U.S.C. 30118–30120. However, Congress has recognized that, under some limited circumstances, a noncompliance could be ''inconsequential'' to motor vehicle safety. It therefore established a procedure under which NHTSA may consider whether it is appropriate to exempt a manufacturer from its notification and remedy (*i.e.,* recall) obligations. 49 U.S.C. 30118(d) & 30120(h). The agency's regulations governing the filing and consideration of petitions for inconsequentiality exemptions are set out at 49 CFR part 556.

Under the Safety Act and Part 556, inconsequentiality exemptions may be granted only in response to a petition from a manufacturer, and then only after notice in the **Federal Register** and an opportunity for interested members of the public to present information, views, and arguments on the petition. In addition to considering public comments, the agency will draw upon its own understanding of safety-related systems and its experience in deciding the merits of a petition. An absence of opposing argument and data from the public does not require NHTSA to grant a manufacturer's petition.

Neither the Safety Act nor Part 556 define the term ''inconsequential.''

[5] The petitioners performed sled tests and ''quasi-static'' rollover tests in which they compared the performance of vehicles with compliant and noncompliant vehicle-sensitive ELRs in a crash. In addition, Jaguar submitted data from a run of a simulated ''cork-screw'' rollover test using computer modelling. The petitioners argue that the results of these tests support a finding that the subject noncompliance is inconsequential because there was no significant difference in performance between compliant and disabled vehicle-sensitive ELRs, both for tests that measured occupant movement during a crash and tests that measured IARVs in a crash.

[6] *See* 69 FR 19897 (Apr. 14, 2004). The agency's view on this issue has evolved since that decision. The agency granted in part that petition as to certain vehicles because it found, based on the facts and circumstances presented, that there was not a significant likelihood of increased injury due to the absence of a complying ELR. *See id.* at 19900–01. For the reasons described below in the agency's response to petitioners' arguments, NHTSA has concluded here that the absence of a complying ELR *would* impose risks to motor vehicle safety.

Rather, the agency determines whether a particular noncompliance is inconsequential to motor vehicle safety based upon the specific facts before it in a particular petition. In some instances, NHTSA has determined that a manufacturer met its burden of demonstrating that a noncompliance is inconsequential to safety. For example, a label intended to provide safety advice to an owner or occupant may have a misspelled word, or it may be printed in the wrong format or the wrong type size. Where a manufacturer has shown that the discrepancy with the safety requirement is unlikely to lead to any misunderstanding, NHTSA has granted an inconsequentiality exemption, especially where other sources of correct information are available. See, *e.g.,* General Motors, LLC., *Grant of Petition for Decision of Inconsequential Noncompliance,* 81 FR 92963 (Dec. 20, 2016).

Where the subject noncompliance involves a failure to comply with a performance requirement or standard, petitioners have a greater burden to show that the noncompliance is inconsequential due to the direct effects of such a noncompliance on vehicle safety. Accordingly, the agency has found few such noncompliances to be inconsequential. One area in which the agency has granted such petitions has been where the noncompliance is expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers. For example, in one case, NHTSA determined that the use of an improper upper beam filament that results in a luminous flux 4% below the lower limit, but which still passes photometry requirements, was an inconsequential noncompliance with FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment. See Osram Sylvania Products Incorporate, Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 46000 (July 30, 2013) (NHTSA–2012–0008; Notice 2).

Arguments that only a small number of vehicles or items of motor vehicle equipment are affected by a noncompliance will not justify granting an inconsequentiality petition. Similarly, NHTSA has rejected petitions based on the assertion that only a small percentage of the vehicles or items of equipment covered by a noncompliance determination are likely to actually exhibit the noncompliance. In many such cases, it may not be readily apparent which vehicles or items of equipment are actually noncompliant. More importantly, however, the key issue in determining inconsequentiality is not the aggregate safety consequences of the noncompliance as a percentage of all drivers, but instead, whether the noncompliance in question is likely to increase the safety risk to individual occupants. *See Cosco, Inc., Denial of Application for Decision of Inconsequential Noncompliance,* 64 FR 29408 (June 1, 1999) (NHTSA–98–4033–2); *General Motors Corporation, Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897 (April 14, 2004) (NHTSA–2002–12366, Notice 2).

B. Response to BMW and Jaguar's Arguments

NHTSA has considered the petitioners' arguments and determined that the subject noncompliance is not inconsequential. NHTSA therefore denies the petitioners' request for an inconsequentiality determination. We respond to the petitioners' arguments below.

The Magnitude of the Noncompliance Is Small

The petitioners first argue that the vehicle-sensitive locking mechanism is functional, and that the magnitude of the affected vehicles' noncompliance with S4.3(j)(2)(ii) is minor and therefore inconsequential to motor vehicle safety. NHTSA rejects both the suggestion that the subject noncompliance is small, and that it is inconsequential to motor vehicle safety.

As previously noted, S4.3(j)(2)(ii) of FMVSS No. 209 requires that ELRs lock within 25 mm of webbing payout when tested at an acceleration of 0.7 g. The petitioners state that the noncompliant ELRs on affected vehicles lock within 90 mm when tested at the required 0.7 g. Put another way, the webbing payout of the affected noncompliant ELRs exceeds the 25 mm locking requirement by approximately 3.6 times. This noncompliance is hardly ''slight,'' and in fact, was detectable through routine braking tests. Performance failures of safety-critical equipment, like seat belts, should rarely, if ever, be granted as inconsequential, and it seems clear that the subject noncompliance falls well outside of the bounds of inconsequentiality.

The petitioners' assertion that the subject noncompliance is inconsequential because the retractor performs as required when tested at 1.0 g does not assuage our concerns regarding the magnitude of the noncompliance. According to the petitioners, the noncompliant retractors lock at the required distance of 25 mm when experiencing a 1.0 g acceleration—the approximate minimum level of acceleration that an occupant would experience in a frontal crash. This argument ignores the fact that retractors are intended to protect occupants not just in a crash setting, but also during pre-crash (panic) braking.[7] In many of these pre-crash situations, the retractor might experience an acceleration of between 0.7 g and 1.0 g. If the retractor fails to lock when it experiences these lower g-forces, it would negatively impact motor vehicle safety by increasing both the likelihood and severity of injuries from a crash.

Our concern with pre-crash panic braking is reflected in the regulatory history of FMVSS No. 209. In the NPRM that preceded NHTSA's adoption of a 0.7 g locking threshold, NHTSA had originally proposed a locking threshold of 2.0 g.[8] In response to the NPRM proposing a locking threshold of 2.0 g, commenters contended that 2.0 g was too high a threshold because ELRs should optimally lock during both crashes and pre-crash panic braking. Commenters noted that, because panic braking causes deceleration forces of less than 1.0 g, the ELR would not lock during panic braking if the locking threshold were set to 2.0 g. In response to these commenters and other data NHTSA received suggesting that a 2.0 g threshold was too high, NHTSA reduced the locking threshold in the final rule to 0.7 g.[9] This requirement is still in effect today.

NHTSA restated its concern with pre-crash braking in an August 22, 2005 Final Rule addressing a petition submitted by the Automotive Occupant Restraints Council (AORC) in which the agency proposed a new acceleration corridor with an increased maximum onset rate.[10] NHTSA explained in that final rule that it is essential to ensure seat belt assemblies perform their important safety function of locking up a seat belt in the event of a crash or emergency braking, and that the proposed corridor was sufficiently wide as to allow a range of onset rates to be tested that were preliminarily determined to be more representative of both real-world crashes and emergency braking events.

[7] We note that for some of the petitioners' sled testing, they positioned the test dummies in a way that they claim simulates pre-crash braking. Positioning the dummies in this way does not address the underlying issue, which is that an ELR with a locking threshold of 1.0 g will not lock up during pre-crash braking, which could cause the driver to lose control or be out of position at the time of a crash.

[8] 35 FR 4641 (March 17, 1970).

[9] 36 FR 4607 (March 10, 1971).

[10] 70 FR 48883, 48885 (August 22, 2005).

Comparable Performance of Compliant and Noncompliant ELRs

The petitioners next argue that the subject noncompliance is inconsequential because an occupant of a representative vehicle equipped with a disabled vehicle-sensitive ELR experiences comparable occupant displacement and IARVs as an occupant of the same vehicle equipped with compliant vehicle-sensitive ELR when involved in a crash.[11] The petitioners' support this argument with data from a series of sled tests and rollover tests which is summarized in the petitions. All of the tests that the petitioners submitted involve a side-by-side comparison of two seat belt assemblies: one with a disabled vehicle-sensitive ELR and the other with a compliant vehicle-sensitive ELR. The petitioners claim that the data collected from these tests show that during crash scenarios, an occupant secured in a seating position with a compliant vehicle-sensitive ELR will experience forces comparable to a dummy in a seating position that is equipped with a disabled vehicle-sensitive ELR.[12] The petitioners argue that this comparable performance demonstrates that the noncompliance is inconsequential.

We disagree with the petitioners' assessment because it ignores the crucial role that the static testing requirements of FMVSS No. 209 play as a safety backstop for crash scenarios that are not accounted for in dynamic tests such as those performed by the petitioners. Dynamic tests are meant to assess whether a vehicle's occupant protection systems work cohesively in certain representative crashes. However, there are countless crash and pre-crash scenarios that these sorts of tests do not cover, which is why static requirements of FMVSS No. 209 are intended to ''fill in the gaps'' to ensure that the vehicle's seat belt equipment maintains a minimum level of performance in untested scenarios.

For example, dynamic tests do not account for the fact that a seat belt assembly is intended to protect occupants even when they are out of position. This issue was highlighted by one anomalous result of one of BMW's sled tests, in which the results showed an elevated IARV metric for the left femur of a dummy in a seat with a disabled vehicle-sensitive ELR. BMW explains that this result could be attributed to a ''non-optimum positioning of the test dummy's knee relative to the knee air bag.'' While we take no view as to whether this elevated injury metric was due to ''non-optimum positioning'' of the dummy, the fact that non-optimum positioning can occur—even in a controlled testing environment—underscores the need to protect occupants to the greatest extent possible in all positions, including those not typically dynamically tested.

FMVSS No. 209's role as a safety backstop that complements (rather than substitutes for) dynamic testing requirements is also apparent from NHTSA's hesitance to create exemptions from static requirements of FMVSS No. 209 that are based on a vehicle's compliance with other dynamic testing requirements.[13] In the decades that FMVSS No. 209 has existed, NHTSA has seldom amended the standard to permit such an exemption. One exception was when the agency adopted S4.5 of FMVSS No. 209. S4.5 exempts seat belt assemblies from the elongation requirements of S4.2(c), S4.4(a)(2), S4.4(b)(4), or S4.4(b)(5), if those seat belt assemblies are (1) equipped with load limiters, and (2) are installed at designated seating positions subject to the requirements of S5.1 of FMVSS No. 208 (*i.e.,* in seating positions with frontal air bags).

NHTSA established S4.5 only after it determined through extensive research that this change would have a net benefit on vehicle safety. Prior to adopting this change, the agency found that both static and dynamic testing requirements were needed to ensure occupant safety because the safety contribution of seat belts assemblies and individual components in a crash can be affected by the presence of other occupant protection equipment, and that the level of occupant protection that the seat belt assembly afforded depended on the performance of the safety belts themselves and the structural characteristics and interior design of the vehicle.[14] The agency has not conducted research into the potential safety impacts of a similar exemption for the requirement in FMVSS No. 209, S4.3(j)(2)(ii), and has no reason to believe that such a change would have anything but a negative effect on vehicle safety.

Remaining Arguments

The petitioners also raise four additional points in support of their petitions: (1) That the affected safety belt assemblies comply with all other applicable provisions of FMVSS No. 209; (2) that they have not received any customer complaints related to the subject noncompliance; (3) that they are not aware of any accidents or injuries related to the subject noncompliance; and (4) that they have corrected the issue in new vehicle production. NHTSA has considered these arguments and determined that they should not factor into our inconsequentiality analysis.

First, the fact that the seat belt assemblies comply with all other requirements of FMVSS No. 209 does not affect whether the subject noncompliance was inconsequential. All vehicles are required to comply with all applicable FMVSSs in effect at the time of manufacture, which means that a vehicle's compliance with some requirements cannot offset a vehicle's noncompliance with other requirements.

Second, the fact that the petitioners have stated that they received no complaints or do not know of injuries related to the noncompliance does not inform the agency's analysis. Even a consequential noncompliance may result in very few complaints and/or injury reports because drivers may not realize that the noncompliance exists. For example, in this case, it is unlikely that customers would run their own tests to measure ELR performance, and it is unlikely that they would notice the retractor's failure to lock after paying out 25 mm of webbing at an acceleration of 0.7 g unless they already knew about the noncompliance. Moreover, in the event of a crash, it would be very difficult for investigators to link crash-related injury specifically to the subject noncompliance, especially if the noncompliance only played an indirect role in causing the injury (such as by failing to restrain a driver in pre-crash braking, causing the driver to lose control of the vehicle). Lastly, given the size and age of the affected vehicle population, it is possible the noncompliance simply has not yet led to complaints or injuries, even if it is likely to in the future.

Finally, the fact that new vehicle production has been corrected does not factor into our analysis of whether the noncompliance is inconsequential. The manufacturers were legally obligated to correct new vehicle production. *See* 49

[11] The petitioners' argument here is premised on a similar argument made by General Motors in an inconsequentiality petition in 2002, which we partially granted. 69 FR 19897 (April 14, 2004). As stated above and for the reasons explained in this notice, the agency's view on this issue has evolved.

[12] The petitioners attribute the similar performance to the fact that both seat belt assemblies were equipped with an optional webbing-sensitive ELR. This webbing-sensitive ELR is also not compliant with FMVSS No. 209.

[13] Dynamic testing in this context consists of a 30 mile per hour crash test of the vehicle using test dummies as surrogates for human occupants in contrast to laboratory tests of the seat belt assembly.

[14] 56 FR 15295 (April 16, 1991).

U.S.C. 30112(a); 30115(a). A manufacturer cannot certify or manufacture for sale a vehicle it knows to be noncompliant. *Id.* The fact that new vehicle production has been corrected simply informs us that the noncompliance is limited to the affected vehicles described in the petitions. As we noted earlier, the fact that only a small number of vehicles are affected by a noncompliance will not justify our granting an inconsequentiality petition.

IX. NHTSA's Decision

In consideration of the foregoing, NHTSA finds that BMW and Jaguar have not met their burden of persuading the agency that the subject noncompliances with FMVSS Nos. 208 and 209 are inconsequential to motor vehicle safety. Accordingly, NHTSA hereby denies the petitions submitted by BMW and Jaguar. BMW and Jaguar are therefore obligated to provide notification of, and a free remedy for, that noncompliance in accordance with 49 U.S.C. 30118 through 30120.

NHTSA has reviewed Autoliv's petition and based on an email dated February 28, 2017, Autoliv states that while they do sell a relatively small quantity of replacement parts to Autoliv operations in Europe, they do not sell directly to dealerships or the aftermarket. Autoliv says that all of their sales are direct to the OEM's who in turn, manage the distribution of those parts to their dealer networks. Thus, Autoliv has no standing to file for an exemption in accordance with 49 CFR 556, in this case, and therefore, Autoliv's petition is hereby moot.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey Mark Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2019–09301 Filed 5–6–19; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No.: PHMSA–2018–0096; Notice No. 2018–16]

Hazardous Materials: Public Meeting Notice for the 2020 Emergency Response Guidebook (ERG2020)

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of public meeting.

SUMMARY: PHMSA's Office of Hazardous Materials Safety (OHMS) will hold a public meeting to solicit input on the development of the 2020 edition of the Emergency Response Guidebook (ERG2020). The meeting will take place on June 17, 2019, in Washington, DC.

PHMSA developed the United States version of the Emergency Response Guidebook (ERG) for use by emergency services personnel to provide guidance for initial response to hazardous materials transportation incidents. Since 1980, it has been PHMSA's goal that all public emergency response personnel (*e.g.,* fire-fighting, police, and rescue squads) have free and immediate access to the ERG. To date, PHMSA has distributed more than 14.5 million copies of the ERG to emergency service agencies and developed free online resources and downloadable mobile applications to make the ERG more accessible. Since 1996, PHMSA, Transport Canada, and the Secretariat of Communication and Transport of Mexico have collaborated in development of the ERG, with interested parties from government and industry providing additional assistance, including Argentina's Chemical Information Center for Emergencies (CIQUIME). ERG2020 will be published in English, French, and Spanish and will increase public safety by providing consistent emergency response procedures for hazardous materials transportation incidents throughout North America.

During the meeting, PHMSA will respond to stakeholder requests for a public discussion of the methodology used to determine the appropriate response protective distances for poisonous vapors resulting from spills involving dangerous goods considered toxic by inhalation in the ERG2016 ''Green Pages.'' To pursue our objective of continually improving the ERG, PHMSA will solicit comments related to new methodologies and considerations for future editions of the ERG. Additionally, the meeting will include discussions on the outcomes of field experiments, ongoing research efforts to better understand environmental effects on airborne toxic gas concentrations, and updates to be published in the ERG2020.

Time and Location: The meeting will be held at the U.S. Department of Transportation Conference Center at 1200 New Jersey Ave. SE, Washington, DC 20590 on June 17, 2019, from 8:30 a.m. to 2:30 p.m. Eastern Standard Time.

Registration: DOT requests that attendees pre-register for this meeting by completing the form at *https://www.surveymonkey.com/r/82Z6KYM.*

Conference call-in and ''live meeting'' capability will be provided. Specific information about conference call-in and live meeting access will be posted, when available, at: *https://www.phmsa.dot.gov/research-and-development/hazmat/rd-meetings-and-events.*

DOT is committed to providing equal access for all Americans and ensuring that information is available in appropriate alternative formats to meet the requirements of persons who have a disability. If you require an alternative version of files provided or alternative accommodations, please contact *PHMSA-Accessibility@dot.gov* no later than June 3, 2019.

FOR FURTHER INFORMATION CONTACT: Ryan Vierling or Shante Goodall, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC. Telephone: (202) 366–4620 and (202) 366–4545. Email: *ryan.vierling@dot.gov* or *shante.goodall.ctr@dot.gov.*

Signed in Washington, DC, on May 2, 2019.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 2019–09299 Filed 5–6–19; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of the Requirement for Information Sharing Between Government Agencies and Financial Institutions

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN invites comment on the renewal without change of an information collection requirement concerning the ''Information Sharing Between Government Agencies And Financial Institutions,'' generally referred to as the 314(a) Program. This request for comment is being made pursuant to the Paperwork Reduction Act (''PRA'') of 1995.

DATES: Written comments are welcome and must be received on or before July 8, 2019.

ADDRESSES: Comments may be submitted by any of the following methods:

• *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2018–0017 and the specific Office of Management and Budget (''OMB'') control number 1506–0049.

• *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2018–0017 and OMB control number 1506–0049.

Please submit comments by one method only. Comments will also be incorporated into FinCEN's retrospective regulatory review process, as mandated by E.O. 12866 and 13563. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825 or electronically at *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Provisions

On October 26, 2001, the President signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (''USA PATRIOT Act'' or ''Act''), Public Law 107–56. Title III of the Act amends the anti-money laundering provisions of the Bank Secrecy Act (''BSA''), codified at 12 U.S.C. 1829b and 1951–1959 and 31 U.S.C. 5311–5314 and 5316–5332, to promote the prevention, detection, and prosecution of international money laundering and the financing of terrorism. Regulations implementing the BSA appear at 31 CFR Chapter X. The authority of the Secretary of the Treasury to administer the BSA has been delegated to the Director of FinCEN.

Of the Act's many goals, the facilitation of information sharing among governmental entities and financial institutions for the purpose of combating terrorism and money laundering is of paramount importance. As with many other provisions of the Act, Congress charged the U.S. Department of the Treasury with developing regulations to implement these information-sharing provisions.

Subsection 314(a) of the Act states in part that:

[t]he Secretary shall . . . adopt regulations to encourage further cooperation among financial institutions, their regulatory authorities, and law enforcement authorities, with the specific purpose of encouraging regulatory authorities and law enforcement authorities to share with financial institutions information regarding individuals, entities, and organizations engaged in or reasonably suspected based on credible evidence of engaging in terrorist acts or money laundering activities.

B. Overview of the Current Regulatory Provisions Regarding the 314(a) Program

On September 26, 2002, FinCEN published a final rule implementing the authority contained in section 314(a) of the Act.[1] That rule (''the 314(a) rule'') required U.S. financial institutions, upon FinCEN's request, to search their records to determine whether they have maintained an account or conducted a transaction with a person that a Federal law enforcement agency has certified is suspected, based on credible evidence, of engaging in terrorist activity or money laundering.[2] The rule was expanded on February 10, 2010, to enable certain entities other than Federal law enforcement agencies to benefit from 314(a) requests to industry. As amended, the rule also enables certain foreign law enforcement agencies, state and local law enforcement agencies, as well as FinCEN, on its own behalf and on behalf of appropriate components of the Department of the Treasury, to initiate 314(a) queries.[3] Before processing a request, FinCEN requires the requesting agency to certify that, in the case of money laundering, the matter is significant, and that the requesting agency has been unable to locate the information sought through traditional methods of investigation and analysis before attempting to use the 314(a) Program.

Since its inception, the 314(a) Program has yielded significant investigative benefits for law enforcement users in terrorist financing and/or significant money laundering cases. Feedback from the requesters and illustrations from sample case studies consistently demonstrate how useful the program is in enhancing the scope and expanding the universe of investigations. In view of the proven success of the 314(a) Program, FinCEN seeks to renew without change the 314(a) Program.

[1] Special Information Sharing Procedures to Deter Money Laundering and Terrorist Activity, 67 FR 60579 (Sept. 26, 2002).

[2] 31 CFR 1010.520.

[3] Expansion of Special Information Sharing Procedures To Deter Money Laundering and Terrorist Activity, 75 FR 6560 (Feb. 10, 2010).

II. Paperwork Reduction Act (''PRA'').[4]

Title: Information sharing between government agencies and financial institutions.

Office of Management and Budget (''OMB'') Control Number: 1506–0049.

Form Number: Not applicable.

Abstract: 31 CFR Chapter X, Information sharing between government agencies and financial institutions (31 CFR 1010.520) details the requirements of section 314(a) of the USA PATRIOT Act.

Type of Review: Renewal without change of a currently approved collection.

Affected Public: Businesses or other for-profit and non-profit organizations.

Frequency: As required.

Estimated Number of Respondents: 14,643.[5]

Estimated Time per Respondent: 42 hours annually.[6]

Estimated Total Annual Burden Hours: 615,006.[7]

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.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

[4] The PRA does not apply to the requirement in section 1010.520(b)(1) concerning reports by financial institutions in response to a request from FinCEN on behalf of a Federal law enforcement agency. *See* 5 CFR 1320.4(a)(1). Therefore, this renewal applies only to the use of the 314(a) Program with respect to queries initiated by non-Federal law enforcement entities.

[5] On an annual basis, there are approximately 14,643 covered financial institutions, consisting of certain commercial banks, savings associations, and credit unions, securities broker-dealers, future commission merchants, certain trust companies, life insurance companies, mutual funds and money services businesses.

[6] Estimated cases/subjects per annum subject to the PRA include, 10 from FinCEN, 50 from state/local law enforcement, and 30 from European Union countries approved by treaty, for a total of 90 requests per annum, with each request containing an average of 7 subjects (including aliases). Each subject requires 4 minutes to research, resulting in $(90 \times 7 \times 4 \div 60) = 42$ hours per year. For the 2016 renewal of this information collection, FinCEN did not receive any public comments regarding the estimate of 4 minutes.

[7] Burden computation is as follows: 42 hours per year per respondent times 14,643 respondents $(42 \times 14{,}643) = 615{,}006$ hours.

(b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: April 25, 2019.

Jamal El-Hindi,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2019–09244 Filed 5–6–19; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: TreasuryDirect System

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the electronic process for selling/issuing, servicing, and making payments on or redeeming U.S. Treasury securities.

DATES: Written comments should be received on or before July 5, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, P.O. Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: TreasuryDirect.

OMB Number: 1535–0138.

Abstract: The information collected in the electronic system is requested to establish a new account and process any associated transactions.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 5,096,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 351,316.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 17, 2019.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2019–09233 Filed 5–6–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 8554 and 8554–EP

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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8554, Application for Renewal of Enrollment to Practice Before the Internal Revenue Service and Form 8554–EP, Application for Renewal of Enrollment to Practice Before the Internal Revenue Service as an Enrolled Retirement Plan Agent (ERPA).

DATES: Written comments should be received on or before July 8, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Sara Covington, (202)317–6038, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *sara.l.covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Renewal of Enrollment to Practice Before the Internal Revenue Service.

OMB Number: 1545–0946.

Form Number: 8554.

Abstract: The information obtained from Form 8554 relates to the approval of continuing professional education programs and the renewal of the enrollment status for those individuals admitted (enrolled) to practice before the Internal Revenue Service. The information will be used by the Director of Practice to determine the qualifications of individuals who apply for renewal of enrollment.

Current Actions: There are changes to the form and burden estimates.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 62,000.

Estimated Number of Responses: 21,000.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 7,000.

Title: Application for Renewal of Enrollment to Practice Before the Internal Revenue Service as an Enrolled Retirement Plan Agent (ERPA).

OMB Number: 1545–0946.

Form: 8554–EP.

Abstract: This form is used to renew your Enrolled Retirement Plan Agent (ERPA) status. You must renew your enrollment status every 3 years.

Current Actions: There are no changes being made to the form at this time. However, there are changes to the burden estimates.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 2,400.

Estimated Number of Responses: 800.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 267.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 1, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–09285 Filed 5–6–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

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. The IRS is soliciting comments concerning tax return preparer compliant and tax return preparer fraud or misconduct affidavit.

DATES: Written comments should be received on or before July 8, 2019 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Tax Return Preparer Complaint and Tax Return Preparer Fraud or Misconduct Affidavit.

OMB Number: 1545–2168.

Form Number: Form 14157 and Form 14157–A.

Abstract: These forms will be used by taxpayers to report allegations of misconduct by tax return preparers. The forms are created specifically for tax return preparer complaints and include items necessary for the IRS to effectively evaluate the complaint and route to the appropriate function.

Current Actions: There are no changes to the form that would affect burden, however the agency has updated the number of respondent estimates based on current data.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, businesses and other for-profits.

Estimated Number of Respondents: 7,500.

Estimated Time per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 1,593 hrs.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 30, 2019.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2019–09284 Filed 5–6–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0736]

Agency Information Collection Activity: Authorization To Disclose Personal Information to a Third Party

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 8, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0736'' in any

correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green at (202) 421–1354.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–21.

Title: Authorization To Disclose Personal Information To A Third Party.

OMB Control Number: 2900–0736.

Type of Review: Extension of a currently approved collection.

Abstract: The VA Form 21–0845 is used to release information in its custody or control in the following circumstances: Where the individual identifies the particular information and consents to its use; for the purpose for which it was collected or a consistent purpose (*i.e.,* a purpose which the individual might have reasonably expected).

Affected Public: Individuals and households.

Estimated Annual Burden: 1,667 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: one-time.

Estimated Number of Respondents: 20,000.

By direction of the Secretary.

Danny S. Green,

VA Interim Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2019–09248 Filed 5–6–19; 8:45 am]

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